



Basic Conditions Statement

Norland Neighbourhood Plan Submission

June 2013

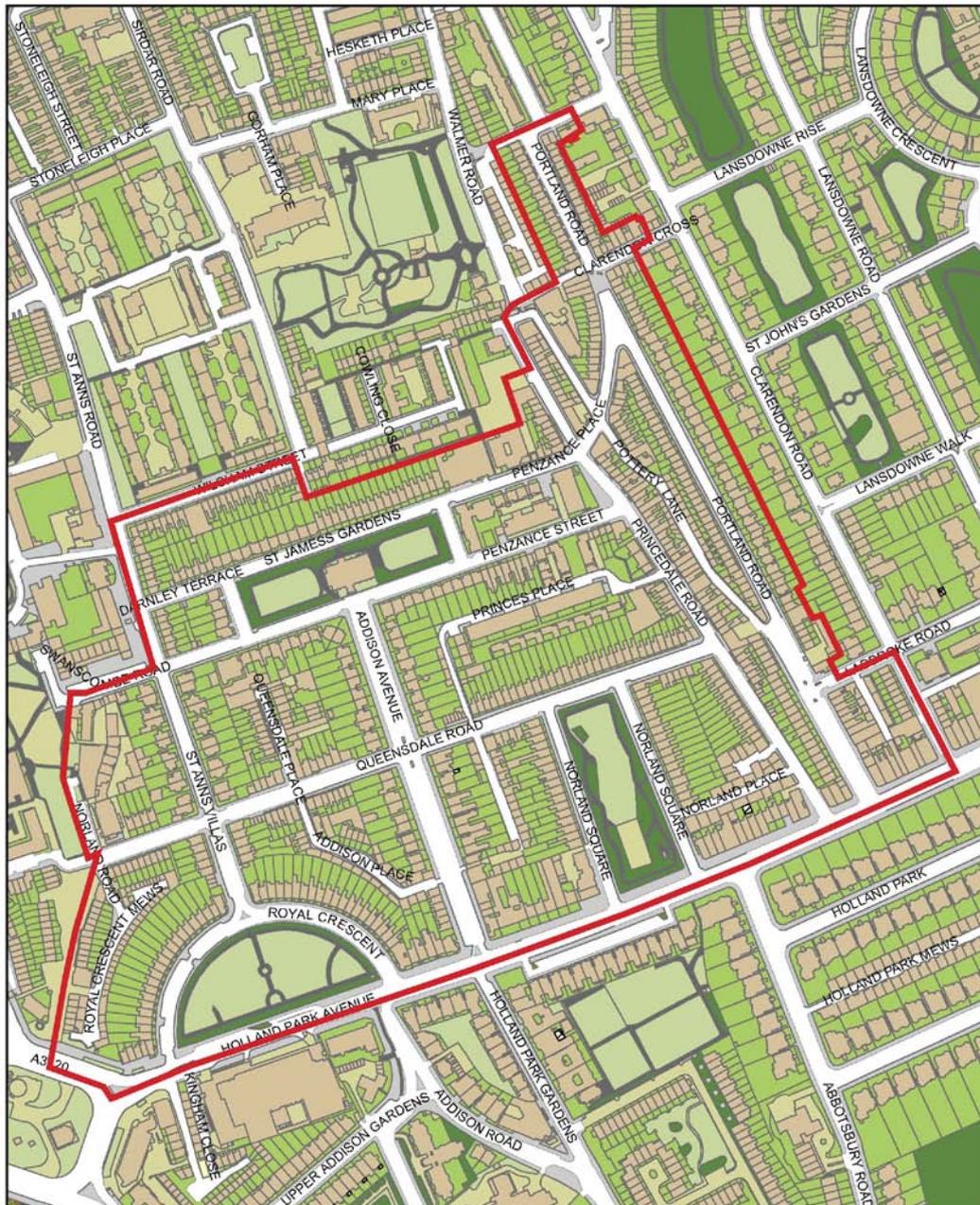


Norland Conservation Society
Protecting and Enhancing the Norland Conservation Area

Boundaries of the Neighbourhood Area

This Neighbourhood Plan covers the Norland Neighbourhood Area designated on 22nd May 2012. It comprises the Norland Conservation Area and includes 2-32 St Ann's Road and 65-117 Wilsham Street. These properties have been included as they belong stylistically to Darnley Terrace, and historically to the development of the Norland estate.

The Norland Conservation Area was designated on 29th January 1969. It included the original Norland Estate as built up to 1852 and the completed north side of St. James's Gardens which dates from 1864-79.



0 50 100 200 Metres



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

© Crown copyright and database rights 2011
Ordnance Survey 100021668

Introduction

This document explains how the proposed plan meets the requirements of the neighbourhood planning regulations. It has been prepared by the Norland Neighbourhood Forum, with support from the Royal Borough of Kensington and Chelsea.

In accordance with the Localism Act 2011, after due consultation, the Council designated an extended Norland Conservation Area as the Norland Neighbourhood Area, and the Norland Conservation Society as the Neighbourhood Forum for this Neighbourhood Area. This Neighbourhood Plan has been prepared, and consulted on, by the Norland Neighbourhood Forum, following the guidelines set out in the National Planning Policy Framework.

