Involving People in Planning
Draft Incorporating a revision to the Council Statement of Community Involvement

December 2012
Preface

This is the third, and final, draft stage of consultation on how the Royal Borough will involve people in planning in future. It reflects comments that were made during the first and second stage of consultation in response to the draft *Involving People in Planning* paper. A table summarising these recommendations and the Council’s responses is available on the website.

We are now inviting people to comment on this draft document.

The process for developing the Council’s policy on involving people in planning is set out below.

- Discussion paper prepared
- 6 week consultation on *Public Involvement in Planning* discussion paper
  
  (13th March 2012-27th April 2012)

- Review comments on *Public Involvement in Planning* and feed into preparation of draft *Involving People in Planning* document

- 6 weeks consultation on Draft *Involving People in Planning*
  
  (12th June 2012-24th July 2012)

- Review and revise document in light of any further comments

We are here  

- 8 weeks consultation on Draft *Involving People in Planning*
  
  (6th December 2012 – 31st January 2013)

- Review and revise document in light of any further comments

- Submit Key Decision

- Adoption

When *Involving People in Planning* is finalised, it will be Council’s statement on how people can find out about and comment on planning applications and planning policy and guidance, including neighbourhood plans.
Consultation arrangements

This draft is being published for comments for an 8 week period from 6\textsuperscript{th} December 2012. If you would like to send in comments on this document, please do so by 31\textsuperscript{st} January 2013

- By the dedicated consultation portal on our website
- By email to planningpolicy@rbkc.gov.uk
- By post to Planning Policy Team, Kensington Town Hall, Hornton Street, London, W8 7NX

1. The purpose of this document

1.1 This document sets out how views can be put forward when the Council is making decisions about planning applications and setting planning policy. It also explains the process for developing a neighbourhood plan.

1.2 The Council is required by law to have a Statement of Community Involvement (SCI). Section 4 (Planning Applications), Section 5 (Development Orders) and Section 6 (Planning Policy) make up the SCI for the Royal Borough
2. The Council's approach to involving people

2.1 The Council has a corporate approach to involving local people. It consults in a wide variety of ways, including through a residents' panel and the resident reviewers mystery shopping initiative. The Statement of Consultation Principles on the Council website provides a summary. It is designed to ensure that local people who are being consulted by the Council are clear about:

- why the Council consults;
- how it will fulfil its commitment to maintaining good quality consultation;
- what they can expect from the Council when they are being consulted.

2.2 The Kensington and Chelsea Partnership's Community Strategy 2008-2018 also sets out the Partnership's ambition to:

Improve the ways that partners inform, communicate with, consult and involve residents by:

1. improving and diversifying ways of communicating with residents and service users to take account of their different needs and language abilities, ensuring that good practice is shared;
2. consulting effectively with all parts of the local community;
3. providing effective information about how organisations work, the services they deliver, and the opportunities they offer for residents to get involved in and influence decision-making; and;
4. using a range of methods to gauge levels of satisfaction with services among different groups, and supporting communities to be able and confident to access and contribute to these opportunities.

2.3 The Council also has a Compact to strengthen working relations between the public, voluntary and community sectors. The document contains a set of principles and standards which guide these relationships. It can be found on the Council's website.

2.4 Local Ward Councillors are responsible for making sure the views and opinions of their constituents are heard. Democratically elected Councillors have a key role to play in representing their ward and making decisions about the future of the borough. They can also provide support and information to the local community. To find out which ward you live in, and who your local Councillors are, visit the Council website www.rbkc.gov.uk/whatward. See more about the role of Councillor's in Appendix C.

2.5 Ward Councillors lead the City Living Local Life initiative where each ward in the borough has a budget of £20,000 per year (funding currently agreed until 2016) to spend on projects to improve their local areas. Visit www.rbkc.gov.uk/citylivinglocallife for more information.
3. How Planning and Borough Development involves people

3.1 Planning and Borough Development handles over 5000 planning and related applications each year, and develops a wide range of planning policies and guidance. We have a strong track record of involving local people in decisions about their area. We need to work more efficiently and effectively in terms of resources and are developing ways in which technology can provide easy access to information about planning applications and consultations on planning policies and guidance. We recognise that this 'self-service' approach should not prejudice those who rely on traditional methods of consultation, but acts as a useful supplement to the notification letters and site notices which are required by law.

3.2 For the purposes of this document, the term 'People' refers to the community and stakeholders within the Royal Borough of Kensington and Chelsea. This group includes residents, businesses, landowners, those who work in the borough, conservation and amenity societies and other interested parties.

3.3 The most important source of information on planning is the planning and conservation section of the Council's website. The Council has also introduced 'Planning Direct', a weekly bulletin to improve the way we communicate with local people about current planning issues and information. Anyone can subscribe to this bulletin on the planning pages of the Council website http://www.rbkc.gov.uk/planningandconservation/planningbulletin.aspx.

