

PAS Legal Compliance Checklist



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Stage one: Inception

Introduction

You should aim to build up the evidence in the tool. This can be done by anticipating the submission requirements and ensuring that the correct procedures are carried out as the development plan document is prepared. The components of the required statements will be progressively put in place as plan preparation proceeds.

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 inception stage are in relation to:

- pre-planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- 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 24 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 25 is one of the proposed submission documents. In this tool, the term 'consultation statement' is used to describe this statement.

Stage 1: Inception

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence provided
1. Is the development plan document identified in the adopted local development scheme and have you recorded the timetable for its production?	The Act section 15(2); section 19(1)	PPS12 paragraphs 4.50; 4.53-4.58	Milestones are set out in PPS12 (box after paragraph 4.55).	<p>Yes.</p> <ul style="list-style-type: none"> The production of the policies and the milestones towards their production has been documented in the Council's latest adopted Local Development Scheme (November 2012) which has been submitted to PINS. The policy documents that have been published and consulted upon are also submitted for information. These are the 'Public Houses Issues and Options' (March 2012) and 'Draft planning policy for the protection of public houses and draft planning policy relating to use and character' (June 2012) The timetable for production is recorded in the latest Annual Monitoring Report 2012 published in December 2012. Copy submitted to PINS.
2. Have you considered how community engagement will be programmed into the preparation of the development plan document?	<ol style="list-style-type: none"> The Act section 19(3) Regulation 25 	PPS12 paragraphs 4.19-4.29	Unless the statement of community involvement has been amended, you may need to set out any changes to community engagement as a result of changes in legislation.	<p>Yes,</p> <ul style="list-style-type: none"> The Council's Statement of Community Involvement – (SCI) (2007) sets out how the Council engages with the local community. This is currently being updated to reflect changes to Regulations and consultation procedures. The process of the production of the policies has involved two separate periods of public consultation as well as the final 'consultation' which considered the soundness of the document. A workshop session was held at each consultation stage and the results are submitted to PINS. The workshops were advertised on the Council's Planning Bulletin which is a weekly electronic mail out of latest events, items of note and consultations. The results of the workshop events were taken into account, but they were primarily aimed at informing and answering questions than eliciting responses.

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence provided
3. Have you considered the appropriate bodies you should consult?	Regulation 25	<ol style="list-style-type: none"> 1. PPS12 paragraphs 4.25 -4.26 2. Plan Making Manual – Consultee list 	Regulation 2 defines the general and specific consultation bodies	<p>Yes.</p> <ul style="list-style-type: none"> • The Council’s adopted SCI contains a full list of the bodies which the Council normally consults including specific consultation bodies. However, it should be noted that the list has changed and is in the process of being updated as part of the new ‘Involving People in Planning’ document that is currently being consulted upon. • The Council keep a database of consultees who have been notified at each stage of the consultation. This database includes the specific consultees and general consultees, such as amenity groups and key stakeholders as well as individuals, and others who have asked to be kept involved in the process. • This is addressed as part of the Regulation 22 consultation report. • The Council’s Planning Bulletin is an electronic newsletter and goes out on a weekly basis. It contains details of consultations that have started and workshops. • A Regulation 22(c) consultation report setting out the consultation responses on the draft policies for submission (January 2013) is included as part of the Submission documents. • RBKC have also kept a database of all representations received, which are submitted to PINS and will be available electronically as part of the submitted documents.
4. 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	PPS12 paragraphs 4.36 – 4.47		<p>Yes,</p> <ul style="list-style-type: none"> • The Council has published an Annual Monitoring Report, annually since 2005. The Council updated the monitoring indicators as part of the development of the Core Strategy and have included public houses in the last two monitoring reports. A further table is submitted showing

