



## Allerdale Borough Council Local Plan Legal Compliance Checklist (January 2019)

This checklist has been updated for PAS by SNR Denton. It supersedes the previous checklist and is based on **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**. It should be used with the Soundness Self Assessment Checklist (also updated January 2013).

Remember that the evidence you provide to support your plan should be relevant and proportionate. Please don't use this checklist as a reason to assemble more than is needed.

### Glossary:

"Act" means the **Planning and Compulsory Purchase Act 2004 (as amended)**

"NPPF" means the **National Planning Policy Framework** published March 2012

"Regulations" means the **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

### Stage one: The early stages

Where the 'possible evidence' column refers to a document that will not be complete until a later stage (for example, the sustainability appraisal report), documents that will contribute to that report are relevant at the earlier stages. This way, the submitted report provides the evidence at submission, with an audit trail back to its source.

In terms of legal compliance, the main issues for the early stage are in relation to:

- planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- identifying significant cross boundary and inter-authority issues
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.



Regulation 17 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 18 is one of the proposed submission documents. In this tool, the term 'consultation statement' is used to describe this statement.

Section 33A of the Act (introduced by the Localism Act 2011) introduces a duty to cooperate as a mechanism to ensure that local planning authorities and other bodies engage with each other on issues which are likely to have a significant effect on more than one planning area. This pervades every stage of the plan preparation. A plan may be found unsound if a council cannot show that it has taken reasonable steps to comply with the duty.

### Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>	<p>NPPF para 153</p>	<p>The Local Plan (part 2) has appeared in the LDS since the start of the process.</p> <p>The latest Local Development Scheme was an update on June 2018. It revised the publication and submission dates, setting both back by a month.</p>	<p>LDS September 2018</p>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150, 155 and 157</p>	<p>The SCI was adopted in 2010.</p> <p>The LDS sets out the work programme for the Local Plan (part 2) including consultation stages.</p> <p>At each stage of engagement a consultation document and summary was produced. Analysis of results from Issues and</p>	<p>SCI 2010</p> <p>LDS September 2013</p> <p>Reg.22 Consultation Statement</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			Options was published on the Council website. Summary of Preferred options comments and Council response published alongside Pre-submission draft of local plan (part 2)	
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	SCI sets out the approach to appropriate bodies A live database of consultees is maintained	SCI 2010 Consultation statement
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)  The Act Section 20(5)(c)  Regulation 4	NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))  Under NPPF Para 182, to be 'Effective' a plan should be based on effective	Duty to Cooperate Topic Paper sets out activity strategic cross boundary matters. Many were examined as part of the Local Plan (part 1) Examination in Public.	Duty to Cooperate Topic paper Reg. 22 Consultation statement

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
areas?		<p>joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>		
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>The Local Nature Partnership and Local Enterprise Partnership have been consulted at each stage of the plan preparation.</p> <p>The Council is represented on the Technical Officers group which feeds into the LEP board on strategic planning, housing, transport and economic development matters.</p>	<p>Consultation Statement Duty to Cooperate topic paper</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect</p>	<p>The Act section 13</p>	<p>NPPF paras 158 - 177</p>	<p>The Local Plan is supported by an extensive evidence base. The evidence base is kept under</p>	<p>Evidence documents can be found at <a href="http://www.allerdale.gov.uk/siteallocations">www.allerdale.gov.uk/siteallocations</a></p> <p>AMR's from 2004</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
the development of the area under review?			<p>review and up dated. Both parts of the Local Plan sets out a monitoring framework to ensure the objectives, policies and sites of the local plan are being delivered</p> <p>Baseline information is gathered each year for the Annual Monitoring report.</p>	
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>	Base line evidence was collected and contained in the Scoping report in 2014. The baseline evidence was been kept under review and up dated during the next stages of the Sustainability Appraisal and Habitat Regulation Assessment process.	<p>Sustainability report scoping document</p> <p>Sustainability appraisal report for Preferred options and Pre-submission draft</p>
8. Have you consulted the statutory	Regulations 9 and 13 of The	NPPF paras 165 and 167	Consultation was carried out in	<p>Copies of consultation letters</p> <p>Summary of responses</p>



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?</p>	<p>Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>SEA Guide chapter 3</p>	<p>September 2013.</p>	



## **Stage two: Plan preparation - frontloading phase**

Information assembled during this phase contributes to:

- showing that the procedures have been complied with
- demonstrating cooperation with statutory cooperation bodies
- developing alternatives and options and appraising them through sustainability appraisal and against evidence.

