



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.



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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.



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<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>i. The adopted LDS at the time of commencement, publication and submission of the DPD ii. The relevant authority monitoring report (if changes need to be explained)</p>	<ul style="list-style-type: none"> • The Allocations Plan, and its timetable for production, is identified in the November 2012 LDS • Changes to the LDS have been explained via the relevant Annual/Authority Monitoring Report
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3) Regulation 18</p>	<p>NPPF paras 150, 155 and 157</p>	<p>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.</p>	<p>i. The SCI ii. The project plan for the DPD</p>	<ul style="list-style-type: none"> • Community engagement has taken place in line with the adopted SCI • Changes in legislation, since adoption of the SCI, have been accounted for • The community engagement that took place is explained in



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					the Allocations Plan Consultation Statement (April 2013)
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<ul style="list-style-type: none"> i. The SCI ii. Reports and decisions setting out the approach to specific and general consultation bodies iii. Consultation statement 	<ul style="list-style-type: none"> • Appropriate bodies have been consulted in line with the SCI and the Regulations. • The appropriate bodies that have been consulted are outlined in the Allocations Plan Consultation Statement (April 2013) and Explanatory Statement. • The appropriate bodies, which have been consulted, are also listed on the consultation spreadsheet and copies of letters sent are available. • Need to check that all



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					<p>appropriate bodies are listed in the consultation statement/on the spreadsheet/got copies of letters.</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) & (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 priorities are listed at NPPF Para 156</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 documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p>	<ul style="list-style-type: none"> • The approach to consultation with other LPA's and prescribed bodies is explained in the Allocations Plan Explanatory Statement • The bodies consulted are listed in the Allocations Plan Consultation Statement (April, 2013)



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
			Regulation 4(1).		
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>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>	NPPF paras 178 to 181	<p>Section 33A(4) defines a "strategic matter".</p> <p>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 approaches to relevant activities.</p>	<p>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p>	<ul style="list-style-type: none"> • The approach to cooperating with LEPs and LNPs is explained in the Allocations Plan Explanatory Statement • Bodies consulted are listed in the Allocations Plan Consultation Statement (April, 2013) check they're all listed. • Copies of letters sent and consultation responses are available. Find these.
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the	The Act section 13	NPPF paras 158 - 177		<p>i. Documents dealing with collection of baseline information</p> <p>ii. Relevant technical studies</p>	<ul style="list-style-type: none"> • The evidence base and baseline information is outlined in the Allocations Plan Explanatory Statement. • Review takes place through the Authority's



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
development of the area under review?				iii. The annual monitoring report	Monitoring Report.
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	NPPF paras 165 and 167 Strategic Environmental Assessment Guide, chapter 5		i. Sustainability report scoping document ii. Sustainability appraisal report	<ul style="list-style-type: none"> • Sustainability Appraisal and scoping documents • The overall approach to Sustainability Appraisal is outlined in the Allocations Plan Explanatory Statement.
8. Have you consulted the statutory 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?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167 SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	Copies of the consultation letters sent to and any responses from the bodies	<ul style="list-style-type: none"> • Copies of the consultation letters sent to, and any responses from the bodies – find these.



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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.



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Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>1. Have you notified:</p> <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these bodies iii. Record of discussions iv. Copies of representations made v. A brief statement setting out the reasons why any bodies have been omitted from or included in consultation 	<ul style="list-style-type: none"> • Copies of letters consulting the specific consultation bodies, and appropriate general consultation bodies. Find these. • Copies of representations made by specific/general consultation bodies – find these • The Allocations Plan Explanatory Statement explains which consultation bodies have been consulted, in relation to which issue. • The Allocations Plan Consultation Statement (April, 2013) lists which specific and general consultation bodies have been consulted. • The specific and general consultation bodies are also listed on the



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					consultation spreadsheet.
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		<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these persons iii. Record of discussions iv. Copies of representations made 	<ul style="list-style-type: none"> • The Consultation Statement (April, 2013) lists which residents and businesses have been consulted. • Copies of consultation letters and responses are available. Find these
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.	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions 	<ul style="list-style-type: none"> • The Consultation Statement (April, 2013) lists the stakeholders consulted. • Copies of consultation letters and responses are available
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	<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and 	<ul style="list-style-type: none"> • The council response to individual comments is listed in the Allocations Plan Consultation Statement (April, 2013).



