
Royal Borough of Kensington and Chelsea

Examinations of the Partial Reviews of the Core Strategy: Policies relating to Basements, Conservation and Design, and Miscellaneous Matters

Preparatory Questions to the Council

Introduction

1. Set out below are some questions that the Inspectors consider that it would be helpful for the Council to answer at an early stage of the Examination process. This will assist the Inspectors, and participants, in their preparations for the hearings. Accordingly, the Council is asked to respond by Friday 23 June 2014. The response will be posted on the Examinations website.

Questions Relating to all Three Partial Reviews

2. Does the Council wish the Inspectors to recommend main modifications to each of the three partial reviews in the event that they are required in order to make each review sound and legally compliant?
3. Does the Council consider that any of the "recommended changes" submitted in relation to all three Reviews would constitute "main modifications"? If so, please could these be identified. This is without prejudice to the Inspectors' consideration of this issue.
4. If any of the "recommended changes" are considered to be main modifications, have these been subject to public consultation and, if necessary, sustainability appraisal? If not, whilst they will be considered by the Inspectors, they cannot be treated as part of the submitted reviews.
5. It appears that the reviews do not relate to "strategic matters" as defined in section 33A of the Planning and Compulsory Purchase Act 2004 (as amended)? Please could the Council confirm that is the case.
6. We realise that you have provided information about these matters in the supporting documents, but for the sake of clarity and completeness it would be helpful if you could answer the following questions relating to legal compliance:
 - a) Have the reviews been prepared in accordance with the Local Development Scheme?
 - b) Are the reviews in general accordance with the Statement of Community Involvement and public consultation requirements?
 - c) Have any significant concerns been expressed at any stage by third parties about either of the Sustainability Appraisals carried out in relation to the reviews?
 - d) The reviews do not appear to have been subjected to Habitat Regulations Assessments. Please clarify why this is so, and whether a screening exercise was undertaken.

- e) Have the reviews had regard to the Sustainable Community Strategy?
- f) Have the reviews had regard to national policy?
- g) Has the GLA confirmed that the reviews are in general conformity with the London Plan?
- h) Have suitable assessments been completed under s138 of the Local Government and Public Involvement in Health Act 2007?

Questions Relating to the Partial Review on Conservation and Design

7. Document CD01 seems to be the Conservation and Design Policy Review document that was submitted in April 2014 under Section 20 of the 2004 Act. However, it is dated "February 2014" (whereas the Miscellaneous Matters submission document is dated "April 2014"). Please clarify, and confirm that CD01 is the document submitted for examination.
8. Document CD01 explains that strikethrough, underline and coloured font to indicate changes to the adopted development plan have not been used given the extent of the changes to chapters 33 and 34 of the Core Strategy. However, there are some parts of document CD01 (on pages 10, 11, 13 and 26) that do include these typing conventions. Please clarify why this is so (bearing in mind paragraphs 9-11 below).
9. Document CD01 states on page 4 that "it is only the text that has changed that forms the subject of this consultation". However, leaving aside the issue raised by question 8 above, it appears that CD01 (along with BAS01 – see paragraph 17 below) includes an entire new section 34.3 of chapter 34 and that this comprises policies that are either revised or additional. Whilst parts of some policies remain unaltered, given that these are not identified in CD01, representors may have commented on any part of section 34.3 of chapter 34. It is noted that changes to section 34.4 of chapter 34 are made as part of the Miscellaneous Matters Review (MISC01).
10. Similarly, CD01 contains what appears to be a replacement section 33.3 of chapter 33, from paragraph 33.3.16 to paragraph 33.3.28 and policies CR4 and CR5. However, again the changes are not identified in CD01. Sections 33.1, 33.2 and 33.4 of chapter 33 do not appear to be altered by this Review as they are not included in CD01 (although changes are made to section 33.4 as part of the Miscellaneous Matters Review). Policy CR6 "Trees and Landscape" is included in CD01, although the sustainability appraisal advises that it is unaltered. Notwithstanding this, representations have been received about it. No reasoned justification for policy CR6 appears to be included in CD01. Finally, it is noted that changes are made to policy CR7 and reasoned justification in the Miscellaneous Matters Review (MISC01).
11. Page 234 in chapter 34 of the adopted Core Strategy contains a diagram entitled "Renewing the Legacy: Conservation Areas, Listed Buildings, Registered Parks and Gardens and Strategic View". This is not included in CD01; does this mean that it is intended to be deleted?
12. The questions set out in paragraphs 7-11 above are asked because it is essential that the scope of the Examination is absolutely clear. Please could the Council clarify precisely which parts of chapters 33 and 34 of the adopted Core Strategy are subject to the Conservation and Design Review.
13. In document CD01, chapter 34 appears before chapter 33. Please explain.

Questions Relating to the Partial Review on Miscellaneous Matters

14. Chapter 4 has been updated to include revised housing figures. Are these taken from the current statutory London Plan?
15. What appears to be an extract from a Policies Map is included in connection with policy CF10 "diplomatic and allied uses". Is this unchanged from the current adopted development plan? The existing "proposals map" on page 184 of the adopted core strategy is difficult to interpret in this regard.
16. Footnote 16 refers to "Evidence Base report for Basements and Climate Change Policy (March 2013)". Is this the main technical evidence to justify the changes to the revised Code for Sustainable Homes and BREEAM standards set out in policy CE1 "climate change"? Is there any other published evidence?

Questions Relating to the Partial Review on Basements

17. BAS01 is the Publication Planning Policy on Basements. This explains on page 4 that the reasoned justification (paragraphs 34.3.46 to 34.3.72) and policy CL7 will be inserted into section 34.3 of Chapter 34 of the adopted Core Strategy. Space for this insertion is shown in CD01 (Conservation and Design Policy Review) at the bottom of its page 15. Please confirm that:
 - (a) The whole of document BAS01 forms the submitted Basements Policy partial review plan for examination;
 - (b) BAS01 is intended to be an addition to chapter 34 of the Core Strategy, parts of which are also subject to change in the other two partial reviews – see paragraphs 7-13 above; and
 - (c) Paragraph and policy numbers may consequently change as a result of any "main modifications" that might be recommended in these Examinations.
18. Further preparatory questions relating to the Partial Review on Basements may be published on the Examination website prior to the publication of Matters and Issues on 4 August 2014.