Background

The Norland Neighbourhood Plan has come out of a number of years work by the Norland Conservation Society to effect positive change in the area. Four years ago the Society approached the Council to implement a series of new Article 4 Directions and to update a Conservation Area Proposals Statement for the area, which is 30 years old. The Neighbourhood Plan subsumed the previous work of the Conservation Society, building on its 43 years experience of working to preserve and enhance Norland.

Taking on the redrafting of this document, the plan is based on the principles of conservation and design, but with the freedom and advantage of writing from first-hand experience of the community and physical environment, seeking to introduce locally specific policies and design guidelines.

In January 2012 the project was awarded funding from the Department of Communities and Local Government in the fifth wave of the Neighbourhood Planning Frontrunners scheme.

Legislation

Neighbourhood Development Plans must meet the following basic requirements (**Paragraph 8, Schedule 4B, 1990 Act**):

(1) The examiner must consider the following—

- (a) whether the draft neighbourhood development plan meets the basic conditions (see subparagraph (2)),*
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,*
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and*
- (e) such other matters as may be prescribed.*

(2) A draft neighbourhood development plan meets the basic conditions if—

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,*
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,*
- (e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),*
- (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and*
- (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.*

(6) The examiner is not to consider any matter that does not fall within sub-paragraph (1) (apart from considering whether the draft neighbourhood development plan is compatible with the Convention rights).

Meeting Requirements

Neighbourhood Plans must not breach and must be compatible with EU and human rights obligations. The National Planning Policy Framework makes clear that a sustainability appraisal should be an integral part of the plan preparation process, but the particular assessment requirements need to respond to the scale, status and scope of the plan being developed.

It is not the case that every Neighbourhood Plan will need an environmental assessment of the type normally required when preparing Local Plans. Strategic Environmental Assessment may be required for Neighbourhood Plans, where they are likely to cause significant environment effects.

Even where there is no need to undertake formal environmental assessment under EU directives, it is good practice to prepare a statement setting out how environmental issues have been taken into account and considered during the preparation of the Neighbourhood Plan.¹

Regulation	Comments
(1) The examiner must consider the following—	
(a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),	See section 2 below
(b) whether the draft neighbourhood development plan complies with the provision made by or under sections 61E(2), 61J and 61L,	<p>The provision of 61E(2) 61J and 61L as amended by s38C(5)(b) is a reference to the provisions of 38A and 38B.</p> <p>38A 1) The Norland Neighbourhood Forum is qualifying body authorised to act in relation to the neighbourhood area (see Appendix II), and is therefore entitled to submit a neighbourhood development plan for the neighbourhood area. 2) The neighbourhood plan policies and guidelines relate solely to the Norland Neighbourhood Area; 3) to 12) are essentially post examination procedures.</p> <p>38B 1) a) The period of the neighbourhood plan has been chosen to align it with the 20 year vision of the Core Strategy, adopted in 2010. b) The neighbourhood plan does not include any provision for excluded development such as national infrastructure c) The neighbourhood plan does not relate to more than one neighbourhood area; it relates to the neighbourhood area as designated by the Royal Borough of Kensington and Chelsea on 15 June 2012. 2) There is no other neighbourhood plan in place in this neighbourhood area. 3) Refers to conflicts within the NDP. 4) Refers to regulations that the SoS may make relating to NDPs. Such regulations are 2012 No 637 The Neighbourhood Planning (General) Regulations 2012 which have been used to inform the process of making the Norland Neighbourhood Plan. These regulations set out the process by which neighbourhood plans are to be made and set out <ul style="list-style-type: none"> • the consultation bodies for NDPs. </p>

¹ Taken from *Neighbourhood Plans Road Map Guide*, Locality

	<p>The Norland Neighbourhood Forum has submitted as part of the proposal a Consultation Statement setting out the process and extent of the consultation undertaken as part of the neighbourhood plan development. The consultation bodies have been included in the Statement.</p> <ul style="list-style-type: none"> • <i>that NDPs which are likely to have a significant effect on European Sites (habitats) must be subject to an appropriate assessment.</i> The Norland Plan will not affect on European Sites (habitats) see Appendix X • <i>that NDO may be subject to an Environmental Impact Assessment</i> This is not relevant for NDPs. <p>5) Refers to the publication of NDPs 6) Clarifies what is excluded development</p>
<i>(d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates,</i>	It is not considered that there would be any benefit in extending the referendum area beyond the neighbourhood area as the plan only relates to those properties that fall within the neighbourhood boundary.
<i>(e) such other matters as may be prescribed.</i>	There are no other prescribed matters
(2) A draft neighbourhood development plan meets the basic conditions if—	
<i>(a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,</i>	<p>By reason of National Planning Policy Framework (March 2012) paragraph 2, this plan is a material consideration in the determination of an application for planning permission.</p> <p>The National Planning Policy Framework (March 2012) defines “historic assets” to include listed buildings and conservation areas. Paragraph 128 adopts a new approach to consideration of historic assets in that local planning authorities should identify and assess the <i>particular</i> significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise; paragraph 138 notes that not all elements of a conservation area will necessarily contribute to its significance.</p> <p>In this Neighbourhood Plan, we have reflected such a graduated approach to the degree of “significance” of the Norland Conservation Area by our use of adjectival descriptions; we have re-considered the pre-existing conservation assessment in that context. Our approach underpins the sustainable development of our Neighbourhood.</p>
<i>(d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,</i>	<p>The Government’s approach to sustainable development as set out in the National Planning Policy Framework is about enabling development to cater for the needs of current generations, ensuring that growth doesn’t mean worse lives for future generations.</p> <p>The NPPF attaches great importance to the design of the built environment and states in paragraph 56 that: ‘<i>Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.</i>’</p> <p>The Norland Neighbourhood Plan promotes sustainable development</p>