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
			account.	options for the DPD	
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section19(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		i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report	•Sustainability Report
6. Is the participation: <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	The Act section19(3)	NPPF para 155		i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies	<ul style="list-style-type: none"> •Consultation has taken place in line with the adopted SCI •Consultation that has taken place is outlined in the Allocations Plan Consultation Statement (April, 2013). •Sustainable Community Strategy



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p>The Act section 20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> • This information is available in the Allocations Plan Consultation Statement (April, 2013)
<p>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</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an</p>	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> • The approach taken to cross boundary issues is explained in the Allocations Plan Explanatory Statement • The Allocations Plan Consultation Statement (April, 2013) lists the bodies consulted. Check consulted? • Copies of letters sent and representations. Find these



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
under Section 33A(1)(c)?			ongoing basis.		
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	NPPF paras 178 to 181	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>i. Consultation statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</p>	<ul style="list-style-type: none"> The approach taken to cross boundary issues and LEPs/LNPs is explained in the Allocations Plan Explanatory Statement The Allocations Plan Consultation Statement (April, 2013) lists the bodies consulted. Check consulted? Copies of letters sent and representations. Find these
10. Are you developing a framework for monitoring the effects of the DPD?	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and</p>	<p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p>	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	<p>i. Sustainability appraisal report</p> <p>ii. The authority monitoring report</p> <p>iii. Reports or documents setting out the appraisal and monitoring framework</p>	<ul style="list-style-type: none"> Monitoring indicators are included within the Allocations Plan Reporting will take place through the Authority Monitoring Report



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
	Programmes Regulations 2004 No1363		Planning Officer letter 30 March 2011 withdrawing ODPM guidance.		



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.



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Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
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).	Documents supporting decisions on alternatives and any preferred strategy	<ul style="list-style-type: none"> • Overall spatial alternatives have been assessed through the Core Strategy. • A variety of different sites for development have been considered, provided that they conform to the Core Strategy. • Further information is in the Allocations Plan Explanatory Statement.
2. Have you assessed alternatives against: <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where still in force? 	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	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations) 	<ul style="list-style-type: none"> • Sites have been assessed against their compatibility with the NPPF. • Further explanation is provided in the Allocations Plan Explanatory Statement.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
			the DPD.	only)	<ul style="list-style-type: none"> •The North West RSS is no longer in force.
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<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.	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate) iii. CLG notice of revocation of the regional strategy 	<ul style="list-style-type: none"> •This is not likely to be relevant because the NW RSS has been abolished and Bolton is not located close to London, Wales or Scotland.
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)(c)</p>	NPPF paras 181 and 185	.	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with LPA/County Council 	<ul style="list-style-type: none"> •The approach to co-operating with other LPAs on significant cross boundary issues is explained in the Allocations Plan Explanatory Statement.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
documents?					<ul style="list-style-type: none"> • How consultation with other LPAs has taken place is outlined in the Allocations Plan Consultation Statement (April, 2013). • Joint DPDs have been adopted for Minerals and Waste. Further joint DPDs have been considered by AGMA.
<p>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?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>NPPF paras 181 and 182</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with prescribed bodies</p>	<ul style="list-style-type: none"> • The process for cooperating with these bodies is outlined in the Allocations Plan Explanatory Statement. The Marine Management Organisation is not considered relevant. • How consultation with these bodies has taken place is outlined in the Allocations Plan Consultation Statement (April,



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					2013) Check listed •Copies of letters and representations (check got these).
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		i. Supporting documents ii. Correspondence with LEP/LNP	•The process for cooperating with these bodies is outlined in the Allocations Plan Explanatory Statement. •How consultation with these bodies has taken place is outlined in the Allocations Plan Consultation Statement (April, 2013) Check listed •Copies of letters and representations (check got these).
7. Are you having regard to: <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose 	The Act section19(2)			i. Supporting documents ii. The sustainable community strategies iii. Relevant local	•The Allocations Plan’s structure is the same as the Core Strategy, which in turn was based on the 2007 Sustainable



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>area comprises part of the area of the council?</p> <ul style="list-style-type: none"> any other local development documents adopted by the council? 				<p>development documents</p> <p>iv. Correspondence with the local strategic partners</p>	<p>Community Strategy. The 2012 SCS has a slightly different structure, but its overall objectives are the same.</p> <ul style="list-style-type: none"> The Allocations Plan conforms to the Core Strategy and is in line with the Joint Waste and Minerals DPDs. This is set out in the Explanatory Statement.
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> resources the local/regional economy the local transport plan and transport facilities and 	<p>The Act section 19(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</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with the relevant bodies</p>	<ul style="list-style-type: none"> The Allocations Plan has regard to relevant strategies, for example, it takes into account the LTP in its allocations of land e.g. Bolton Interchange.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
services <ul style="list-style-type: none"> waste strategies hazardous substances 			regard to in preparing the DPD.		
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section 19(1A)	NPPF paras 93 - 108		Supporting documents	<ul style="list-style-type: none"> The Allocations Plan will implement the Core Strategy. The Core Strategy has policies on mitigating and adapting to climate change.
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182 SEA Guide, Chapter 5	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents	<ul style="list-style-type: none"> Consultation has been carried out on the SA scoping report, and on the SA itself at the time of the Draft Plan. The Explanatory Statement provides a link between the SA and the choice of sites and policies.
11. Are you setting out reasons for any preferences between	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability	i. Any reports setting out alternatives and choices	<ul style="list-style-type: none"> The reason for the preferences is set out in the



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
alternatives?			appraisal.	considered ii. Supporting documents	Explanatory Statement.
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	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report	<ul style="list-style-type: none"> All representations, together with the council response, are logged in the Allocations Plan Consultation Statement (April, 2013)
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to: <ul style="list-style-type: none"> enable you to amend the currently adopted policies map? inform the 	Regulations 5 (1)(b) and 9	NPPF para 157	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	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	<ul style="list-style-type: none"> Consultation has been carried out in line with the SCI. Proposed sites are identified on an OS based plan in the Published Allocations Plan



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
community about the location of proposals?			documents defined in Regulation 17.	replaced	
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		i. The SCI ii. Consultation statement	<ul style="list-style-type: none"> • Consultation was in line with the SCI. • The consultation that has occurred is outlined in the Allocations Plan Consultation Statement (April, 2013).