3.4 We appreciate that, throughout a large proportion of the Borough, Tenants' and Residents' Associations (TRAs) and other representative organisations form an important link between the Council and local people. They help to share information and prepare collective responses of local people's views. We are proposing to strengthen this role by inviting TRAs to take part in the Planning User Forum and asking them for their views on issues and options for policy documents before their formal preparation begins. The Planning User Forum will be held twice a year, and is chaired by the Executive Director of Planning and Borough Development. Representatives of tenants and residents associations, planning consultants and architects will also be invited to attend the Forum. (See section 6, Identifying Issues for reviewing or writing Policy or Guidance).

3.5 There are certain organisations that the planning department has a statutory duty to consult when it is preparing policy documents. They are grouped into 'specific' and 'general' consultation bodies. Specific bodies are those organisations the Council is required to consult on all planning policy. They include organisations such as the Environment Agency, health care providers and neighbouring local authorities.

3.6 General bodies include voluntary groups, business interests and amenity groups who may be interested to find out how the proposed changes may affect them. Unlike specific bodies there is no definitive list of general bodies with whom the Council must consult.
3.7 Retail Forums, that meet regularly, have been established for Knightsbridge, King's Road and Kensington High Street, co-ordinated by the Neighbourhood Planning Team. These provide a valuable opportunity for dialogue and feedback to the planning department from local businesses.

3.8 All major decisions about planning policy and planning applications are referred to Councillors, through the Council's committees and cabinet.

3.9 The Planning Applications Committee and the Major Planning Development Committees are appointed by the Council to consider applications for planning permission and other consents under the planning legislation. Both Committees have an essential role in making the planning system work and ensuring the best outcomes for the community now and in the future. The membership of the Planning Applications Committee is presently five Councillors (presently four majority party and one minority party) drawn from a "pool" of twenty-one. The membership of the Major Planning Development Committee is presently twelve Councillors (presently ten majority party, two minority party).

3.10 The Cabinet is the main focus for policy-making and decision-taking in the Royal Borough. It is made up of the Leader and nine other senior majority party (Conservative) Councillors. The Leader is elected every year at a meeting of the full Council and appoints his or her own Cabinet. Each Cabinet Member is responsible for a particular area of Council policy, known as a 'portfolio'.

3.11 Some Cabinet Members are supported work by one or two other councillors, who are known as 'Lead Members'. Lead members are not decision-takers, but they help to provide day-to-day leadership and expertise in specific areas and work closely with officers and their Cabinet Member. The Cabinet is the focus of forming partnerships with the community and for the Council's role in 'leading the community', picking up issues that affect local people and putting them right at the top of the agenda - nationally, if appropriate. More information about who is in the cabinet can be found on the Council's website.
4. How to put forward views on planning applications

4.1 The residential and business community can be involved in the consideration of applications for proposed development within the Royal Borough of Kensington and Chelsea. These range from applications submitted by householders to applications for major development of sites for a range of uses. The key stages of the planning application process are set out in Diagram 4.1.
4.2 There are various stages in this process at which the public can become involved. These opportunities are outlined within the following sections.

**Before an application is submitted**

4.3 The planning department encourages anyone who is considering submitting a planning application to be a considerate neighbour. Applicants should discuss their proposals with everyone who is likely to be affected before they make the application. It may be that these discussions result in solutions being incorporated into the scheme before a formal application is submitted. This could result in a smoother application process, and a better result when built. The planning department cannot, however, insist that this dialogue takes place. The Localism Act 2011 makes provision for applicants to be required to consult before they submit a planning application (known as 'pre-application'). The Department for Communities and Local Government have yet to set the size of development to which this requirement will apply. However, this is likely to apply only to very large applications.

4.4 For large schemes or applications that are likely to be controversial, we would expect applicants to consult community groups and local residents in the early stages of developing their proposals. This would allow the opportunity for people to comment on the proposal and applicants to respond, including by amending their proposal, before they submit their application.

4.5 We also encourage anyone who is considering submitting a planning application, whether large or small, to request advice from the local planning authority. Details of how to apply for advice are available on the planning pages of the Council's website. The advice provided is confidential, but the planning department always strongly encourage applicants to discuss their plans with their neighbours before submitting a formal planning application.

**Application submitted and publicised**

4.6 Opportunities for more formal community involvement occur when applications are submitted. The planning department deals with a variety of applications including tree, telecommunications, listed building, conservation area, as well as householder and major planning applications.

4.7 When the application is submitted, the registration team checks to make sure all the information that is needed to make a decision has been submitted. The information required for different types of application is set out on the Local List, which is available on the website. The process of checking applications is called 'validation', leading to the application being 'registered'.

4.8 Once the application is registered, it is publicised. It is at this point when the majority of residents and stakeholders become involved, especially if the proposed development would affect them directly. Regardless of the size or nature of the proposed development, such applications are important to local people and businesses as they have a direct impact on the way an area grows and develops.
4.9 There are statutory requirements for publicising planning applications with which the planning department complies. This is set out in Appendix C. We use a variety of methods to inform people about planning applications, as set out in Table 4.7.