	<p>through:</p> <ul style="list-style-type: none"> • good urban design, creating safe, overlooked, attractive, well-connected streets and spaces • promoting the preservation of neighbourhood facilities, local shops, providing a walkable neighbourhood with good access to public facilities and amenities • encouraging the reuse and conservation of existing buildings • ensuring works to improve the performance of traditional buildings are compatible with their building technology (the need for walls to breathe) • conserving historic buildings and the environment to ensure they remain in productive use <p>This neighbourhood plan places a strong emphasis on design to ensure that new development responds to the local character of the area. We support applications for planning permission which demonstrate that they are sustainable development.</p>
<p><i>(e) the making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),</i></p>	<p>The Council considers the whole of the Core Strategy as strategic for the purposes of neighbourhood planning.</p> <p>This plan reflects the Local Plan, including policies for housing and economic development and is in general conformity with it. We support applications for planning permission which demonstrate that they are sustainable development. The neighbourhood plan becomes part of the Royal Borough of Kensington and Chelsea's statutory development plan and will form the basis for determining planning and listed building applications in Norland. The plan conforms to the policies within the Core Strategy and other development plan documents which form the Local Plan.</p> <p>The plan particularly reflects Core Strategy policies relating to the <u>Renewing the Legacy</u> and <u>An Engaging Public Realm</u> chapters.</p>
<p><i>(f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations,</i></p>	<p>A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) would be required in support of the plan. It was determined that the Norland Neighbourhood Plan will not have significant environmental effects and that no European Sites will be affected by the policies described in the Neighbourhood Plan.</p> <p>As such an SEA is not required for this Neighbourhood Plan. Therefore, basic conditions concerning Habits and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.</p> <p>The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998.</p>
<p><i>(g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.</i></p>	

The Neighbourhood Forum has submitted with this application, accompanying documents as set out in Regulation 15 of the Neighbourhood Planning Regulations (2012).

Conclusion

It is considered that the Norland Neighbourhood Plan meets the conditions set out in Paragraph 8 of Schedule 4B of the 1990 Act.

Appendix I:
Norland Neighbourhood Forum and Area Application



32 Royal Crescent Mews, LONDON W11 4SY

Mr Jonathan Bore
Director of Planning & Borough Development
Royal Borough of Kensington & Chelsea
Hornton Street
LONDON W8

9 April 2012

Dear Mr Bore

Neighbourhood Planning (General) Regulations 2012 No 637

The Norland Conservation Society hereby asks for the Norland Conservation Area to be designated as a Neighbourhood Area in accordance with Regulation 5 of the above Regulations.

A map of the proposed area is attached. The conservation area was first designated in 1969, and has since been extended in 1978. The reasons for designation were given in the Conservation Area Policy Statement for Norland, published in 1982.

The Norland Conservation Society was founded in 1969 to “protect and preserve, and stimulate public interest in the area; to promote high standards of town planning and architecture in the area; and to secure the preservation, conservation, development and improvement of features of general public amenity or historic or public interest in the area”. It has approximately 370 members. A copy of the Constitution is attached.

The Society has a Committee consisting of Chairman, Hon. Treasurer, Hon. Secretary, Membership Secretary and Planning Secretary, representatives with responsibility for each street in the area, and other members with specific duties. It meets 5-6 times a year, and organises an AGM at which all Officers and Members of the Committee are up for re-election or replacement. It also organises an Annual Lecture on a conservation-related topic; attendance at the latest lecture was over 100. It publishes an Annual 8-page colour Newsletter, summarising the activities and plans of the Society.

Since 1969, the Society has actively represented the interests of its members in dealings with the Council and other authorities, and has an impressive list of achievements to its credit. Examples of these are listed separately, as attached.

It therefore considers itself a relevant body for the purposes of Section 61G TCPA 1990, to apply for designation of the area as a Neighbourhood Area.

The Society nominates the undersigned as its representatives for the purpose of designation.

We look forward to receiving confirmation of the designation of the Conservation Area as a Neighbourhood Area. Separately we are writing to request that the Society be designated as a Neighbourhood Forum for the Neighbourhood Area.