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence provided
				<p>a summary of the applications in connection with public houses which have been received since the Core Strategy was adopted in December 2010.</p> <ul style="list-style-type: none"> Information on Neighbourhood Centres is collected as part of the Annual Monitoring Report and A2 and A3 uses outside of these centres will be collected. The Council has undertaken its own public house survey and recorded the number of public houses that have changed to other uses – this is part of the evidence that is submitted to PINS.
5. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	<ol style="list-style-type: none"> PPS12 paragraphs 4.50; 4.39-4.43 Strategic Environmental Assessment Guide, chapter five 		<p>Yes,</p> <ul style="list-style-type: none"> The March 2012 SA scoping report refers to surveys of public houses being undertaken in 1980, 2002, 2007 and 2012. The information was distilled into pubs lost and opened since 1980 and this is compared to what happened to the pubs in terms of use. Information was also referred to on average house prices in the Borough; the value of land and property and noise complaints since 2004.
6. 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.	PPS12 paragraph 4.40 SEA Guide Ch 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2)	<p>Yes,</p> <ul style="list-style-type: none"> Each of the statutory environmental consultation bodies were consulted on the scope of the policy. Evidence includes the initial scoping report that was undertaken at the beginning of the SA process. Copies of any responses received from the SA consultation bodies on the initial scoping which have been submitted to PINS. These include responses from Natural England; English Heritage and the Environment Agency.

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence provided
				These are the "specific consultation bodies" for the SA.

Stage two: Plan preparation - frontloading phase

Introduction

The council is required to invite specific and general consultation bodies to make representations about the content of the development plan document. The New Regulation 25 section in the Plan Making Manual observes that the requirements of the regulations may be fulfilled by other activities of the council and its partners. You should review all the legal requirements set out in this, as well as the following phase, to satisfy yourself that they are properly addressing all the matters they should.

Information assembled during this phase contributes to:

- showing that the procedures have been complied with
- 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.

You can refer to the following sections of the Plan Making Manual:

- Preparation of development plan documents
- Core strategy: managing its development
- Sustainability Appraisals: challenge questions
- Developing the evidence base

Stage 2: Plan preparation - frontloading phase

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence provided
1. Have you notified the specific consultation bodies that have an interest in the subject of the development plan document and invited them to make representations about its contents?	Regulation 25(1) and (2)(a)	PPS12 paragraphs 4.24 – 4.29	Specific consultation bodies are defined in Regulation 2 If any bodies are omitted, you should give a clear justification for doing so, including reference to the SCI.	Yes. <ul style="list-style-type: none"> • Letters were sent to each of the specific consultation bodies at each state of the formulation of the document. • The list of those specific bodies consulted is included in the Regulation 22 consultation report. • Copies of all responses, at each stage of the documents have been kept, and are available for inspection. The Regulation 20 representations have been submitted to PINS.
2. Have you notified the general consultation bodies that you consider have an interest in the subject of the development plan document and invited them to make representations about its contents?	Regulation 25(1) and (2)(b)	PPS12 paragraphs 4.24 – 4.29	General consultation bodies are defined in Regulation 2. You should be able to give a clear justification for your selection of the bodies, including reference to the statement of community involvement.	Yes. <ul style="list-style-type: none"> • Letters were sent to each of the general consultation bodies (we considered appropriate to consult), at each state of the formulation of the document. • The full list of those consulted throughout the formulation of the draft policies is available for each consultation stage. • Copies of all responses, at each stage of the documents have been kept, and are available for inspection. A summary has been included in the “Schedule of Representations” submitted to PINS. • Details of the workshop session for Issues and Options has also been submitted
3. Are you inviting representations from people resident or carrying out business in	Regulation 25(3)	PPS12 paragraphs 4.24 – 4.29		Yes. <ul style="list-style-type: none"> • All organisations and individuals who are on the Local Plan database (including residents and businesses) were consulted throughout the policy process. This

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence provided
your area about the content of the development plan document?				<p>included a two workshops, and details of consultations and workshops included on the electronic planning bulletin which is sent out on a weekly basis.</p> <ul style="list-style-type: none"> • The full list of those consulted throughout the formulation of the Core Strategy (individuals as well as organisations) is available. • Copies of all responses, at each stage of the documents have been kept, and are available for inspection. A summary is included in the Regulation 22 consultation report.
4. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 25	PPS12 paragraphs 4.4; 4.27 – 4.29; 4.45	PPS12 paragraph 4.29 gives examples of relevant delivery agencies	The question is not really relevant to a policy protecting pubs and other uses which keep life local. Certainly there was extensive publicity and those who may have an interest had the opportunity to comment. Both the British Beer and Pub Association and the Campaign for Real Ale (CAMRA) have responded to the consultations and are on the consultation database.
5. Are you taking into account representations made?	Regulation 25(5)	PPS12 paragraphs 4.19-4.29; 4.37	Evidence from participation is part of the justification	<p>Yes, the Council has taken the representations into account.</p> <ul style="list-style-type: none"> • The Proposed Submission Responses report summarises the comments made at publication stage and the Council's response to the comments. (Regulation 20) • Similar reports are submitted for the Issues and Options stage and the draft policies stage. (Regulation 18)
6. Does the consultation contribute to the development and	<ol style="list-style-type: none"> 1. The Act section 19(5) 2. Regulations 12 	<ol style="list-style-type: none"> 1. PPS12 paragraphs 4.39-4.43 		<ul style="list-style-type: none"> • Yes, the Sustainability Appraisal report appraised the alternative ways of retaining public houses in the Borough including having no policy at all. Coupled