4.10 Comments on planning applications must be provided in writing. These can raise objection to, support the proposal or draw the planning department's attention to a particular issue. Comments can be made by letter, email or by using the online comments form. The planning department does not acknowledge letters, but comments submitted online or by email do receive an automatic response, confirming the receipt of comments.

Table 4.7

<table>
<thead>
<tr>
<th>The Council's website planning application pages</th>
<th>These pages explain how to make a planning application, what happens once an application is made, how to comment on an application and how the application will be decided. The planning register of applications from 1948 is available on the planning pages of the Council's website. Detailed application documents for all applications from 2005 are available on the website and can be found using a number of different search criteria, including key words and addresses. The application number is not necessary, but this is the simplest method. Planning and Borough Development has recently appointed a project manager to oversee a complete overhaul of the planning pages of the Council website, to significantly improve the website for users. This will be taking place during 2013.</th>
</tr>
</thead>
<tbody>
<tr>
<td>MyRBKC email alert service</td>
<td>This service allows the public to request to be automatically emailed notifications of all planning applications (and other Council matters) that meet chosen criteria. It is available through the My RBKC button at the top right of the front page of the Council website. We urge anyone who has an interest in planning applications, and particularly Residents' Associations, to make use of this service. This function will be enhanced as part of the web review project.</td>
</tr>
<tr>
<td>Weekly list</td>
<td>Councillors can request to receive an electronic copy of the weekly list of planning applications. This service is available to the public via the Council's website.</td>
</tr>
<tr>
<td>Site notices</td>
<td>We use site notices for all applications where the law requires, and for developments which affect the character and appearance of conservation areas and listed buildings. These are displayed by the Council in at least one place on or near the land to which the application relates, that is visible to passersby. We are continuously investigating methods of how to make site notices clearer to reduce the incidences of them being overlooked by passersby.</td>
</tr>
<tr>
<td>Press notices</td>
<td>Advertisements are placed in The Kensington and Chelsea Chronicle, in line with statutory requirements</td>
</tr>
<tr>
<td>Neighbour notification</td>
<td>This is a letter to the 'occupier/owner'. It gives brief details of the proposal, and explains where and when the application may be seen, and the last date for comments (normally 21 days from the date of the letter). We notify neighbours who occupy buildings/sites physically adjoining the site. If it is unclear as to whether they adjoin or not we will generally notify. Letters to neighbours are sent at the registration stage of an application. Given departmental resource constraints, we cannot justify the cost of notifying more than the immediate neighbours so we encourage anyone who receives a notification to share this information with their neighbours. It has been brought to our attention that residents may not always realise the importance of this item of post as it is not directly addressed to them by name. Measures to improve the effectiveness of notification letters are being investigated.</td>
</tr>
<tr>
<td>Planning Direct Bulletin</td>
<td>This is a weekly bulletin of general news, including information about applications of Borough wide significance and policy consultations. The public can subscribe to the Planning Direct Bulletin via the planning pages of the Council's website.</td>
</tr>
</tbody>
</table>

4.11 Comments made on planning applications are placed on the planning application file.

4.12 Comments will be summarised in the planning officer's report and will be considered when the application is decided. Only comments relating to material considerations (i.e. are relevant in planning terms) will be considered in the determination of a planning application. Comments should be focussed on relevant planning issues. These include:

- suitability of the site for development (including conflicts with planning policies);
- design, appearance and layout issues;
- possible loss of light or overshadowing;
- highway safety and traffic issues;
- impact on living conditions such as sunlight and daylight, noise, disturbance, pollution and smell nuisance
- impact on trees/conservation area/listed buildings;

4.13 There are a number of issues that are not generally material in planning terms, which will not be considered in the determination of a planning application. These include:

- Private property rights (boundary/access disputes, restrictive covenants etc;
- effect on the value of property;
- matters covered by other laws;
- private disputes;
- competition with other businesses.

4.14 Comments are held on the planning file which is a public document. Once the application has been determined copies of the objections and comments are available to view by the public. We are constantly reviewing our procedures, and
we may make comments public before an application is determined. If it is preferred that name and contact details remain confidential, please stipulate this clearly on the email or letter. Where this is requested, names and addresses will be withheld but the comment will be made available.

Application Decisions

4.15 The majority of applications are dealt with within 8 weeks, or 13 weeks for ‘major’ applications. Elected Councillors (also referred to as the Members of the Council), are the Council's decision makers. Most planning applications can be determined by delegating these decision making powers to the Executive Director of Planning and Borough Development. In some instances, applications will be referred to the Planning Applications Committee or the Major Planning Development Committee. Appendix A outlines the role of Elected Councillors in planning and Appendix B explains which applications go to Planning Applications Committee and Major Planning Development Committee. We provide notification of all decisions on the website.

4.16 When an application is to be determined under delegated powers, the case officer's report makes a recommendation to the Executive Director. This is put into the public domain when the decision issued. The application can be determined at any point after the statutory public consultation period (21 days) has ended.

4.17 If it is to be determined by the Committee, the case officer's report is placed on an agenda for the next available meeting. Applicants and those who have commented or objected will be informed in writing if their application has been referred to Committee. This will include details of the venue and time of the meeting. A note on Planning Committee and a guide to proceedings including speaking requests can be found here.