The council should record actions taken during this phase as they will be needed to show that the plan meets the legal requirements. They will also show that a realistic and reasonable approach has been taken to plan preparation.



## Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Have you notified: <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	<p>Yes, specific and general consultation bodies have been invited to comment in accordance with the Statement of Community Involvement</p> <p>The consultation document summaries responses from these bodies and the Council response.</p>	<p>Reg. 22 Consultation statement sets out which organisations and individuals were invited to comment at each stage.</p> <p>Including copies of consultation letters and consultation material used.</p>
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173	<p>Yes, the local plan database contains individuals and organisations that have been contacted at each stage of consultation.</p> <p>Details of who was consulted at each stage is detailed in the</p>	<p>Reg. 22 Consultation statement Issues and Options.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			consultation statement	
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	Yes the Infrastructure Delivery Plan 2018	Strategy for Infrastructure Copies of correspondence and replies
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Yes, details of how the representations were considered are set out in the consultation statement and results of the Issues and Options were included in the Preferred Options document	Consultation statement Issues and Options report 2006 Preferred options document (linked to Issue and Options consultation response) Executive report January 2013
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5)  Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168  SEA Guide, chapter 3	The Sustainability Appraisal includes a section on consultation. The Local Plan has involved the consideration of a range of alternative options.  Each stage of the local Plan development has been accompanied by an SA report for public consultation.	Scoping report 2006 Issues and Options Sustainability Appraisal report 2007 Preferred Options Sustainability report 2012

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>6. Is the participation:</p> <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable community strategy?</li> <li>• proportionate to the scale of issues involved in the DPD?</li> </ul>	<p>The Act section19(3)</p>	<p>NPPF para 155</p>	<p>The Council considers that consultation has been carried out in accordance with the SCI. The consultation methods have been expanded to include new social media</p> <p>The consultation statement sets out the consultation methods</p> <p>The Preferred options document and local plan set out the links to the Sustainable Community Strategy.</p>	<p>Consultation Statement</p> <p>Statement of Community Involvement 2007,2010</p> <p>West Cumbria Sustainable Community Strategy</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <li>• the individuals or bodies invited to make representations?</li> <li>• how this was done?</li> <li>• the main issues raised?</li> </ul>	<p>The Act section20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>Yes, all comments are summarised on the LDF database with each individual having a unique reference number.</p> <p>Consultation statement sets out who was consulted, how, issues raised and how they were</p>	<p>Consultation Statement</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			dealt with for the pre-submission consultation.	
8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)  The Act section 20 (5)(c)	NPPF paras 178 to 181	The Duty to Cooperate Compliance Statement sets out the approach and outcome of joint working, which includes joint evidence base, policy approach and county- wide groups.  The County Council has been particularly involved in the Infrastructure Strategy  All the Duty to Cooperate bodies was invited to comment on the Preferred Options and the pre-submission draft.	Consultation Statement Duty to Cooperate Compliance Statement Minutes of meetings Joint evidence base Joint policy approach
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	The Act section 33A(1)(c) and Section 33A(9).  The Act section 20(5) (c).	NPPF paras 178 to 181	The Local Nature Partnership is at an early stage but the main partners have been engaged separately from the Issues and Options on wards	Duty to Co-operate Compliance Statement Consultation Statement

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Regulation 4		The Local Enterprise Partnership was consulted on the preferred options in June 2012 and individual partners have been involved prior to the creation of the LEP. The Council is represented on the Technical Officers group which feeds into the LEP board on strategic planning, housing, transport and economic development matters.	
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35  Regulation 34  Regulation 17 of The Environmental Assessment of Plans and Programmes	NPPF paras 165 - 1687  SEA Guide, Chapter 5	Monitoring framework adopted in the Local Plan (part 1- appendix 7). This has been supplemented to monitor delivery of the site allocations in Appendix 2 of the emerging Local plan (part 2). Outcomes are reported annually in the Annual Monitoring Report	Appendix 7 of the adopted local plan (part 1) Appendix 2 pre-submission draft of the Local plan (part 2) Annual Monitoring Report Sustainability Appraisal Monitoring Framework



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Regulations 2004 No1363			



### **Stage three: Plan preparation - formulation phase**

This stage has many legal matters, for process and content, to address. The council should be beginning to formulate the preferred strategy for the local plan or supplementary planning document with which the council chooses to address Regulation 18 requirements, using the information gathered and previous collaborative work with stakeholders.