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence provided
sustainability appraisal of alternatives?	and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	2. SEA Guide, chapter three		<p>with this was the appraisal of how the use of a property can contribute to the character of an area and its sense of place.</p> <ul style="list-style-type: none"> The decision as to which option was taken forward is outlined in the Policy formulation report. Where relevant this includes reference to the SA process.
<p>7. Is the participation:</p> <ul style="list-style-type: none"> following the principles set out in your statement of community involvement integrating involvement with the sustainable community strategy proportionate to the scale of issues involved in the development plan document? 	<ol style="list-style-type: none"> The Act s.19(3) Regulation 25 	PPS12 paragraphs 4.19 – 4.26; 4.42		<p>SCI</p> <p>Yes, the Proposed Submission Consultation Report shows the extent of the public consultation, and that it was carried out in accordance with the principles set out in our SCI.</p> <p>Community Strategy</p> <p>In the preparation of the Core Strategy, the Council has ensured that the key spatial objectives for the Borough are in harmony with the Sustainable Community Strategy. One of the Core Strategy strategic objectives which is in line with the Sustainable Community Strategy is to 'Keep Life Local' which is for social and community facilities to be widely available and for neighbourhood functions, including local shopping facilities to be inclusive for all so that residential communities can flourish.</p> <p>Participation proportionate</p> <p>The Proposed Submission Core Strategy Consultation Report sets out nature of the consultation. This is considered to be extensive, but proportionate. There are no strategic issues involved with the draft policies so the nature of the consultation has reflected this.</p>
8. Are you keeping a record of:	Regulation 24	PPS12 paragraphs	You will need to submit a statement of	<ul style="list-style-type: none"> The Proposed Submission Consultation Report provides a summary of the main issues raised at each

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence provided
<ul style="list-style-type: none"> the individuals or bodies invited to make representations How this was done The main issues raised? 		4.24 – 4.29	<p>representations under Regulation 30(1)(d): see Submission stage below.</p> <p>Regulation 49 deals with the availability of documents and the time of their removal</p>	<p>stage of the policy formulation.</p> <ul style="list-style-type: none"> Copies of all responses, at each stage of the documents have been kept, and are available for inspection. These have been included in the “Schedule of Representations” submitted to PINS. The paper copies of the all responses received at each stage of consultation have been kept by the Council, and are available for inspection as required. Hard copies of all the representations received on the draft submission have been sent to PINS and available in all the Council’s libraries.
9. Are you developing a framework for monitoring the effects of the development plan document?	<ol style="list-style-type: none"> The Act section 35 Regulation 48 Reg 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363 	<ol style="list-style-type: none"> PPS12 paragraphs 4.39 – 4.43 and 4.47 SEA Guide, Chapter five Office of the Deputy Prime Minister monitoring guide 		<ul style="list-style-type: none"> Yes. We monitoring indicators have been developed for the number of public houses and drinking establishments in the Borough. These will be extended to include Restaurants and Cafes (Class A3) and Financial and Professional uses (Class A2) outside of Neighbourhood Centres (as all commercial uses in Neighbourhood Centres are already monitored). Chapter 38 of the adopted Core Strategy sets out the detail how policies are normally monitored. Our monitoring indicators will continue to be reported in our Annual Monitoring Reports.
10. Have you arranged to send copies of documents used in consultation to Planning Inspectorate?	Not statutory, but will assist in identifying issues leading towards a sound development plan document	Plan Making Manual - New Regulation 25		Copies of each of the consultation documents produced have been submitted to PINS including letters of consultation.