Yours sincerely

Libby Kinmonth
Chairman
32 Royal Crescent Mews
LONDON W11 4SY
020 7603 3528

Clive Wilson
Committee Member responsible for Neighbourhood Planning
52 St James's Gardens
LONDON W11 4RA
020 7603 3610



32 Royal Crescent Mews, LONDON W11 4SY

Mr Jonathan Bore
Director of Planning & Borough Development
Royal Borough of Kensington & Chelsea
Hornton Street
LONDON W8

9 April 2012

Dear Mr Bore

Neighbourhood Planning (General) Regulations 2012 No 637

The Norland Conservation Society hereby asks to be designated as the Norland Neighbourhood Forum for the Norland Neighbourhood Area, in accordance with Regulation 8 of the above regulations.

A map of the neighbourhood area is attached. The area was first designated as a conservation area in 1969, and has since been extended in 1978. The reasons for designation were given in the Conservation Area Policy Statement for Norland, published in 1982.

The Norland Conservation Society was founded in 1969 to “protect and preserve, and stimulate public interest in the area; to promote high standards of town planning and architecture in the area; and to secure the preservation, conservation, development and improvement of features of general public amenity or historic or public interest in the area”. It has approximately 370 members. A copy of the Constitution is attached.

The Society has a Committee consisting of Chairman, Hon. Treasurer, Hon. Secretary, Membership Secretary and Planning Secretary, representatives with responsibility for each street in the area, and other members with specific duties. It meets 5-6 times a year, and organises an AGM at which all Officers and Members of the Committee are up for re-election or replacement. It also organises an Annual Lecture on a conservation-related topic; attendance at the latest lecture was over 100. It publishes an Annual 8-page colour Newsletter, summarising the activities and plans of the Society.

Since 1969, the Society has actively represented the interests of its members in dealings with the Council and other authorities, and has an impressive list of achievements to its credit. Examples of these are listed separately, as attached.

It therefore considers itself a relevant body for the purposes of Section 61F(5) TCPA 1990, to apply for designation of the Society as a Neighbourhood Forum for the Norland Neighbourhood Area.

The Society nominates the undersigned as its representatives for the purpose of designation.

We look forward to receiving confirmation of the designation of the Society as a Neighbourhood Forum for the Area.

Yours sincerely

Libby Kinmonth
Chairman
32 Royal Crescent Mews
LONDON W11 4SY
020 7603 3528

Clive Wilson
Committee Member responsible for Neighbourhood Planning
52 St James's Gardens
LONDON W11 4RA
020 7603 3610

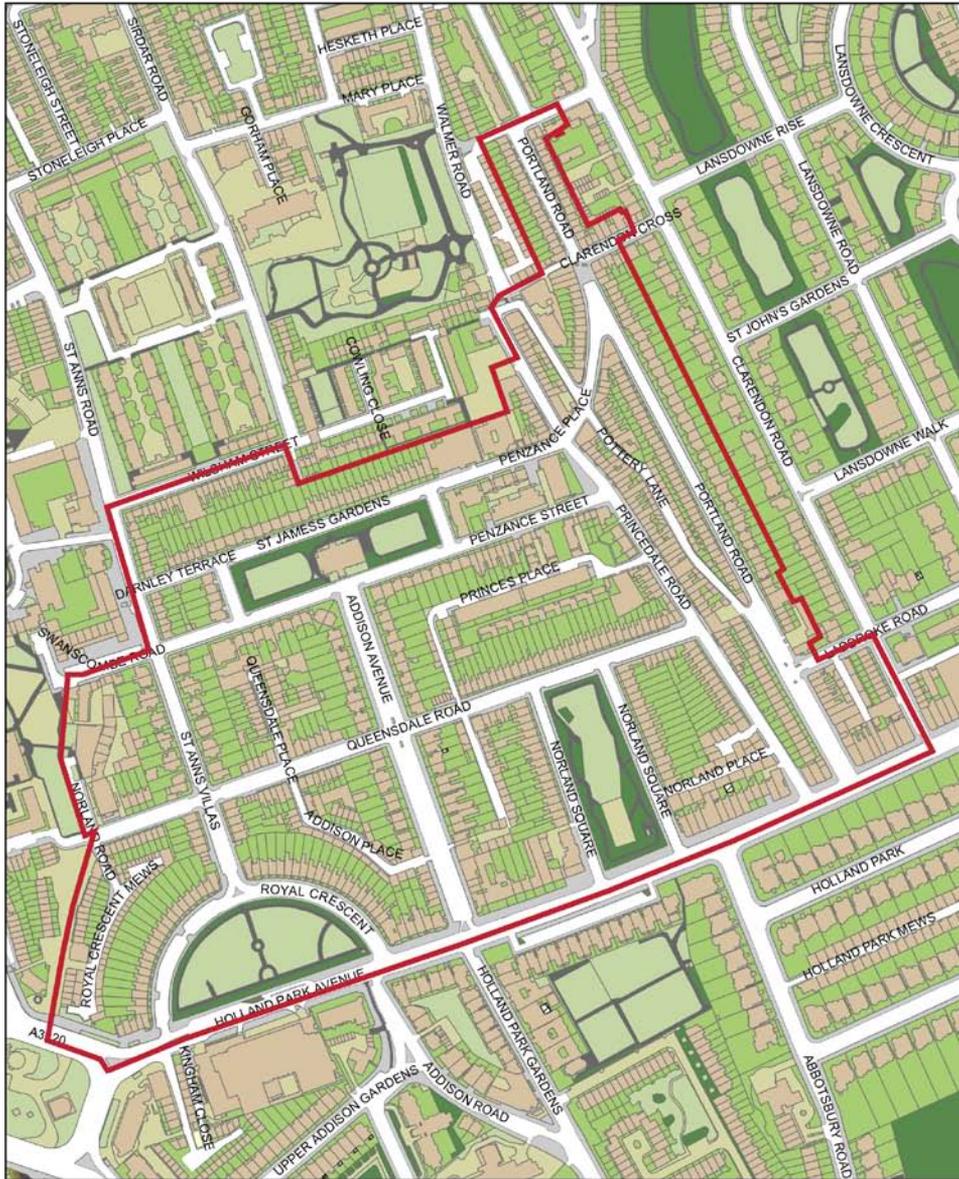
Examples of achievements of the Norland Conservation Society:

- *secured the closure of Clarendon Cross*
- *thus cut off the huge flow of traffic through the heart of the area*
- *challenged, and frequently secured refusal of inappropriate building developments and alterations*
- *developed guidelines for control of alterations to buildings*
- *supported and secured replacement of garden railings*
- *achieved unified decoration schemes in Royal Crescent and Norland Square*
- *protected front gardens in Addison Avenue from car parking*
- *got many pavements reset with York paving*
- *saved the church tower from collapsing by fund-raising*
- *achieved new street tree planting, and saved important trees*
- *secured FLIP protection for houses most prone to flooding*
- *secured refusal of permission for several huge back-lit advertisement hoardings round Shepherd's Bush roundabout*
- *fostered a real sense of neighbourliness and community through our Annual Lecture and Summer Garden Party*

Our vision is to:

- Enhance and protect the character and historic features that define Norland's sense of place, - in terms of townscape, streetscape, landscape, neighbourhood
- Protect our Listed buildings, as well as those which may not be of Listing quality but whose architectural features are important to the character of Norland
- Protect and enhance our open spaces, gardens and trees – private as well as public
- Protect and enhance the aspects that add to the quality of life - tranquillity, security
- Discourage and reduce traffic noise and disturbance through residential areas
- Strive for retention of local and heritage characteristics - both architecture and local and social amenity (shops, pubs, post offices)
- Make it easy for pedestrians to move freely and safely in Norland
- Manage new development in such a way as to conserve local character
- Maintain a mix of uses – try to retain a diverse range of small businesses
- Maintain social diversity
- Encourage neighbourhood pride and local involvement of individuals and organisations

NORLAND NEIGHBOURHOOD AREA - PROPOSED



0 50 100 200 Metres



© Crown copyright and database rights 2011
Ordnance Survey 100021668

Constitution

CONSTITUTION	Norland Conservation Society Adopted 12 May 1970, Revised 15 October 1997, 7 July 1999, 21 June 2005
NAME	The name of the Society shall be the Norland Conservation Society
OBJECTS	<p>The Society is established for the public benefit for the following purposes:</p> <p>(a) To protect and preserve and stimulate public interest in the area within the Royal Borough of Kensington and Chelsea known as Norland which area has been designated by the Council of the said Royal Borough as a Conservation Area under the terms of the Civic Amenities Act 1967 and is hereinafter referred to as “the area of benefit’.</p> <p>(b) To promote high standards of town planning and architecture in the area of benefit.</p> <p>(c) To secure the preservation, conservation, development and Improvement of features of general public amenity or historic or public interest in the area of benefit.</p> <p>In furtherance of the said purposes but not otherwise the Society through its Executive Committee shall have the following powers:</p> <ol style="list-style-type: none">1. To act as a co-ordinating body and to co-operate with the Borough Council, planning committees, sanitary, drainage and all other authorities, charities and persons having aims similar to those of the Society.2. To promote or assist in promoting activities of a charitable nature throughout the area of benefit.3. To educate public opinion and to give advice and information.4. To publish papers, reports and other literature.5. To undertake surveys and prepare maps and plans and collect information in relation to any place, erection or building of beauty or historic interest.6. To hold meetings, lectures and exhibitions.7. To promote research into subjects directly connected with the objects of the Society and to publish the results of any such research.8. To raise funds and to invite and receive contributions from any person or persons whatsoever by way of subscription, donation and otherwise; provided that the Society shall not undertake any permanent

trading activities in raising funds for its primary purposes.

9. To take and accept any gifts of property, whether subject to any special trusts or not.

10. To sell, let, mortgage, dispose of or turn to account all or any of the property or funds of the Society as shall be necessary.

11. To borrow or raise money for the purposes of the Society on such terms and on such security as the Executive Committee shall think fit, but so that the liability of individual members of the Society shall in no case extend beyond the amount of their respective annual subscriptions.

12. To do all such other things as are necessary for the attainment of the said purposes.

MEMBERSHIP

Membership shall be open to all who are interested in actively furthering the purposes of the Society, particularly those who live or work in the area of benefit.