Para 182 of the NPPF makes it clear that explicit consideration of alternatives is a key part of the plan making process.

You should evaluate the reasonable alternatives identified in 'stage two: frontloading phase – plan preparation' phase against the:

- completed body of information from evidence gathering
- results of sustainability appraisal
- findings from community participation
- findings from engagement with statutory cooperation bodies.

This may be written up as a preferred strategy report. The results of participation on the preferred strategy and an accompanying sustainability report will enable the council to gauge the community's response and receive additional evidence about the options. The council can then decide whether, and how, the preferred strategy and policies should be changed for publishing the finished DPD.

Alternatives developed from the evidence and engagement during the frontloading stage need to be appraised to decide on the preferred strategy. Participation will also need to be carried out on it.

These matters need to be considered, and dealt with, in good time, and not left until publication. Supporting documents will assist in providing evidence that decisions on alternatives and strategy are soundly based. These documents will, in due course, become part of the proposed submission documents in stage four.

**The council should tell all parties that this is the main participation opportunity on the emerging plan. The publication stage will not be a participation or consultation process.** The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.



### Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182  SEA Guide, Chapter 5	Sustainability Appraisal Reports evaluated reasonable alternatives.  The discussion papers at Call for Sites and Issues and Options helped develop reasonable alternatives.  Reasonable alternatives were included in the Preferred Options consultation.	Call for sites discussion paper 2013 Issues and Options document 2014 Preferred options document 2017 Draft Allerdale Sustainability Appraisal 2017  Final Sustainability Appraisal report 2018

<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> <li>• consistency with national policy?</li> <li>• general conformity with the regional spatial strategy where still in force?</li> </ul>	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>Consistency with national and Local plan (part 1) policies formed part of the site assessment methodology.</p> <p>Links to the National Planning Policy Framework are highlighted below each policy.</p>	<p>Preferred options document January 2017. Allerdale Sustainability Appraisal 2018</p>
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development strategy for London?</li> <li>• Planning Policy for Wales?</li> <li>• the National Planning Framework for Scotland?</li> </ul>	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>N/A</p>	<p>N/A</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p>	<p>NPPF paras 181 and 185</p>	<p>Strategic cross boundary matters were examined in detail at the Examination in Public for the Local Plan (part 1). Cooperation has continued</p>	<p>Reg.22 consultation statement Infrastructure Delivery Plan 2018 Duty to Cooperate topic paper 2018</p>

Have you discussed doing joint local development documents?	Section 20(5) (c)		during the preparation of the Local plan (part 2) particularly in relation to infrastructure provision.	
5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 33A(2)(a), section 33A(6)(a)  The Act section 20 (5) (c)  Regulation 4	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	Reg.22 consultation statement Infrastructure Delivery Plan 2018 Duty to Cooperate topic paper 2018
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182		Duty to Cooperate topic paper Reg.22 Consultation Statement
7. Are you having regard to: <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>• any other local development documents adopted by</li> </ul>	The Act section 19(2)			The Allerdale Local Plan (Part 1) clearly demonstrates link to the relevant Sustainable Community Strategy see section 'what else is it delivering' and tables after each policy.  Local Plan (part 2) pre-submission draft is consistent with Local Plan (part 1). In

the council?				particular spatial strategy and level of housing and employment growth.
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> <li>resources</li> <li>the local/regional economy</li> <li>the local transport plan and transport facilities and services</li> <li>waste strategies</li> <li>hazardous substances</li> </ul>	<p>The Act section 19(2)</p> <p>Regulation 10</p>		<p>Local plan (part 1) sets the strategic direction for the Local plan (part 2). The second of the Local Plan is consistent with the Vision and Strategy of part 1 and as such supports delivery of other relevant strategies.</p>	
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section 19(1A)</p>	<p>NPPF paras 93 -108</p>	<p>Local Plan (part 1) has adopted strategic policies that address mitigation and adaptation to climate change. This has been embedded in to the site assessment methodology during the Local Plan (part 2) preparation.</p>	<p>Site assessment methodology.</p>
<p>10. Have you undertaken the sustainability appraisal of</p>	<p>The Act</p>	<p>NPPF para 182</p>	<p>Regulation 13 of The Environmental</p>	<p>Draft Allerdale Sustainability Appraisal 2017</p>

alternatives, including consultation on the sustainability appraisal report?	section19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	SEA Guide, Chapter 5	Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	Sustainability Appraisal Report 2018.  Reg.22 Consultation Statement.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	Preferred options document Allerdale Sustainability Appraisal 2018 Discarded sites locality documents.
12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?	Regulations 17, 18(3) and 22 (1) (c) (iv)  Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 150, 155, 157 and 159-171	All comments have been summarised with each individual having a unique reference number.  The Consultation statement sets out who was consulted, how, issues raised and how they were dealt with for the pre-submission consultation documents (including SA and HRA).	Reg.22 Consultation Statement