Stage three: Plan preparation - formulation phase

Introduction

This stage has many legal matters, for process and content, to address. The council should be beginning to formulate the preferred strategy for the core strategy (or whichever vehicle the council chooses to address Regulation 25 requirements). To do this, the council should use the information gathered and previous collaborative work with stakeholders.

For other types of development plan document, the term 'preferred strategy' refers to the preferred site allocations or policies. Paragraphs 4.26 and 4.38 of PPS12 make it clear that explicit consideration of alternatives is a key part of the plan making process. They also state that for significant development plan documents it is usually appropriate to involve the community in considering them. Paragraph 4.5 of PPS12 notes that it is essential that the core strategy makes clear spatial choices about where development should go in broad terms.

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.

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 development plan document.

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.

We stress that 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. Instead, the publication stage is a formal opportunity for anyone to communicate their dissatisfaction with an aspect of the development plan document's soundness. This is carried out with representations made to the inspector for consideration at examination. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.

Please refer to the following sections in the Plan Making Manual:

9. Core strategy: managing its development
9. Sustainability appraisal
9. Considering alternatives

Stage three: Plan preparation - formulation phase

Activity	Statutory Requirement	Guidance reference	Additional Notes	Evidence provided
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the development plan document?</p>	<p>Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>1. PPS12 paragraph 4.38 2. SEA Guide, Chapter five</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the development plan document are part of the proposed submission documents (see Regulation 24)</p>	<p>Yes.</p> <ul style="list-style-type: none"> At Issues and Options stage four options were put forward for the protection of public houses in the Borough and the question was asked as to whether a policy for the protection of public houses in the Borough would be supported, so there was an option not to take a policy forward. The different options were examined at the scoping stage and for an SEA when the draft policies were produced.
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> consistency with national policy general conformity with the regional spatial strategy? 	<p>The Act section19(2), section 24</p>	<p>PPS12 4.30 – 33</p>	<p>General conformity with the regional spatial strategy is tested formally later but you need to consider it during preparation of the development plan document</p>	<p>Yes.</p> <ul style="list-style-type: none"> The draft policies have been assessed against the planning policy of the NPPF (March 2012) and the option that has been developed for a policy is considered the best option to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs (Paragraph 70) and the role of the planning system in facilitating social interaction and creating healthy, inclusive communities (Paragraph 69) In terms of the London Plan the draft policy on protecting public houses and other facilities which make life local is in conformity with Policy 7.1 'Building London's Neighbourhoods and Communities' and the draft character and use policy is in conformity with Policy 7.4 'Local character' of the adopted London Plan (July 2011).
<p>3. Are you having regard to:</p>	<p>1. The Act section19(2)</p>			<ul style="list-style-type: none"> These documents are no longer relevant and in any case would not have been relevant to these non-

Activity	Statutory Requirement	Guidance reference	Additional Notes	Evidence provided
<ul style="list-style-type: none"> adjoining regional spatial strategies, the spatial development strategy for London, or Welsh Spatial Plan (as appropriate) the National Planning Framework for Scotland? 	2. Regulation 15(1)(g)			strategic polices.
<p>4. Are you have regard to:</p> <ul style="list-style-type: none"> the sustainable community strategy of the authority or other authorities whose area comprises part of the area of the council any other local development documents adopted by the council? 	The Act section19(2)	PPS12 paragraphs 1.6; 4.22 - 4. 23; 4.34 - 4. 35		<p>Yes.</p> <ul style="list-style-type: none"> The relationship between the Core Strategy and Community Strategy is also set out in Chapter 44 of the Adopted Core Strategy (December 2010). Clearly the adopted Core Strategy itself (December 2010)
<p>5. Do you have regard to other matters and strategies relating to:</p> <ul style="list-style-type: none"> resources the regional development agencies' regional economic strategy the local transport plan and transport facilities and services waste strategies 	<p>1. The Act section19(2)</p> <p>2. Regulation 15</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 development plan	Given the content of the draft policies this question is not relevant.