After a Decision has been made

4.18 If planning permission is refused, the applicant can appeal against the decision. The appeal will be decided by a Planning Inspector, either through written representations, or by holding a hearing or a public inquiry. More information about this process can be found on the Planning Inspectorate’s pages of the Planning Portal website. Details about how to appeal are sent to the applicant alongside the decision notice. Appeals are intended as a last resort and they can take several months to decide. It is often quicker to seek further planning advice from the Council whether changes to the proposal would make it acceptable.
Conditions

4.19 If the planning application is granted, it may well be subject to conditions. Conditions are used for a number of reasons. For example, conditions may require further details such as samples of a material, or how construction traffic will be managed. The applicant then has to submit information to address these matters. This is known as 'discharging conditions'. There is no statutory requirement for the Council to notify neighbours of discharge of conditions applications. This is because they do not go to the heart of the principle of development. However we place the information received from the applicant on the Council's website, and automatic notifications can be set up through MyRBKC.

4.20 Most applications have standard conditions attached to ensure that development is carried out in a timely fashion and in accordance with the approved plans.

Enforcement

4.21 If development appears to have taken place without planning permission or listed building consent, or work is carried out without complying with conditions attached to the planning permission, the Council will investigate and enforcement action may be taken. Details of how to notify us of a possible breach of planning control can be found on the Council's website
5. Development Orders

5.1 Arrangements for involvement on Development Orders are a requirement of the regulations for SCIs. However, these are not widely used in the Borough. We will follow the statutory minimum should a Development Order be prepared.
6. Involving people in the preparation of planning policy and guidance

6.1 It is important that local people and stakeholders are involved in the preparation of the Borough's planning policies and guidance, as these (along with the London Plan) set out the 'rules' by which planning applications are assessed.

6.2 The Council must ensure that polices are compatible with national policy as set out in the National Planning Policy Framework (NPPF), and the London Plan. The Council must also ensure that its policies are locally distinctive and tailored to reflect the Borough's very unique conditions, drawing on sound evidence to justify any variations from national policy or the London Plan.

6.3 The evidence used in preparing policy includes 'hard' statistical evidence such as census data, population projections, housing and accommodation needs, land supply and economic growth expectations. In addition 'soft' data can also be This includes public opinion from consultation, surveys and workshops, which are used to ensure that any policy that is prepared reflects local opinion as far as possible.

6.4 The Council's planning policies are set out in the Core Strategy. Some policies are also in the Unitary Development Plan (UDP), although through a number of current reviews, these are being incorporated into the Core Strategy. The UDP will therefore be superseded probably by early 2014. These reviews are in response to the NPPF, to ensure our policy is NPPF compliant.

6.5 The NPPF has also changed the terminology. We will no longer be referring to the Local Development Framework (LDF). Also, when the reviews of the Core Strategy are completed, the Core Strategy will be renamed a Local Plan.

6.6 In addition to the policies, the Council prepares guidance. This is set out in Supplementary Planning Documents (SPDs). Neighbourhoods can also now prepare their own Neighbourhood Plans.

6.7 All these documents go through similar stages. All must be based on evidence; all must involve public consultation, including an opportunity to comment on a draft. However there are important differences too.

- Policy documents must go through an examination in public held by an inspector appointed by the Government before being adopted by full Council
- Guidance documents are adopted by the Council through a Key Decision taken by the Cabinet Member for Planning Policy
- Neighbourhood Plans have to go through an examination in public held by an inspector appointed by the Council, and then through a referendum of all the residents - and in some cases businesses - affected by the plan.

6.8 For each of these, there are regulations that set out how the public should be involved. The planning department is committed to going beyond this, especially in the early stages of reviewing or writing new policy or guidance.
Identifying issues and gathering evidence

6.9 The planning department is committed to the early engagement of residents, businesses, land owners, local associations and societies in the process of reviewing or writing new policy or guidance. Consultation methods depend on the type of document being produced, the target audience and the Council’s resources. Although legislation does not set out how the Council should approach early engagement, we will seek to use the most effective and inclusive approach both in terms of resources and outcome.

6.10 The Planning User Forum, which will be held twice a year, will provide a sounding board to foster early engagement between the Council and some stakeholders. It is comprised of agents/architects and residents' associations, provides an opportunity for dialogue on all matters related to Planning in the Borough. It is chaired by the Executive Director of Planning and Borough Development. Among other things it will be used to receive informal feedback as to whether ‘issues’ should become the subject of reviewing or writing new policy or guidance. The views of the Forum will help inform the opinion of the Cabinet Member and the decision of the Executive Director regarding where to direct resources. It remains the discretion of the Executive Director whether a topic or issue is worthy of further policy investigation.

Drafting the policy or guidance

6.11 When the Executive Director has decided that an issue needs to become the subject of revisions to, or a new policy, or guidance, the planning department will hold a 2-3 hour meeting to hear the views of those interested. This meeting will be chaired by a senior officer. Attendance at the meeting would be open, advertised through ‘Planning Direct’. If the subject is site or topic specific, the Council might invite specific residents or businesses whose input would be of particular value to that issue. This meeting would help to refine the issues, and identify what additional evidence might be useful. The meeting would be advisory.