[See **Membership Form**]

SUBSCRIPTIONS

The annual subscription shall be such reasonable sum as the Executive Committee shall determine from time to time, and shall be payable on 1st January each year. Membership shall lapse if the subscription is unpaid 3 months after it is due.

MEETINGS

An Annual General Meeting shall be held in the Summer of each year to receive the Executive Committee's report and audited accounts and to elect Officers and Members of the Committee.

The Committee shall decide when meetings of the Society shall be held and shall give at least 14 days notice of such meetings to all members. Special General Meetings of the Society shall be held at the request of members representing not less than 10% of the existing membership of the Society and whose subscriptions are fully paid up. Fifteen members personally present shall constitute a quorum for a meeting of the Society.

OFFICERS

Nominations for the election of officers shall be made at or before the Annual General Meeting. Such nominations shall be supported by a seconder and the consent of the proposed nominee must first have been obtained. The election of Officers shall be completed prior to the election of further Committee members. The Officers of the Society shall consist of:-

Chairman
Honorary Secretary
Honorary Treasurer

and such other Officers as the AGM or and EGM shall from time to time determine, all of whom shall relinquish their office every year and shall be eligible for re-election at the Annual General Meeting. A

President and Vice-President may also be elected at a General Meeting of the Society, for periods to be decided at such a meeting. The Executive Committee shall have the power to fill casual vacancies amongst the Officers of the Society.

COMMITTEE

The **Executive Committee** shall consist of the Officers and not more than twelve other members. The Committee shall have power to co-opt further members (who shall attend in an advisory and non-voting capacity). [See current **Executive Committee**]

The officers and members of the Committee shall be resident, or work, in the area of benefit but the Committee shall have power to co-opt additional members not so resident.

The President and Vice-President may attend any meeting of the Executive Committee but may not vote at any such meeting. In the event of an equality in the votes cast, the Chairman shall have a second or casting vote. Nominations for election to the Executive Committee shall be made at or before the Annual General Meeting. They must be supported by a seconder and the consent of the proposed nominee must first have been obtained. If the nominations exceed the number of vacancies, a ballot shall take place in such manner as the Chairman of the meeting may direct. The Executive Committee shall be responsible for running the affairs of the Society and may take decisions on its behalf. A quorum for Meetings of the Executive Committee shall consist of five members.

EXPENSES OF ADMINISTRATION AND APPLICATION OF FUNDS

The Officers of the Society, on behalf of the Executive Committee shall, out of the moneys received by the Society, pay all proper expenses of administration and management of the Society. After the payment of the administration and management expenses and the setting aside to reserve of such sums as may be deemed expedient the remaining funds of the Society shall be applied by the Executive Committee in furtherance of the purposes of the Society. [See details of expenditure in recent annual **Accounts**]

INVESTMENT

All moneys at any time belonging to the Society and not required for immediate application for its purposes shall be invested by the Executive Committee in or upon such investments, securities or property as it may think fit, subject nevertheless to such authority, approval or consent whether by the Charity Commissioners or by the Secretary of State for Education and Science as may for the time being be required by law or by the special trusts affecting any property in the hands of the Executive Committee.

AMENDMENTS

The Constitution may be amended by a two-thirds majority of members present at an Annual or Special General Meeting, provided that 14 days' notice of the proposed amendment has been given to all members, and provided that nothing therein contained shall authorise any amendment the effect of which would be to cause the Society at any time to cease to be a charity in law.

NOTICES

Any notice required to be given by these Rules shall be deemed to be duly given if left at or sent by prepaid post addressed to the address of that member last notified to the Secretary.

WINDING-UP

In the event of the winding-up of the Society the available funds of the Society shall be transferred to such one or more charitable bodies having objects similar or reasonably similar to those hereinbefore declared as may be chosen by the Executive Committee and approved by the Meeting of the Society at which the decision to dissolve the Society is confirmed.

Registered Charity (No 261166)

[Link to Charity Commission Registration](#)

[Back to Top of Page](#)

Appendix II:
Norland Neighbourhood Forum and Area Designation

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

**NORLAND NEIGHBOURHOOD AREA AND NEIGHBOURHOOD FORUM
DESIGNATION**

<p>This report presents the designation of the Norland Neighbourhood Area and Norland Neighbourhood Forum.</p>
--

1. INTRODUCTION

- 1.1 With the agreement of the Cabinet Member for Planning, the Executive Director for Planning and Borough Development has designated the Norland Neighbourhood Area and the Norland Neighbourhood Forum.

2. BACKGROUND

- 2.1 The Norland Conservation Society were the first group in the country to apply to be designated as a Neighbourhood Forum in relation to their proposed Neighbourhood Area, under the new Neighbourhood Planning (General) Regulations (2012), which came into force 6 April 2012.

3. NEED

- 3.1 The Neighbourhood Planning (General) Regulations 2012 require that provided the Norland's Neighbourhood Area and Forum applications meet the requirements as set out in Sections 61F to 61I of the Town and Country Planning Act 1990 and Parts 2 and 3 of the Regulations, then the Council must publicise the applications for 6 weeks.
- 3.2 These Regulations require that the Neighbourhood Area and Neighbourhood Forum must, inter alia: have a constitution; at least 21 members representative of the area and no part of the proposed Neighbourhood Area may overlap with any other designated Neighbourhood Area.
- 3.3 It is considered that the Norland Neighbourhood Area and Forum applications satisfied the requirements of the Regulations, and as no objections were received the decision to designate Norland as a Neighbourhood Area and Forum was made by the Executive Director for Planning and Borough Development and the Cabinet Member for Planning.