Activity	Statutory Requirement	Guidance reference	Additional Notes	Evidence provided
<ul style="list-style-type: none"> hazardous substances and accidents? 			document.	
6. Are you having regard to the need to include policies on mitigating and adapting to climate change?		Annex to PPS1 on climate change	This is expected to be an amendment to section 19(2) of the Act.	Not applicable to the policies in question.
7. Have you undertaken the necessary sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	<ol style="list-style-type: none"> The Act section 19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 	<ol style="list-style-type: none"> PPS12 paragraphs 4.38 – 4.43 SEA Guide, Chapter five 	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures	<p>Yes.</p> <ul style="list-style-type: none"> Refer to the SEA scoping report and the SEA report which was published with the draft policies in June 2012. The Environment Agency, English Heritage and English Nature were consulted on the contents.
8. Are you setting out clear reasons for any preferences between alternatives?	Regulation 13(1)	PPS12 paragraphs 4.36 – 4.38	This will include Information from the sustainability appraisal.	<p>Yes.</p> <ul style="list-style-type: none"> The policy formulation report together with the sustainability appraisal and the Equalities Impact reports set out the alternatives and why the policies were selected.
9. Have you taken into account any representations made on the content of the development plan document and the sustainability appraisal? Are you keeping a	<ol style="list-style-type: none"> Regulations 24, 25(5) and 30(1)(d)(iv) Regulation 13(4) of The Environmental Assessment of Plans and Programmes 	PPS12 paragraphs 4.19 – 4.29	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive	<p>Yes.</p> <ul style="list-style-type: none"> Refer to the Schedule of representations and Officer's response published following each stage of consultation on the draft policies. The Regulation 22(c) Consultation Report on the Proposed Submission consultation is included and will be posted online. RBKC have also kept a database of all

Activity	Statutory Requirement	Guidance reference	Additional Notes	Evidence provided
record?	Regulations 2004 No 1633			representations received, which are submitted to the Inspector.
<p>10. Where sites are to be identified or areas for the application of policy in the development plan document, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • enable you to amend the currently adopted proposals map • inform the community about the location of proposals? 	Regulations 9 and 14	PPS12 paragraphs 4.6 - 4.7; 8.1-8.3	<ol style="list-style-type: none"> 1. Regulation 2 defines the terms 'submission' and 'adopted' proposals map. 2. A map showing changes to the adopted proposals map is part of the proposed submission documents defined in Regulation 24. 	Not applicable to the draft policies.
11. Are the participation arrangements compliant with the statement of community involvement?	<ol style="list-style-type: none"> 1. The Act, section 19(3) 2. Regulation 25 	PPS12 paragraphs 4.19-4.29	You should make sure the arrangements remain in line with legislative changes affecting community engagement.	<p>Yes.</p> <ul style="list-style-type: none"> • Statement of Community Involvement (Oct 2007). • The Regulation 22(c) Consultation Report on the Proposed Submission consultation is included and will be posted online.
12. Have you remained in close contact with the Government Office and discussed any emerging issues that might affect the soundness of the development plan document?		Plan Making Manual - New Regulation 25		No longer applicable

Stage 4: Publication

Introduction

The 2008 Local Development Framework Regulations change the procedure for submission of development plan documents. They bring the period for formal representations forward, which now take place **before** the development plan document is submitted for examination.

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 development plan document 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 statement of community involvement
- update the sustainability appraisal report.

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

You should make it clear that publication of a development plan document is not public participation, nor a consultation. The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the development plan document 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'.

Please refer to the following sections of the Plan Making Manual:

- Publication and submission of a development plan document
- Sustainability appraisal
- Considering alternatives

Stage 4: Publication

Activity	Statutory Requirement	Guidance Reference	Additional notes	Evidence provided
1. Have you prepared the sustainability appraisal report?	1. The Act section 19(5) 2. Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	1. PPS12 paragraphs 4.38 – 4.43 2. SEA Guide Chapter five		Yes. See the link to the Sustainability Appraisal Report June 2012 which deals with the public house and other uses which make life local draft policy and the draft character and use policy.
2. Have you made clear where and within what period representations must be made?	Regulation 28(2) and (3)		The period must be at not less than 6 weeks from when you give notice under Regulation 27(e) (see below)	Yes; we make it clear that the period of representations is 6 weeks (in accordance with the SCI). Details of this is given in: <ul style="list-style-type: none"> • The Council's Website. (public house webpage) • Letters sent to stakeholders (copies submitted). • Statement of Representation Procedure
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? 	Regulation 27(a)		Regulation 24 gives definitions	<ul style="list-style-type: none"> • Yes, the document containing the draft policies and reasoned justification is available on the Council's consultation portal website, libraries and planning reception. • Yes, the Pro-forma Questionnaire (September 2012) sets out the representations procedure
4. Have you published on your website the following: <ul style="list-style-type: none"> • the proposed submission 	Regulation 27(b)		Regulations 2 and 24 give definitions	<ul style="list-style-type: none"> • Yes, the document containing the draft policies is available on the Council's website. • Yes, the draft policies are available on the Council's consultation portal website

