



## Local Plan Legal Compliance Checklist (April 2013)

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 Site options 2015

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		LDS 2012 Doc Ref 12.5	<ul style="list-style-type: none"> <li>i. The adopted LDS at the time of commencement, publication and submission of the DPD</li> <li>ii. The relevant authority monitoring report (if changes need to be explained)</li> </ul>
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3)  Regulation 18	NPPF paras 150, 155 and 157	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	The LDS identifies the formal public consultation for the production of the Local Plan and the Statement of Community Involvement sets out how engagement will take place at each stage SCI Doc ref 12.2	<ul style="list-style-type: none"> <li>i. The SCI</li> <li>ii. The project plan for the DPD</li> </ul>
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 -4.26	Regulation 2 defines the general and specific consultation	Identified in the SCI and Council report 15 June 2015 Doc ref 12.2 and 33.1	<ul style="list-style-type: none"> <li>i. The SCI</li> <li>ii. Reports and decisions setting out the approach to specific and</li> </ul>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
			<p>bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>		<p>general consultation bodies</p> <p>iii. Consultation statement</p>
<p>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 areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development</p>	<p>The Duty to Cooperate Statement and the Consultation Statement set out how the Council has cooperated with other local planning authorities and prescribed bodies.</p> <p>Duty to cooperate statement Doc ref 9.2 Consultation Statement doc ref 5.1</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
		<p>priorities are listed at NPPF Para 156</p>	<p>documents under section 28. The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</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>Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint</p>	<p>The Duty to Cooperate Statement and the Consultation Statement set out how the Council has cooperated with the LEP</p> <p>Duty to cooperate statement Doc ref 9.2</p> <p>Consultation Statement doc ref 5.1</p>	<p>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
			approaches to relevant activities.		
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF paras 158 - 177		See evidence base page on website <a href="https://www.staffsmoorlands.gov.uk/article/1163/Evidence-base">https://www.staffsmoorlands.gov.uk/article/1163/Evidence-base</a> Also examination library	<ul style="list-style-type: none"> <li>i. Documents dealing with collection of baseline information</li> <li>ii. Relevant technical studies</li> <li>iii. The annual monitoring report</li> </ul>
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	NPPF paras 165 and 167  Strategic Environmental Assessment Guide, chapter 5		<a href="https://www.staffsmoorlands.gov.uk/article/2861/Sustainability-Appraisal">https://www.staffsmoorlands.gov.uk/article/2861/Sustainability-Appraisal</a>  Doc ref 6.1	<ul style="list-style-type: none"> <li>i. Sustainability report scoping document</li> <li>ii. Sustainability appraisal report</li> </ul>
8. Have you consulted the statutory environment	Regulations 9 and 13 of The Environmental Assessment of	NPPF paras 165 and 167	The Strategic Environmental Assessment consultation	See summary report of SA responses	Copies of the consultation letters sent to and any responses from the

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<p>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>Plans and Programmes Regulations 2004 No 1633.</p>	<p>SEA Guide chapter 3</p>	<p>bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</p>	<p>Doc ref 6.7</p>	<p>bodies</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 PO sites and boundaries

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<p>1. Have you notified:</p> <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	Specific and general consultation bodies are defined in Regulation 2.	The Consultation Statement details the consultation carried out as part of the preparation of the Local Plan. The specific and general consultation bodies were included in this consultation .Consultation Statement for Preferred Options and Site Options Doc ref 5.1	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Copies of documents consulting these bodies</li> <li>iii. Record of discussions</li> <li>iv. Copies of representations made</li> <li>v. A brief statement setting out the reasons why any bodies have been omitted from or included in consultation</li> </ul>
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		The Consultation Statement details the consultation carried out as part of the preparation of the Local Plan. Consultation statement Doc ref 5.1	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Copies of documents consulting these persons</li> </ul>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
					<ul style="list-style-type: none"> <li>iii. Record of discussions</li> <li>iv. Copies of representations made</li> </ul>
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	The Consultation Statement details the consultation carried out as part of the preparation of the Local Plan. Consultation statement Doc ref 5.1	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Copies of documents consulting these people</li> <li>iii. Record of discussions</li> </ul>
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	Council report 13 April 2016 Doc ref 33.2 Consultation statement Doc ref 5.1	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Any reports on the selection of alternatives and options for the DPD</li> </ul>
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5)  Regulations 12 and 13 of The	NPPF paras 165 – 168  SEA Guide,		Initial Sustainability Report doc ref 6.2 Council report Doc ref 33.2	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Any reports on the selection of alternatives and</li> </ul>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
	Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	chapter 3			options for the DPD iii. Sustainability appraisal report
<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>	The Act section19(3)	NPPF para 155		Statement of Community Involvement Doc ref 12.3 Consultation statement doc ref 5.1	i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies
<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> </ul>	The Act section20(3)  Regulation 17	NPPF paras 158 - 171	You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.	The Statement of Consultation is the record of the consultation process and the main issues raised. statement doc ref 5.1  Council report doc ref 33.2	i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<ul style="list-style-type: none"> <li>the main issues raised?</li> </ul>			Regulation 35 deals with the availability of documents and the time of their removal.		correspondence iv. Technical reports on the engagement process
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	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.  Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	The Duty to Cooperate Statement details the issues affected other local authorities and how cross-boundary and strategic issues have been resolved. Duty to cooperate statement Doc ref 9.2  Consultation statement doc ref 5.1	i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a	The Act section 33A(1)(c) and Section 33A(9).  The Act section	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during	Duty to cooperate statement Doc ref 9.2  Consultation statement doc ref 5.1	i. Consultation statement ii. Reports by the council on the consultation iii. Copies of

