

Executive Decision Report

<p>Decision maker(s) at each authority and date of Cabinet meeting, Cabinet Member meeting or (in the case of individual Cabinet Member decisions) the earliest date the decision will be taken</p>	<p><i>Councillor Tim Coleridge, Cabinet Member for Planning Policy, Transport and Arts</i></p> <p>Date of decision (i.e. not before): <i>27th February 2014</i></p> <p>Forward Plan reference: <i>04177/14/P/A</i></p>	 <p>THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA</p>
<p>Report title (decision subject)</p>	<p><i>Norland Neighbourhood Plan Adoption</i></p>	
<p>Reporting officer</p>	<p><i>Executive Director of Planning and Borough Development</i></p>	
<p>Key decision</p>	<p><i>Yes</i></p>	
<p>Access to information classification</p>	<p><i>Public</i></p>	

1. EXECUTIVE SUMMARY

- 1.1. Following a positive referendum result, the Norland Neighbourhood Plan is to be made and thereby become part of the Development Plan for that area. This report sets out the background and process for the making of the Plan.

2. RECOMMENDATIONS

- 2.1. To make the Norland Neighbourhood Plan.

3. REASONS FOR DECISION

- 3.1. Section 38A(4) of the Planning and Compulsory Purchase Act 2004 provides that if more than half of those voting in a neighbourhood planning referendum have voted in favour of the plan, then a local planning authority must make the plan as soon as reasonably practicable after the referendum is held. Once made the neighbourhood plan becomes part of the development plan for the area covered by the neighbourhood plan.
- 3.2. The referendum was held in the Norland Neighbourhood Area and posed the question: *'Do you want The Royal Borough of Kensington and Chelsea to use the neighbourhood plan for the Norland Neighbourhood Area to help it decide planning applications in the neighbourhood area?'*
- 3.3. The count took place on Thursday 5 December 2013 and more than 50% of those who voted were in favour of the neighbourhood plan being used to help decide planning applications in the plan area. The results of the referendum were:

Response	Votes	Per cent of total
YES	429	74%
NO	152	26%
TURNOUT	582	25%

4. BACKGROUND

- 4.1. Norland Neighbourhood Forum, as the qualifying body, successfully applied to designate a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012. The designation of the the neighbourhood area was agreed by the Executive Director of Planning and Borough Development in accordance with the Neighbourhood Planning (General) Regulations 2012 on 15 June 2012.
- 4.2. Following the submission of the Norland Neighbourhood Plan Examination Version ('the Plan') to the Council, the Plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 26 July 2013.

- 4.3. The Council appointed an independent examiner, Mr Dave Chetwyn, to conduct the examination of the Plan. The examiner's report concluded that the Plan met the basic conditions required by legislation, and that subject to the modifications proposed in his report and which are set out in the Norland Neighbourhood Plan Decision Statement of 28 October 2013, the Plan should proceed to a referendum.

5. CONSULTATION

- 5.1. Norland Conservation Society was one of the first organisations in the country to apply to their Council to designate a neighbourhood area and a neighbourhood forum in April 2012. After a six-week consultation period, the Council designated the group and the area on 15 June 2012, granting them the right to produce their own neighbourhood plan.
- 5.2. The Norland Neighbourhood Forum consulted the local community on their draft neighbourhood plan between 20 June and 1 August 2012. Responses and comments were taken on board and changes were made to the plan.
- 5.3. The forum prepared and submitted their neighbourhood plan to the Council. This was publicised for six weeks, until 26 July 2013, alongside a number of supporting documents, and representations were invited.
- 5.4. The referendum was held on 5 December 2013. The turnout was 26%, of which 74% were in favour of the plan.

6. EQUALITY IMPLICATIONS

- 6.1 An equalities impact assessment was undertaken as part of the preparation of the plan. This indicates neutral or positive impacts on groups with protected characteristics.

7. LEGAL IMPLICATIONS

- 7.1. Section 38A of the Planning and Compulsory Purchase Act 2004 requires the Council to make the neighbourhood plan if more than half of those voting in the referendum have voted in favour of the plan. The Council are not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 7.2. The Council is satisfied that the making of the Norland Neighbourhood Plan would not breach, nor would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). [Legal implications verified by LeVerne Parker, Chief Solicitor and Head of Regeneration Bi-Borough Legal Services]

8. FINANCIAL AND RESOURCES IMPLICATIONS

8.1. The Norland Neighbourhood Plan becomes part of the suite of documents that make up the Development Plan. This will be used to help determine planning applications in the Norland Neighbourhood Area. Used in conjunction with existing Planning Policies, this will not have any significant resource implications on planning officers.

Jonathan Bore
Executive Director of Planning and Borough Development

Cleared by Finance (officer's initials)	<i>AS</i>
Cleared by Legal (officer's initials)	<i>LP</i>

Local Government Act 1972 (as amended) – Background papers used in the preparation of this report