Activity	Statutory Requirement	Guidance Reference	Additional notes	Evidence provided
<p>documents?</p> <ul style="list-style-type: none"> the statement of the representations procedure? statement and details of where and when documents can be inspected? 				<ul style="list-style-type: none"> Yes, the Pro-forma Questionnaire (September 2012) sets out the representations procedure
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 25(1):</p> <ul style="list-style-type: none"> A copy of each of the proposed submission documents The statement of the representations procedure? 	Regulation 27(c)		Regulations 2 and 24 give definitions	<p>Yes, a letter was sent to all of the specific consultation bodies inviting them to make representations.</p> <p>Detailed guidance to making representations was also available alongside the draft policies and Sustainability Appraisal. In addition, the letter specified the consultation dates and where hard copies of all documents could be found.</p>
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 25(1):</p> <ul style="list-style-type: none"> the statement of the representations procedure? where and when the documents can be inspected? 	Regulation 27(d)		Regulations 2 and 24 give definitions	<p>A copy of the letter sent to all the general consultation bodies is attached. It is the same letter that was sent to the specific consultation bodies, which specifies the consultation period and invited consultation bodies to make their comments on the Council's consultation portal website, where a copy of the Guide to Making Representations was available.</p>

Activity	Statutory Requirement	Guidance Reference	Additional notes	Evidence provided
<p>7. Have you given notice by local advertisement setting out:</p> <ul style="list-style-type: none"> • the statement of the representations procedure • where and when the documents can be inspected? 	Regulation 27(e)		Regulation 24 gives definitions	No longer applicable
<p>8. Have you requested the opinion of the regional planning body (or the Mayor in London) on the general conformity of the development plan document with the regional spatial strategy (or spatial development strategy)?</p>	<ol style="list-style-type: none"> 1. The Act section 24 2. Regulation 29 	PPS12 paragraph 4.21	The period is six weeks from when you make copies available for inspection under Regulation 27(a)	Yes, the same letter sent to the other specific consultation bodies was sent to the GLA. A copy of the correspondence with the GLA, including documents demonstrating further evidence, is available in hard copy. Please see the copy of the reply from the Mayor.

Stage five: Submission

Introduction

At the submission stage, the council should receive and collate the representations made at publication stage. Reporting these representations to elected members is not mandatory. However, there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered.

However, if they are reported, they should report the facts of the representations made, not the results of a consultation process by the council. They should not treat it as a consultation or consider whether to make changes to try to answer representations.

The section called Changing your plan after publication in the Plan Making Manual distinguishes between 'focused changes', 'extensive changes' and 'minor changes'. You should be guided by the manual and its accompanying changes diagram in making decisions on how far to go back in the procedures, or to supplement existing work.

You should ensure you are in legal compliance with the statement of community involvement, 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 many possible combinations of approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements when any changes are made (and any consequential effects on the development plan document as a whole). All decisions and new steps taken should be fully documented and reflected in the 'evidence provided' column.

The PINS guide identifies seven key questions that inspectors will use in relation to legal compliance. These have been incorporated into the tool and are identified by **shading** in the left-hand 'Question' column.

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission. You should refer to the PINS guidance for further advice.