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
local nature partnership (LNP)?	20(5) (c).  Regulation 4		plan preparation.  Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.		representations and relevant correspondence  iv. Technical reports on the engagement process
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 Regulations 2004 No1363	NPPF paras 165 - 1687  SEA Guide, Chapter 5	It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	A framework for monitoring the effects of the Local Plan was developed through the SA process. Initial Sustainability Report doc ref 6.2  The Local Plan also contains an Implementation Plan and Monitoring Framework.  The AMR will record the performance of the Local Plan policies against the monitoring indicators.	i. Sustainability appraisal report ii. The authority monitoring report iii. Reports or documents setting out the appraisal and monitoring framework



### **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 is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.

### Stage three: Preferred Option Consultation

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	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	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	The alternative options considered during the preparation of the plan are discussed in the background evidence papers and assessed within the Sustainability Appraisal.  Council report 12 July 2017 doc ref 33.5  Draft SA report Preferred options doc ref 6.3	Documents supporting decisions on alternatives and any preferred strategy
2. Have you assessed alternatives against: <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>	The Act section 19 (2), section 24	NPPF para 151	For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of	Council report 12 July 2017 doc ref 33.5  Draft SA report Preferred options doc ref 6.3	i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
			the DPD.		
<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>		Where the regional strategy has been revoked you should record that fact.	Not relevant	<ul style="list-style-type: none"> <li>i. Supporting documents</li> <li>ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate)</li> <li>iii. CLG notice of revocation of the regional strategy</li> </ul>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p>	NPPF paras 181 and 185	.	<p>The Duty to Cooperate Statement explains the consultation and cooperation that has been carried out to resolve and cross boundary issues. Duty to cooperate statement</p> <p>Duty to Cooperate statement doc ref 9.2</p>	<ul style="list-style-type: none"> <li>i. Supporting documents</li> <li>ii. Correspondence with LPA/County Council</li> </ul>



Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
doing joint local development documents?	Section 20(5)(c)				
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).	The Duty to Cooperate Statement explains the consultation and cooperation that has been carried out to resolve and cross boundary issues. Duty to cooperate statement  Duty to Cooperate statement doc ref 9.2	i. Supporting documents ii. Correspondence with prescribed bodies
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		The Duty to Cooperate Statement explains the consultation and cooperation that has been carried out to resolve and cross boundary issues. Duty to cooperate statement  Duty to Cooperate statement doc ref 9.2	i. Supporting documents ii. Correspondence with LEP/LNP
7. Are you having regard to: <ul style="list-style-type: none"> <li>your sustainable community</li> </ul>	The Act section 19(2)			Consultation statement doc ref 2.1 and 2.2	i. Supporting documents ii. The sustainable community

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<p>strategy or of other authorities whose area comprises part of the area of the council?</p> <ul style="list-style-type: none"> <li>any other local development documents adopted by the council?</li> </ul>					<p>strategies</p> <p>iii. Relevant local development documents</p> <p>iv. Correspondence with the local strategic partners</p>
<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 section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the</p>	<p>Duty to Cooperate statement doc ref 9.2</p> <p>Consultation statement doc ref 2.1 and 2.2</p> <p>Council report 12 July 2017 doc ref 33.5</p> <p>Draft SA report Preferred options doc ref 6.3</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with the relevant bodies</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
			DPD.		
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	NPPF paras 93 -108		Evidence base <a href="https://www.staffsmoorlands.gov.uk/article/1369/Environmental-studies">https://www.staffsmoorlands.gov.uk/article/1369/Environmental-studies</a> Policy SD1 requires sustainable use of resources	Supporting documents
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182  SEA Guide, Chapter 5	Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	Draft Sustainability Appraisal report Preferred options doc ref 6.3	i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents
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.	Draft Sustainability Appraisal report Preferred options doc ref 6.3	i. Any reports setting out alternatives and choices considered ii. Supporting documents
12. Have you taken into	Regulations	NPPF paras	Records on the	Consultation statement doc ref	i. Correspondence