6.12 From this meeting it is likely that a Forum would be established to meet periodically during the development of the policy or guidance. The Forum, perhaps up to a dozen people at most, would be advisory, but importantly provide continuity. In the interests of transparency, there would need to be an open invitation for expressions of interest from those who attend the large meeting in joining a forum. In selecting members for the forum, the Council will need to exercise care, bearing in mind that key stakeholders need to be represented. The Forum would be chaired by a senior officer, the Cabinet Member, or someone from outside the Council, depending on the nature of the project.

6.13 In addition to any meetings of the Forum, at least one public meeting would be held, either at this stage, or once the draft document has been prepared. This would be an open invitation, and would be facilitated by a senior Council officer.
The primary purpose of the meeting would be to allow dialogue between all present, to ensure emerging policy or guidance takes into account all the different views on the issue.

6.14 For site specific projects a concentrated advertising campaign of this meeting would be required in the local area affected, and the meeting would be held in a suitable venue as close to the area as possible. Where possible we will also ensure the venue is fully accessible. The Council's consultation principles must also be adhered to when holding such events.

6.15 In addition, there are other approaches to involve people and businesses. These are set out below. It is not exhaustive; nor does it represent a list of activities that will be used in every instance. It will depend on the policy or guidance topic, be it area specific, theme specific or borough wide.

Providing information:

- Public exhibitions
- Publication and distribution of posters, fliers and promotional leaflets
- Articles in the press
- Present information at public events
- Presentations at Planning User Group

Consultation:

- Questionnaires and surveys
- Surveys of the Council's residents panel

Involvement:

- Community planning workshops
- Stakeholder focus groups
- Meetings with community groups and other key stakeholders

6.16 Engagement will need to be proportionate to the subject. All engagement activities being undertaken will be published on the Council's website, and included in Planning Direct.

Formally commenting on Planning Policy or Guidance

6.17 A draft of the proposed policy or guidance will always be made available for public comment, so that the Council can make amendments before it is finalised. Draft documents will generally be made available for at least 6 weeks. Draft documents will also always be put to the relevant Scrutiny Committee of the Council for comment. At present this will be the Public Realm Scrutiny Committee.

6.18 The Public Realm Scrutiny Committee has a membership of eleven Councillors. The Committee meets regularly throughout the year and all meetings are open to the public. The agendas are made public 5 working days before the meeting. For information about upcoming meetings dates and associated paperwork, and for
full details about the Committee's membership, please see the Committee documents. The Public Realm Scrutiny Committee's scrutinizes, amongst other things:

- The preservation, enhancement and protection of the built and natural environment.
- The provision, planning and management of measures for the protection and enhancement of the quality of life in the Borough, including planning policy.

6.19 Anyone can submit their comments on a draft planning policy or guidance document. The easiest way is to respond via the Council's website during the consultation period. Live consultations are listed on the Planning Policy page. Responding via the website is encouraged as the comments are collected in one place which makes their analysis easier. Those without access to a computer at home can use computers provided at the libraries and the Help Desks in the Town Hall. Comments can also be submitted by post or email to Policy@rbkc.gov.uk.

6.20 We are able to provide support for people who need to access documents and comment in languages other than English, or in Braille, large format or audio. Please contact Planning and Borough Development if this support is required.

6.21 A summary of comments received, and the responses that the Council will make to them, will be made available on the website, once the document is finalised.

**Adopting the final document**

**Policy**

6.22 After taking account of comments from the public, the Council will publish the documents it proposes to submit to the Secretary of State. The publication of the draft development plan document will be informed by earlier public involvement. The underlying premise should be that the plan is considered 'sound' by the local authority at the time it is published. The tests of soundness are set out in the NPPF. To be sound the plan must be positively prepared, justified, effective, and in consistent with national policy.

6.23 The way in which people can respond becomes much more formal at this stage. Comments can only relate to whether it has been prepared in accordance with the Duty to Cooperate, the relevant legal and procedural requirements, and whether it is considered to be 'sound'. As such, comments at this stage should only make reference to these matters. This consultation stage is a statutory requirement.

6.24 The Council does not alter the policy following representations at this stage. The policy documents, and the representations, are submitted to the Secretary of State. The Inspector will consider the representations that have been made as part of the independent examination. A date for the Independent Examination and any Inquiry will then be set, probably no more than three months in the future.
6.25 Following the Independent Examination, the Planning Inspector will prepare a report advising on any changes to the policy document which are required. The Inspector's Report will be binding on the Council, at which stage it must be adopted by the Council. A six week period for legal challenge exists at this stage.

Guidance

6.26 The planning department may make changes in light of comments received during consultation. A summary will be produced to provide a response to the points that have been raised. This will be available on our website.