<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> <li>• enable you to amend the currently adopted policies map?</li> <li>• inform the community about the location of proposals?</li> </ul>	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>Policies Map has been updated to reflect adopted and pre-submission draft proposals.</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150 and 155</p>		<p>Reg.22 Consultation Statement.</p>



#### **Stage four: Publication**

Under Regulation 20, the period for formal representations takes place **before** the DPD is submitted for examination in accordance with a timetable set out in the statement of the representations procedure which is made available at the council's office and published on its website.

When moving towards publication stage, the council should consider the results of participation on the preferred strategy and sustainability appraisal report and decide whether to make any change to the preferred strategy. In the event that changes are required, the council will need to choose either to:

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

The latter may be appropriate where the changes to the DPD bring in changed policy or proposals not previously covered in community participation and the sustainability appraisal. It avoids having to treat publication as if it were a consultation, which it is not. It also provides insurance in relation to compliance with the Strategic Environmental Assessment Regulations. Legally, during any participation on a revised preferred strategy, you should:

- comply with the requirements of the SCI
- update the sustainability appraisal report.

The council should then produce the DPD in the form in which it will be published. This includes removing material dealing with the evaluation of alternatives and the finalisation of the text. The council should be happy to adopt the DPD in this form, and satisfied that it is sound and fit for examination.

**You should make it clear that publication of a DPD is not public participation, nor a consultation.** The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness.

The possibility of change under certain circumstances (which should be exceptional) is allowed for in the new procedures, and is described in 'stage five: submission'.

## Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Have you prepared the sustainability appraisal report?	The Act section 19(5)  Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168  SEA Guide Chapter 5		Allerdale Sustainability Appraisal Report 2018
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).  Consultation period from 3 May to 12 July (extended from 18 June)	Statement of Representations Legal Notice Reg. 22 Consultation statement Council website
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"><li>the proposed</li></ul>	Regulation 19(a)		Regulation 17 gives definitions.	Statement of Representations Legal Notice Reg. 22 Consultation statement

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
submission documents? <ul style="list-style-type: none"> <li>the statement of the representations procedure?</li> </ul>				Council website Letter to deposit locations
4. Have you published on your website: <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> <li>statement and details of where and when documents can be inspected?</li> </ul>	Regulations 19 and 35		Regulations 2 and 17 give definitions.	Statement of Representations Legal Notice Reg.22 Consultation statement Council website
5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> <li>A copy of each of the proposed submission documents</li> <li>The statement of the representations</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	Reg.22 Consultation statement Council website

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
procedure?				
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• the statement of the representations procedure?</li> <li>• where and when the documents can be inspected?</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	Copies of correspondence recorded Reg. 22 Consultation statement
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	The Act section 24 Regulation 21		<p>The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).</p> <p>Not applicable</p>	N/a



## Stage five: Submission

At the submission stage, the council should receive and collate any representations made at publication stage. You don't have to report these representations to councillors but there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered. Or you might just think it is a good idea to report on it anyway.

If they are reported it should be on the facts of the representations made, not the results of a consultation process by the council. They should not be treated as a consultation or an opportunity to make changes or answer representations. NB: under the 2012 Regulations there is no longer any requirement to give notice by local advertisement.

You should ensure you are in legal compliance with the SCI, the Habitats Directive and the Strategic Environmental Assessment Directive in any additional work. Any formal publication of additional or changed matters would need to allow at least a six-week period for representations to be made.

There are different approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements if any changes are made (and any consequential effects on the DPD as a whole).

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission.

## Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the	The Local Plan (part 2) is detailed in the LDS September 2018. The timescales have been met.



Have the timescales set out in the LDS been met?

2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?

The Act section 19(2)

NPPF para 182

3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?

The Act section 19(3)

Regulation 22(1)(c)

4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEAs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues  
If you have not agreed on

The Act section 33A(1) and section 20(5)

NPPF paras 181 and 182

Regulations.