4. CONSULTATIONS

- 4.1 The application for designation as a Neighbourhood Area and a Neighbourhood Forum was publicised for a 6 week public consultation period from the 10 April until 22 May 2012, and no objections were received.

5. DECISION

- 5.1 The decision has therefore been taken to designate Norland Neighbourhood Forum and the Norland Neighbourhood Area.

Jonathan Bore
Executive Director Planning and Borough Development



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

**Jonathan Bore, Executive Director for
Planning and Borough Development
The Royal Borough of Kensington and
Chelsea**

c/o. Planning and Borough Development
Kensington Town Hall
London W8 7NX
Tel: 020 7361 2075

**DECISION REGARDING NORLAND NEIGHBOURHOOD AREA
AND NEIGHBOURHOOD FORUM APPLICATIONS FOR
DESIGNATION**

1. I now **designate** Norland Neighbourhood Area and Norland Neighbourhood Forum in accordance with The Neighbourhood Planning (General) Regulations 2012.
2. I am taking the above-mentioned decision as I concur with the advice contained in the officer's report.
3. I also declare that I have no personal or prejudicial interest in respect of this decision.

Signed: . . . *Jonathan Bore*
Executive Director for Planning and Borough Development

Date: 15 June 2012

Decision published on: 15 June 2012

**Decision circulated to the Public Realm Scrutiny Committee
on:** 2 July 2012

Appendix III:
SEA Screening Report

Strategic Environmental Assessment Screening Report

Norland Neighbourhood Plan

June 2013

Contents

1. Introduction
2. Legislative Background
3. Criteria for Assessing the Effects of Plans and Programmes
4. Assessment
5. Screening Outcome

1. Introduction

- 1.1 This screening report is designed to determine whether or not the Norland Neighbourhood Plan requires a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.2 The purpose of the Norland Neighbourhood Plan is to provide guidance on development in the area in order to to preserve and enhance the character and appearance of Norland as an area of special architectural and historic interest.
- 1.3 The legislative background set out below outlines the regulations that require the need for this screening exercise. Section 4, provides a screening assessment of the likely significant environmental effects of the neighbourhood plan and the need for a full SEA.

2. Legislative Background

- 2.1 The basis for Strategic Environmental Assessments and Sustainability Appraisal legislation is European Directive 2001/42/EC and was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations. Detailed Guidance of these regulations can be found in the Government publication 'A Practical Guide to the Strategic Environmental Assessment Directive' (ODPM 2005)
- 2.2 The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.
- 2.3 This report focuses on screening for SEA and the criteria for establishing whether a full assessment is needed.

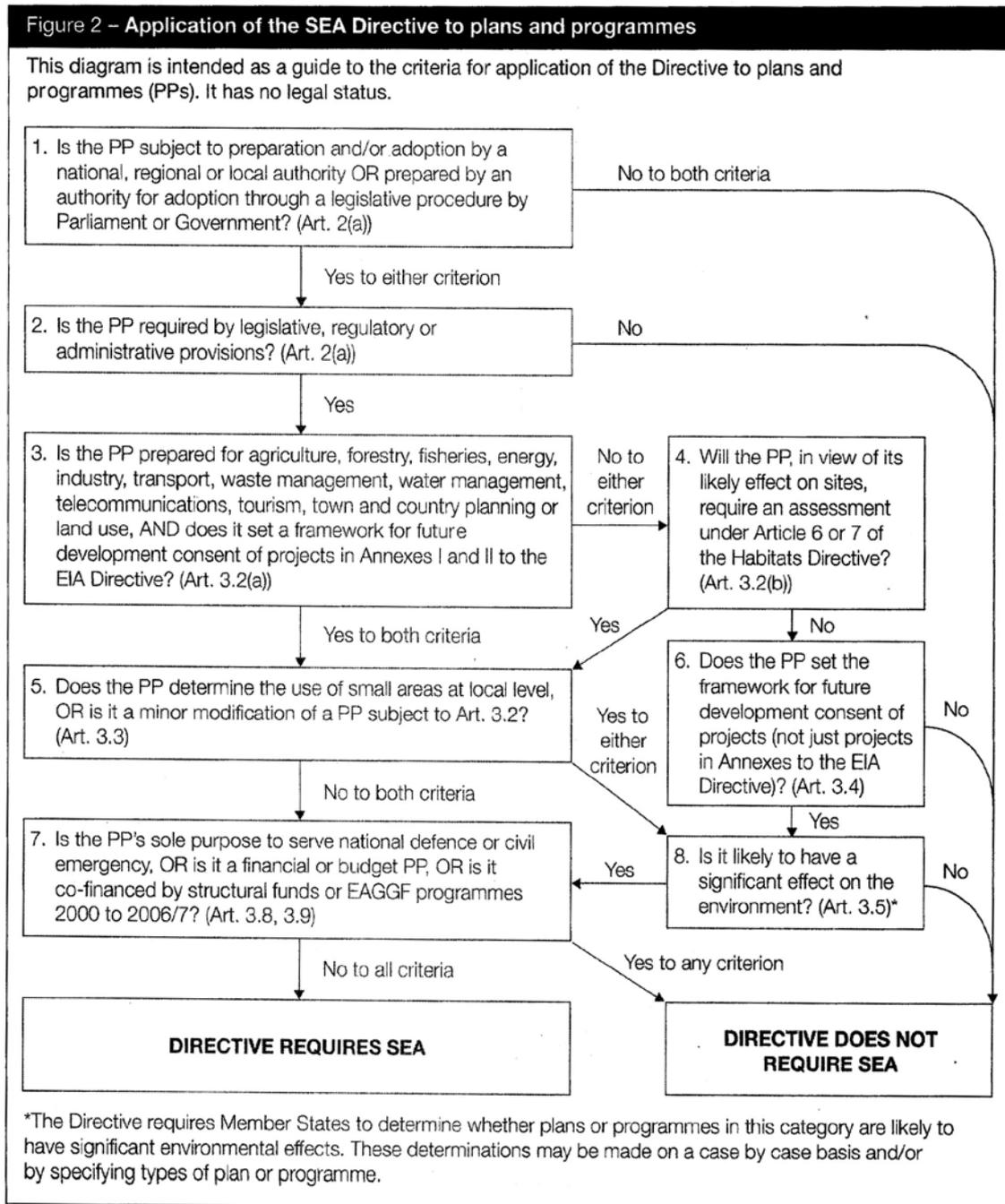
3. Criteria for Assessing the Effects of Plans and Programmes