6.27 The final document is then adopted through a Key Decision by the Cabinet Member for Planning Policy. The Council holds a forward plan of future Key Decisions. Key Decisions must be on the forward plan for 28 days before the decision process begins. The Cabinet Member makes a provisional decision, but before that can be confirmed, there is a 5 day period when public comments can be made. These have to be taken into account before the decision can be confirmed.

6.28 Planning policy and guidance must respond to ever changing local and national circumstances. They are monitored for their effectiveness and relevance and subsequently reviewed if required. The 'Involving the Public in Planning' document will be kept under review, and revised where necessary. This will occur if significant changes have occurred in the types of groups which we wish to engage, or different techniques for engagement are to be employed, to ensure all sectors of society are being reached and it continues to be representative of preferred consultation methods.
7. Developing a Neighbourhood Plan

7.1 The Localism Act 2011 has introduced new powers to allow groups of residents to create development plans for their areas through neighbourhood planning. Previously all development plans have been written by local planning authorities but now designated community groups can establish planning policies to shape development and growth in their local area.

7.2 In addition to the Localism Act, the government has produced the Neighbourhood Planning Regulations, which came into force on 6th April 2012, establishing the national requirements for neighbourhood planning.

What do the new powers mean?

7.3 In relation to planning, the new powers allow local communities to shape new development by coming together to prepare Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders.
Diagram 7.4: Step by step process to prepare a Neighbourhood Plan

1. Check that a neighbourhood plan is the right approach

2. Apply to the Council to be designated a Neighbourhood Forum and Area

3. Prepare a Neighbourhood Plan setting out your proposals for the area

4. Consult local people on your plan

5. Submit your plan to the Council with details of the local consultation you have conducted

6. Your plan will be put out to formal consultation by the Council and subjected to independent examination to make sure it complies with all the legal requirements.

7. A referendum will be held in the local area, provided more 50% of those who vote agree with the plan it will be adopted by the Council and become part of our Local Development Framework (LDF)
Neighbourhood Plan

A Neighbourhood Plan sets out policies in relation to development and use of land in a particular Neighbourhood Area. Neighbourhood Plans are not developed by the Local Planning Authority but they do have to be in general conformity with the strategic policies in the Core Strategy and London Plan. They are intended to be tools for positive planning, not a way of preventing development and in particular they cannot introduce controls that are additional to existing planning law and regulations.

Neighbourhood Development Order

A Neighbourhood Development Order sets out the type of development that can take place a particular Neighbourhood Area without the need for a planning application to be made.

Community Right to Build Order

Allows certain community organisations to bring forward smaller-scale development on a specific site, without the need for planning permission.

Neighbourhood Forum

Neighbourhood planning can be taken forward by two types of body - town and parish councils or, where these do not exist, 'neighbourhood forums'. A neighbourhood forum must be designated by the local authority. It must be an organisation that is established to promote the social, economic and environmental well-being of an area and has membership of at least 21, which is open to people who live, work and those who are elected to represent the area concerned.

Neighbourhood Area

A Neighbourhood Area is the area to which a neighbourhood plan applies. The neighbourhood area must be designated by the Local Authority. There cannot be more than one Neighbourhood Plan relating to a Neighbourhood Area and areas cannot overlap.

7.4 Provided that they meet the requirements of the Regulations the Council will advertise applications for designation as a neighbourhood forum or a neighbourhood area on its website. Anyone wishing to object can do so in writing or by email.

7.5 Formal consultation and examination of neighbourhood plans will follow the same process as for planning policies (see section 6).

The purpose of Neighbourhood Planning

7.6 The key to developing and delivering a Neighbourhood Plan is having a clear purpose. A neighbourhood plan is a planning policy document. It would be one of a suite of policy documents against which planning applications in a local area would be assessed. Thought must be given to the aims and ambitions and whether these can be delivered through planning policy.
7.7 Neighbourhood Planning is optional so people should not feel that their area will miss out if it does not have a Neighbourhood Plan. The Council's Core Strategy has identified and planned for a number of 'places', these may be sufficient in themselves or more detail could be provided with neighbourhood plans.

7.8 The Council has a number of other means of getting involved in making improvements in local areas like City Living Local Life (www.rbkc.gov.uk/citylivinglocallife) or Conservation Area Appraisals which may be an easier way to make a difference in a particular area.

7.9 A Neighbourhood Plan is produced by local people, not the local authority. This can be time consuming and resource intensive so those interested need to be realistic about what they might be undertaking. Just as the Council is required to consult when preparing policy and development plans, it is essential that community groups do the same to ensure that the neighbourhood plan expresses the wishes of the whole community.

7.10 The Council is not required to provide financial help to support neighbourhood planning but we will provide some technical advice to assist neighbourhoods in drawing up their proposals. We have established a Neighbourhoods Team to deal with place specific issues in the borough and part of their remit is to support groups interested in Neighbourhood Planning.