The Sustainable Community Strategy has been referenced in P6 of the Local Plan (part 1) "What else is it delivering" and is referenced in the table after each policy.

Reg.22 Statement  
Consultation Statement

Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.

Reg.22 Consultation  
Statement  
Duty to Cooperate paper.



the approach is there a justification?

<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)  Regulation 22(1)(a)</p>	<p>NPPF para 165  SEA Practical Guide, chapter 5</p>	<p>Yes. Sustainability Appraisal Report September 2018.</p>	
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>	<p>Details of how the Local Plan (part two) complies with national policy is set out in the soundness toolkit.</p>	
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification?</p>	<p>The Act section 24(1)(a) and 24(4)  Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>N/A</p>
<p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development</p>				



strategy?

<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>Copies of correspondence and website details. Reg 22 Consultation Statement.</p>
<p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p>	<p>Regulations 8 and 19</p>			<p>Yes. Reg 22 Consultation Assessment.</p>
<p>Does the DPD contain a list of superseded saved policies?</p>				<p>Appendix 4 of the Local Plan (2) includes a schedule of superceded policies</p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 &amp; 22(1)</p>			<p>The Policies Map has been amended to reflect change in policy and site allocations.</p>
<p>If yes, have you prepared a submission policies map?</p>				
<p>10. Is the DPD consistent</p>	<p>Regulation 8(3)</p>		<p>Development Plan is</p>	<p>It is consistent with Local Plan</p>



<p>with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>and (4)  Regulation 8(5)</p>	<p>defined in Section 38 of the Act.</p>	<p>(part 1)</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> <li>• Which bodies and persons were invited to make representations under Regulation 18?</li> <li>• How they were invited?</li> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>	<p>The Act section 20 (3)  Regulation 22(1)(c)</p>	<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>Consultation statement as required in Regulation 22(1)(c)</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> <li>• the number of representations made under Regulation 22?</li> <li>• a summary of the main issues raised?</li> </ul>	<p>The Act section 20(3)  Regulation 22(1)(c)</p>		<p>See Reg. 22consultation statement</p>



OR

- that no representations were made?

13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3)  Regulation 22(1)(e)		Copies of the representations Core Document CD11
14. Have you assembled the relevant supporting documents?	The Act section 20(3)  Regulation 22(1)(g)		Displayed on website and electronic copies sent to PINS
15. Has your council approved the DPD for submission?	The Act section 20	Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Minute of Full Council 19 March 2018 – Reg 22.consultation statement
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"><li>• the DPD?</li><li>• the submission policies map (unless there are no site allocation</li></ul>	The Act section 20(1) and 20(3)  Regulations 22(1) and 22(2)	Regulation 35 deals with the availability of documents and the time of their removal.  Electronic copies of some of the representations and supporting documents may not be practicable.  Regulation 35 deals with	Submission letter to PINS



policies)?

- the documents prescribed in Regulation 22(1)?

17. Have you made the following available at the same places where the proposed submission documents were to be seen:

- The DPD?
- The documents prescribed in Regulation 22(1)?

18. On your website, have you published the:

- DPD?
- submission policies map?
- sustainability appraisal report?
- Regulation 22(1)(c) statement?
- supporting documents (where practicable) ?
- representations made under Regulation 20

Regulation 22(3)

Regulation 22(3) and 35(1)(b)

the availability of documents and the time of their removal.

You should do this as soon as reasonably practicable after submission.

You should do this as soon as reasonably practicable after submission.

Correspondence to deposit locations. Core Document CD19

Record of publication see Core Document CD19



(where practicable) ?

- statement as to where and when the DPD and the documents are available?

<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> <li>• notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</li> <li>• where and when they can be inspected?</li> </ul>	<p>Regulation 22(3)(b)</p>	<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>Copies of correspondence see Core Document CD19</p>
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>	<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>See above</p>
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> <li>• published the time and place of the</li> </ul>	<p>The Act section 20 Regulations 24 and 35</p>	<p></p>	<ul style="list-style-type: none"> <li>i. Record of publication of information</li> <li>ii. Record of sending</li> <li>iii. Copies of correspondence</li> <li>iv. Copy of advertisement</li> </ul>



planning advisory service

examination and the name of the person appointed to carry out the examination on your website?

- notified those who have made representations on the published DPD which have not been withdrawn of these details?