Criteria for determining the likely significance of effects referred to in Article 3(5) of Directive 2001/42/EC	
1. The characteristics of plans and programmes, having regard, in particular, to	
- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,	The Norland Neighbourhood Plan would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects. However, the Plan sits within the wider framework set by the National Planning Policy Framework, the Local Plan policies and the projects for which this Plan helps to set a framework are local in nature and have limited resource implications.
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,	By reason of National Planning Policy Framework (2012) paragraph 2, this plan is a material consideration in the determination of an application for planning permission. This plan is in general conformity with the Local Plan, becomes part of the Royal Borough of Kensington and Chelsea's statutory development plan, reflecting its policies for housing and economic development. This, together with The London Plan, determines how the planning system helps to shape Norland – the London Plan provides Londonwide policies to help achieve the Mayor's vision for London, whilst the Local Plan provides more focused and localised policies to shape development within the borough to achieve the Council's vision.
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,	The Norland Neighbourhood Plan will work to protect and enhance the natural environment of Norland and ensure that natural resources are used prudently. The Plan includes guidance that reflects the Royal Borough of Kensington and Chelsea's policies that promote and encourage biodiversity enhancement. It is therefore considered that the Norland Neighbourhood Plan will promote sustainable development. The plan demonstrates the neighbourhood forum's vision by which decisions on planning applications will be determined so as to shape and direct high quality sustainable development in the area.
- environmental problems relevant to the plan or programme,	The plan will help to address wider problems such as climate change, air pollution, traffic congestion, loss of biodiversity, sustainable urban drainage without any negative effects.
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	The Norland Neighbourhood Plan is not directly relevant to the implementation of European legislation.

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to	
- the probability, duration, frequency and reversibility of the effects,	The Norland Neighbourhood Plan is not directly relevant to the implementation of European legislation.
- the cumulative nature of the effects,	It is intended that the plan will provide positive cumulative benefits for the area.
- the transboundary nature of the effects,	There are no cross-boundary issues. Any effects on adjoining wards and neighbouring conservation areas are likely to be positive.
- the risks to human health or the environment (e.g. due to accidents),	There are no significant risks to human health or the environment.
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	The Norland Neighbourhood Plan relates to the Norland Neighbourhood Area has an area of approximately 23 hectares and covers around 1900 properties. The magnitude and spatial extent of the effects are therefore small.
- the value and vulnerability of the area likely to be affected due to: - special natural characteristics or cultural heritage, - exceeded environmental quality standards or limit values, - intensive land-use, - the effects on areas or landscapes which have a recognised national, Community or international protection status.	The Norland Neighbourhood Plan covers the Norland Conservation Area designated for its heritage significance; however, the higher tier documents contain policies for their protection and the Neighbourhood Plan will reinforce these policies with no negative effects.

4. Assessment

4.1 The diagram below illustrates the process for screening a planning document to ascertain whether a full SEA is required.



4.2 The Norland Neighbourhood Plan will, if successful at examination and referendum, be adopted by the Royal Borough of Kensington and Chelsea. It is not required by legislative, regulatory and administrative provisions.

5. Screening Outcome

- 5.1 As shown in the assessment, it is unlikely there will be any significant environmental effects arising from the Norland Neighbourhood Plan that were not covered in the Sustainability Appraisal of the Core Strategy. As such, the Norland Neighbourhood Plan does not require a full SEA to be undertaken.