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'.



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Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
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		Sustainability appraisal report	<ul style="list-style-type: none"> • 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).	<ul style="list-style-type: none"> i. Report or record of decisions ii. The statement of community interest 	<ul style="list-style-type: none"> • This information is explained on the letter inviting comments, on the Council website, and in documents available at the Bolton town hall One Stop Shop and libraries.
3. Have you made copies of the following	Regulation 19(a)		Regulation 17 gives definitions.	<ul style="list-style-type: none"> i. Copies of the relevant 	<ul style="list-style-type: none"> • The Statement of representations



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>available for inspection:</p> <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? 				<p>statements</p> <ul style="list-style-type: none"> ii. Report on where and when made available iii. Record of where and when made available 	<p>procedure was sent out with all letters inviting representations, is available on the Council website and at the Bolton town hall One Stop Shop and borough libraries.</p> <ul style="list-style-type: none"> The proposed submission documents were available on the Council website (a web link was included within the letter inviting representations), in the Bolton town Hall One Stop Shop and borough libraries.
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> the proposed submission documents? 	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>Record of publication</p>	<ul style="list-style-type: none"> The proposed submission documents and the statement of representations



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<ul style="list-style-type: none"> the statement of the representations procedure? statement and details of where and when documents can be inspected? 					<p>procedure are available on the website.</p> <ul style="list-style-type: none"> Details of where and when documents could be inspected outlined on the consultation letter.
<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"> A copy of each of the proposed submission documents The statement of the representations procedure? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<ul style="list-style-type: none"> Copies of correspondence Record of sending 	<ul style="list-style-type: none"> Copies of letters sent to each of the specific consultation bodies invited to make representations under Regulation 18(1). Find these
<p>6. Have you sent to each of the general consultation bodies invited to make representations under</p>	Regulation 19(b)		Regulations 2 and 17 give definitions.	<ul style="list-style-type: none"> Copies of correspondence Record of sending 	<ul style="list-style-type: none"> Copies of letters send to each of the general consultation bodies invited to make



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
Regulation 18(1): <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 					representations under Regulation 18(1). Find these
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?	The Act section 24 Regulation 21		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).	Copies of correspondence	<ul style="list-style-type: none"> • Not a London Borough



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	<ul style="list-style-type: none"> i. The LDS ii. Explanation of any changes from the milestones set out in the LDS iii. Relevant authority



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
Have the timescales set out in the LDS been met?			Regulations.	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		<ul style="list-style-type: none"> 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?	<p>The Act section 19(3)</p> <p>Regulation 22(1)(c)</p>		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 regulations (as amended).	<ul style="list-style-type: none"> i. The SCI ii. The Regulation 22(1)(c) statement
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	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'.	<p>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.</p> <p>Supporting correspondence and reports e.g. Memorandum</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				<p>of Understanding, shared and agreed evidence</p>
<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)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>Sustainability appraisal report</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>i. Correspondence with PINS?</p> <p>ii. PAS Soundness self assessment checklist</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</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>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>i. Correspondence with or representations from Mayor of London (where appropriate)</p> <p>ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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 strategy?</p>				<p>place</p>
<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</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"> i. The documents prescribed at Regulation 22(1) ii. Relevant authority monitoring reports iii. Records of the actions undertaken (see below)



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
policies?				
<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 & 22(1)</p>			<p>i. Submission policies map 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 that fact and identify the superseded policies?</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>i. The core strategy ii. Documents or reports demonstrating conformity</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? 	<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>i. Consultation statement ii. The Statement as required in Regulation 22(1)(c)</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 				
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</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>Copies of the representations</p>
<p>14. Have you assembled the relevant supporting</p>	<p>The Act section 20(3)</p>			<p>All necessary evidence and records of decisions relevant to</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
documents?	Regulation 22(1)(g)			the DPD
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.	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: <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? 	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 the availability of documents and the time of their removal.	<ul style="list-style-type: none"> i. Record of sending ii. Reasons why documents cannot be sent electronically
17. Have you made the following available at the same places where the proposed submission documents were to be	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	Record of where and when made available



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
seen: <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 				
18. On your website, have you published the: <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Record of publication
19. For each general consultation body invited	Regulation		You should do this as soon as reasonably practicable	i. Copies of correspondence



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 	22(3)(b)		after submitting to the Secretary of State.	ii. Record of sending
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	i. Copies of correspondence ii. Record of sending
<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"> published the time and place of the examination and the name of the person appointed to carry out the examination on your website? 	The Act section 20 Regulations 24 and 35			i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none">notified those who have made representations on the published DPD which have not been withdrawn of these details?				