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<p>account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>17, 18(3) and 22 (1) (c) (iv)  Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>150, 155, 157 and 159-171</p>	<p>sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<p>2.1 and 2.2  Council report 12 July 2017 doc ref 33.5</p>	<p>from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report</p>
<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</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.  A map showing changes to the adopted policies map is part of the proposed submission documents defined in</p>	<p>Consultation statement doc ref 2.1 and 2.2</p>	<p>i. Adopted policies map ii. Any reports on proposals to amend the policies map iii. Illustrative material that shows how the policies map will be amended or replaced</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
location of proposals?			Regulation 17.		
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3)  Regulation 18	NPPF paras 150 and 155		SCI doc ref 12.3 Consultation statement doc ref 5.2	i. The SCI ii. Consultation statement



#### **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.

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. Only people proposing a change to the plan can expect to be heard at examination.

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	Evidence	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		An SA Report has been prepared Doc ref 6.4	Sustainability appraisal report
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).	<a href="https://www.staffsmoorlands.gov.uk/media/2934/Statement-of-representations-procedure/pdf/Statement_of_representations_procedure.pdf">https://www.staffsmoorlands.gov.uk/media/2934/Statement-of-representations-procedure/pdf/Statement_of_representations_procedure.pdf</a>  The consultation period ran from 27 February to 11 April 2018	i. Report or record of decisions ii. The statement of community interest
3. Have you made copies of	Regulation 19(a)		Regulation 17 gives	The proposed submission documents and the Statement of Representation Procedure were made available in Council's Libraries, main	i. Copies of the relevant statements

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<p>the following available for inspection:</p> <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> </ul>			<p>definitions.</p>	<p>offices and on the website. Consultation statement doc ref 5.3</p>	<p>ii. Report on where and when made available iii. Record of where and when made available</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> </ul>	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p><a href="https://www.staffsmoorlands.gov.uk/localplan">https://www.staffsmoorlands.gov.uk/localplan</a></p>	<p>Record of publication</p>





planning advisory service

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<ul style="list-style-type: none"> <li>statement and details of where and when documents can be inspected?</li> </ul>					
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <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.	Consultation statement doc ref 5.3	<ul style="list-style-type: none"> <li>i. Copies of correspondence</li> <li>ii. Record of sending</li> </ul>



planning advisory service

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
procedure?					
6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1): <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.	Consultation statement doc ref 5.3	i. Copies of correspondence ii. Record of sending
7. Have you requested the opinion of the Mayor of London (if a	The Act section 24  Regulation 21		The request must be made on the day you	N/A	Copies of correspondence



planning advisory service

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence	Possible evidence
London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?			publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).		



## 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	Evidence	Possible evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and	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 latest LDS was adopted in February 2018. The Local Plan has been identified in the LDS. Doc ref 12.1  Progress against the LDS timetable is detailed in the	i. The LDS ii. Explanation of any changes from the milestones

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
description in the LDS match the document? Have the timescales set out in the LDS been met?			Regulations.	Council's AMR monitoring reports doc ref 12.4	set out in the LDS iii. Relevant authority monitoring reports
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		The Local Plan has been prepared with regard to the other plans and policies of the Council	i. The sustainable community strategy(ies) ii. Reference to sections of the DPD showing how regard has been had to them
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)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the	The Local Plan has been consulted on in accordance with the SCI, doc ref 12.3	i. The SCI ii. The Regulation 22(1)(c) statement

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
			regulations (as amended).		
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, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	The Duty to Cooperate Statement details the issues affected other local authorities and how cross boundary and strategic issues have been resolved Doc ref 9.2	Statement identifying any strategic cross-boundary issues or impacts on county matters addressed in the document and explaining the approach taken to co-operate with the relevant bodies. Supporting correspondence and reports e.g. Memorandum of Understanding, shared and agreed evidence

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
boundary issues If you have not agreed on the approach is there a justification?					
5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5)  Regulation 22(1)(a)	NPPF para 165  SEA Practical Guide, chapter 5		The Local Plan has been subject to a sustainability appraisal and an SA Report has been submitted alongside the document. Doc ref 6.5, 6.6 and 6.7	Sustainability appraisal report
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		The Local Plan is considered to be consistent with national policy and is accompanied by a PAS self-assessment soundness checklist	i. Correspondence with PINS? ii. PAS Soundness self assessment checklist
7. Does the DPD contain any	The Act section 24(1)(a) and	NPPF para 218 footnote	In London the requirement is for	N/A	i. Correspondence with or

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<p>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>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>	<p>24(4)  Regulation 21</p>	<p>41</p>	<p>general conformity with the spatial development strategy (The London Plan).</p>		<p>representations from Mayor of London (where appropriate)  ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place</p>



Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
strategy?					
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</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>Does the DPD contain a list of superseded saved policies?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>		<ul style="list-style-type: none"> <li>i. The documents prescribed at Regulation 22(1)</li> <li>ii. Relevant authority monitoring reports</li> <li>iii. Records of the actions undertaken (see below)</li> </ul>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<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>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 &amp; 22(1)</p>			<p>Appendices 1-6 of Submission Local Plan doc ref 1.1</p>	<p>i. Submission policies map</p> <p>ii. Brief statement if a submission policies map is not required</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>The Local Plan is to replace the adopted Core Strategy. The superseded policies are included within Appendix 9 of the Local Plan.</p>	<p>i. The core strategy</p> <p>ii. Documents or reports demonstrating conformity</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
that fact and identify the superseded policies?					
<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)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>A Statement of Consultation has been prepared and accompanies the Local Plan. The statement details the consultation, the responses received and summarises the main issues and how comments have been taken into account Doc ref Consultation Analysis report doc ref 5.3</p>	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. The Statement as required in Regulation 22(1)(c)</li> </ul>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<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>OR</p> <ul style="list-style-type: none"> <li>• that no representations were made?</li> </ul>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>A Statement of Consultation has been prepared and accompanies the Local Plan. The statement details the consultation, the responses received and summarises the main issues and how comments have been taken into account</p> <p>Doc ref Consultation Analysis report doc ref 5.3</p>	<p>The Statement as required in Regulation 22(1)(c)</p>
<p>13. Have you collected together all the representations made under Regulation 28?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>A Statement of Consultation has been prepared and accompanies the Local Plan. The statement details the consultation, the responses received and summarises the main issues and how comments</p>	<p>Copies of the representations</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
				have been taken into account Doc ref Consultation Analysis report doc ref 5.3	
14. Have you assembled the relevant supporting documents?	The Act section 20(3)  Regulation 22(1)(g)			See the examination library on the Website	All necessary evidence and records of decisions relevant to the DPD
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	At its meeting on 13 June 2018 , the District Council resolved to approve the Publication Local Plan and its subsequent submission to the Secretary of State for Independent Examination Doc ref 33.8	Report and resolution of the appropriate council body
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: • the DPD?	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.	An email and electronic version of the documents has been sent to the Planning Inspectorate in line with the regulations.	i. Record of sending ii. Reasons why documents cannot be sent electronically

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<ul style="list-style-type: none"> <li>the submission policies map (unless there are no site allocation policies)?</li> <li>the documents prescribed in Regulation 22(1)?</li> </ul>			Regulation 35 deals with the availability of documents and the time of their removal.		
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> <li>The DPD?</li> <li>The documents prescribed in</li> </ul>	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	The documents will be available in the Council's main offices and libraries and on the Council's website	Record of where and when made available

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
Regulation 22(1)?					
18. On your website, have you published the: <ul style="list-style-type: none"> <li>• DPD?</li> <li>• submission policies map?</li> <li>• sustainability appraisal report?</li> <li>• Regulation 22(1)(c) statement?</li> <li>• supporting documents (where practicable)?</li> <li>• representations made under Regulation 20 (where</li> </ul>	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	link	Record of publication

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<p>practicable) ?</p> <ul style="list-style-type: none"> <li>statement as to where and when the DPD and the documents are available?</li> </ul>					
<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</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>This will be carried out as soon as reasonably practicable following submission of the Plan to the Planning Inspectorate</p>	<ul style="list-style-type: none"> <li>i. Copies of correspondence</li> <li>ii. Record of sending</li> </ul>



Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<p>available for inspection</p> <ul style="list-style-type: none"> <li>• where and when they can be inspected?</li> </ul>					
<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>This will be carried out as soon as reasonably practicable following submission of the Plan</p> <ul style="list-style-type: none"> <li>i. to the Planning Inspectorate</li> </ul>	<ul style="list-style-type: none"> <li>ii. Copies of correspondence</li> <li>iii. Record of sending</li> </ul>
<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 examination and the</li> </ul>	<p>The Act section 20</p> <p>Regulations 24 and 35</p>			<p>This will be carried out as soon as reasonably practicable following submission of the Plan</p> <ul style="list-style-type: none"> <li>i. to the Planning Inspectorate</li> </ul>	<ul style="list-style-type: none"> <li>ii. Record of publication of information</li> <li>iii. Record of sending</li> <li>iv. Copies of correspondence</li> <li>v. Copy of advertisement</li> </ul>



planning advisory service

Activity	Legal requirement	Guidance reference	Additional notes	Evidence	Possible evidence
<p>name of the person appointed to carry out the examination on your website?</p> <ul style="list-style-type: none"><li>notified those who have made representations on the published DPD which have not been withdrawn of these details?</li></ul>					