7.11 If it is considered by local people that a Neighbourhood Plan would be the right way to help to shape development in their area we have produced a detailed toolkit of advice and guidance on the process, which is available on the Council's website (http://www.rbkc.gov.uk/businessandenterprise/towncentresneighbourhoods/neighbourhoodplanning.aspx ).
Appendices

Appendix A: Role of Elected Councillors in making planning decisions

A1 Elected Councillors also referred to as the Members of the Council, are the Council’s decision makers. They include Ward Councillors, who are the primary spokespeople and democratically elected representatives for their local areas.

A2 For planning applications, the responsibility sits with the Planning Applications Committee and Major Planning Development Committee. Information on which Councillors serve on these committees is on the Council’s website. Only a small percentage of applications are taken to the Committees as many can be decided by the Executive Director under ‘delegated powers’ - powers the Committee has delegated to officers. This ensures we can maintain an efficient administrative process.

A3 A planning application is assessed against the Development Plan which includes the Borough’s planning policies and the London Plan. Government guidance is also taken into account as well as other relevant matters, known as ‘material considerations’. Before a decision is taken there is an opportunity for the public to comment. Those comments are taken into account.

A3 The adoption of borough planning policy that will form part of the Development Plan is a decision for the Council as a whole. Regulations require the public are involved throughout the preparation of these documents. Early drafts of plans are taken through the appropriate Scrutiny Committee.

A4 The adoption of supplementary policy (policy that supplements the Development Plan) is a decision for the Cabinet Member for Planning Policy, through the Key Decision process, or a decision for the full Cabinet. Again, the regulations require that comments of the public are taken into account prior to adoption, and again, the Scrutiny Committees are invited to comment on draft documents.

A5 Local Ward Councillors are there to make sure the views and opinions of their constituents are heard. All Ward Councillors are sent a ‘Weekly List’, providing details of all planning applications received by the Council. This enables all elected members to be in touch with all development proposals in their local area. To find out which ward you live in, and who your local Councillors are, please visit the Council website www.rbkc.gov.uk. Either by contacting them directly or by having your Councillor involved in local community group meetings, your Councillor can effectively communicate the views of your local community. You may find that the issues you are concerned about could be resolved through City Living, Local Life. This is a new ward initiative where local people and Councillors identify local issues that matter and find practical ways to make their area a better place to live.
Appendix B: Planning Applications Committee and Major Planning Development Committee

Planning Applications Committee decides those applications where:

- there have been three or more objections and the Executive Director for Planning and Borough Development is recommending that planning permission should be granted
- a Councillor has requested that the application be considered by Committee or the Executive Director for Planning and Borough Development has decided that the application should be considered by the Committee
- an application is contrary to the Council’s planning policies and the Executive Director’s recommendation is to grant permission

Major Planning Development Committee decides those applications which:

- involve a significant departure from the development plan
- fall within the categories of development which must be referred to the Mayor of London
- are referred by the Planning Applications Committee or
- in the opinion of the Executive Director for Planning and Borough Development should be decided by this Committee
## Appendix C: Statutory requirements for publicity of planning applications

The Council publicises applications for planning permission in accordance with the following schedule and notes. These are under review.

<table>
<thead>
<tr>
<th>Nature of proposed development</th>
<th>Relevant secondary legislation</th>
<th>Statutory publicity</th>
<th>Current publicity carried out by RBKC: up for review</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application accompanied by an EIA (Environmental Impact Assessment)</td>
<td>Town and Country Planning (Development Management Procedure) Order 2010</td>
<td>Council to advertise in local press Site notice to be displayed for 21 days Website</td>
<td>Press notice Website Site notice Neighbour notification</td>
</tr>
<tr>
<td>Departure from the development plan (currently adopted Unitary Development Plan)</td>
<td></td>
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</tr>
<tr>
<td>Proposal affecting a public right of way</td>
<td>Town and Country Planning (Development Management Procedure) Order 2010</td>
<td>Council to advertise in local press Site notice to be displayed for 21 days Website</td>
<td>Press notice Website Site notice</td>
</tr>
<tr>
<td>Major development: (Development of more than 10 dwellings, or more than 1000m² of floorspace or on a site larger than 0.5ha)</td>
<td>Town and Country Planning (Development Management Procedure) Order 2010</td>
<td>Council to advertise in local press Site notice to be displayed for 21 days or neighbour notification Website</td>
<td>Press notice Website Site notice Neighbour Notification to those who physically adjoin the site</td>
</tr>
<tr>
<td>Minor development: (Development of 10 or less dwellings, less than 1000m² floorspace or on a site less than 0.5ha)</td>
<td>Town and Country Planning (Development Management Procedure) Order 2010</td>
<td>Site notice to be displayed for 21 days or neighbour notification Site notice and Press notice if application affects the character or appearance of a Conservation Area or Listed Building Website</td>
<td>Press notice Website Site notice Neighbour Notification to those who physically adjoin the site</td>
</tr>
<tr>
<td>Householder Development</td>
<td>Town and Country Planning (Development Management Procedure)</td>
<td>Site notice to be displayed for 21 days or neighbour notification</td>
<td>Press notice Website Site notice Neighbour</td>
</tr>
<tr>
<td>Change of Use</td>
<td>Town and Country Planning (Development Management Procedure) Order 2010</td>
<td>Site notice to be displayed for 21 days or neighbour notification</td>
<td>Press notice Website Site notice Neighbour Notification to properties who physically adjoin the application site</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
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<td>---------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Variation or removal of condition(s) attached to a previous approval</td>
<td>Town and Country Planning (Development Management Procedure) Order 2010</td>
<td>Site notice to be displayed for 21 days or neighbour notification</td>
<td>Press notice Website Site notice Neighbour Notification to properties who commented on original application</td>
</tr>
<tr>
<td>Listed Building Consent</td>
<td>The Planning (Listed Buildings and Conservation Areas) Regulations 1990</td>
<td>Council to advertise in Local press Website</td>
<td>Website Press notice Site notice</td>
</tr>
<tr>
<td>Conservation Area Consent</td>
<td>The Town and Country Planning (Control of Advertisements) Regulations 2007</td>
<td>Nil</td>
<td>Website</td>
</tr>
<tr>
<td>Consent to display advertisements</td>
<td>The Town and Country Planning (Control of Advertisements) Regulations 2007</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Discharge of Planning Conditions</td>
<td>Town and Country Planning Act 1990</td>
<td>Nil</td>
<td>Nil</td>
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<tr>
<td>Applications for Non-Town and Country Planning</td>
<td>Town and Country Planning Act 1990</td>
<td>Nil</td>
<td>Nil</td>
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<td>-----------------------------------------------------------------------------------</td>
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<tr>
<td>As per original application requirements - please see relevant category</td>
<td>As per original application requirements - please see relevant category</td>
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<tr>
<td>Certificate of Lawful Use or Development - Existing</td>
<td>The Planning (Listed Buildings And Conservation Areas) Regulations 1990</td>
<td>Nil</td>
<td>Website</td>
</tr>
<tr>
<td>Certificate of Lawful Use or Development - Proposed</td>
<td>The Town and Country Planning (Control of Advertisements) Regulations 2007</td>
<td>Nil</td>
<td>Website</td>
</tr>
<tr>
<td>Applications for works to trees covered by Tree Preservation Orders</td>
<td>Nil</td>
<td>Website</td>
<td>Press notice Letters sent to those registered on the Council's system</td>
</tr>
<tr>
<td>Demolition determination as to whether prior approval of LPA is required</td>
<td>The Town and Country Planning (General Permitted Development) Order 1995</td>
<td>Applicant/agent to display site notice for 21 days of the 28 day period</td>
<td>Website</td>
</tr>
<tr>
<td>Prior approval to demolish</td>
<td>Town and Country Planning (Development Management Procedure) Order 2010</td>
<td>Nil</td>
<td>Website</td>
</tr>
<tr>
<td>Telecommunications prior approval</td>
<td>The Town and Country Planning General Permitted Development) Order Part 24</td>
<td>Site notice to be displayed by Council for 21 days or neighbour notification</td>
<td>Website Site notice Press notice if proposal affects the character or appearance of a</td>
</tr>
<tr>
<td>Conservation Area or proposal affects a Listed Building</td>
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<tr>
<td>Observations from another Council</td>
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<tr>
<td>Nil</td>
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<td></td>
<td></td>
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<tr>
<td>Website Neighbour notification to properties within RBKC</td>
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</tbody>
</table>
Appendix D: General and Specific Consultation Bodies

The general consultation bodies are listed in Part 1, section 2 of the Town and Country Planning (Local Development) (England) Regulations 2004. The regulations identify five types of bodies as general consultation bodies that relate to voluntary organisations representing certain groups within the community.

"general consultation bodies" means the following bodies—

(a) voluntary bodies some or all of whose activities benefit any part of the authority's area,

(b) bodies which represent the interests of different racial, ethnic or national groups in the authority's area,

(c) bodies which represent the interests of different religious groups in the authority's area,

(d) bodies which represent the interests of disabled persons in the authority's area,

(e) bodies which represent the interests of persons carrying on business in the authority's area;

The specific consultation bodies are listed in The Town and Country Planning (Local Development) (England) Regulations 2004 (as amended) and relate to organisations responsible for services and utilities and infrastructure provision.

"specific consultation bodies"—

(a) in relation to a local planning authority whose area is in a region other than London, means the regional planning body and the bodies specified or described in sub-paragraphs

(i) to (x);

(i) the Countryside Agency,
(ii) the Environment Agency,
(iii) the Historic Buildings and Monuments Commission for England(c),
(iv) English Nature,
(v) the Strategic Rail Authority,
(vi) the Highways Agency,
(vii) a relevant authority any part of whose area is in or adjoins the area of the local planning authority,
(viii) a Regional Development Agency whose area is in or adjoins the area of the local planning authority,
(ix) any person-

(aa) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and

(bb) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority,

(x) if it exercises functions in any part of the local planning authority's area

(aa) a Strategic Health Authority,
(bb) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989,

(cc) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986,

(dd) a sewerage undertaker,

(ee) a water undertaker;

(b) if the authority are a London borough council, means the Mayor of London and the bodies specified or described in paragraph (a)(i) to (x)