Please refer to the following sections of the Plan Making Manual:

- Publication and submission of a development plan document
- Changing your plan after publication
- Examination of a development plan document

Stage five: Submission

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
<p>1. Are you ready to submit the DPD?</p> <p>2. Are there any major issues revealed by the representations on publication?</p> <p>3. Are all the relevant documents in place?</p>	<p>1. The Act section 20(2)(b)</p> <p>2. The Act section 20(1)</p> <p>3. Regulation 30(1)</p>		<p>If you are not ready to submit, you may need to do more work on the development plan document or consider withdrawing and republishing a revised version.</p> <p>Regulation 30(1) sets out the documents which must be submitted in addition to the development plan document.</p>	<p>1. Yes</p> <p>2. No major issues have arisen as a result of Publication Stage. A summary of issues raised are included as part of the Proposed Submission Consultation. The Council has also submitted recommended changes for consideration by the Inspector.</p> <p>3. Yes</p>
<p>4. Has the development plan document been prepared in accordance with the local development scheme?</p> <p>5. Does the development plan document's listing and description in the local development scheme match the document?</p> <p>6. Have the timescales set out in the local development scheme been met?</p>	The Act, section 19(1)	PPS12 paragraph 4.50; 4.53 – 4.55	<p>The Act section 15(2) and Regulation 8 note the matters specified in the local development scheme</p> <p>The box on local development schemes in PPS12 after paragraph 4.55 sets out milestones</p>	<p>4. Yes. The Core Strategy is prepared, listed and described in line with Priority One of in the Local Development Scheme (adopted November 2012).</p> <p>5. The dates in the LDS match up with the timescale for preparation of the draft policies.</p> <p>6. Yes, the timescales have been met. Please see the Local Development Scheme (adopted November 2012)</p>
<p>7. Has the development plan document had regard to any sustainable</p>	The Act section 19(2)	PPS12 paragraph 4.34 – 4.35; 4.50		<p>Yes. The draft policies been prepared with due regard to "The Royal Borough of Kensington and Chelsea Community Strategy 2008 – 2018: The Future of Our</p>

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
community strategy for its area (like a county and district)?				Community". This is detailed further in Chapter 44 of the Core Strategy.
8. Is the development plan document in compliance with the statement of community involvement (where one exists)? 9. Has the council carried out consultation as described in the statement of community involvement?	1. The Act s19(3) 2. Regulation 32(1)(c)	PPS12 paragraph 4.50; box after paragraph 4.26	Before the statement of community involvement 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).	8. Yes. The Core Strategy and the draft policies are in compliance with the Statement of Community Involvement (December 2007) 9. Yes. Consultation was carried out in accordance with the Statement of Community Involvement (December 2007).
10. Has the development plan document been subject to sustainability appraisal? 11. Has the council provided a final report of the findings of the appraisal?	1. The Act section19(5) 2. Regulation 32(1)(a)	1. PPS12 paragraph 4.39 – 4.43; 4.50 2. SEA Practical Guide, chapter five		10. Yes. The Core Strategy has been appraised subject to a Sustainability Appraisal. 11. Yes. A report of the Sustainability Appraisal for the draft policies has been undertaken and is included as part of the evidence base.
12. Is the development plan document to be submitted consistent with national policy?	The Act section20(2) and Schedule 8	PPS12 paragraphs 4.30 – 33; 4.50	You need to be sure changes made up to the time of submission are compliant with the requirements	Yes. The Core Strategy is considered to be consistent with the National Planning Policy Framework (NPPF). March 2012.
13. Does the development plan document contain any policies or proposals that are not in general	1. The Act s 24(1)(a); 24(2) and 24(4)	PPS12 paragraphs 4.30 – 33; 4.50	In London the requirement is for general conformity with the spatial	No, the draft policies are in general conformity with the adopted London Plan (July 2011). Yes, the Council has confirmation that the draft policies

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
<p>conformity with the regional spatial strategy?</p> <p>14. If yes, is there local justification?</p> <p>15. Has the council got confirmation from the regional planning body about the general conformity of the plan with the regional spatial strategy?</p>	<p>2. Regulation 29</p>		<p>development strategy (The London Plan)</p>	<p>are in general conformity with the London Plan (July 2011).</p>
<p>16. Does the development plan document comply with the 2004 regulations (as amended)?</p> <p>17. Specifically, has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>18. Has the council placed local advertisements?</p> <p>19. Has the council notified the development plan document bodies?</p> <p>20. Does the development plan document contain a list of superseded saved policies?</p>	<p>1. The Act section 20(2), 20(3) and 20(5)(b)</p> <p>2. Regulations 13(1), 13(2), 13(5) and 30(1)</p>	<p>PPS12 paragraphs 4.36; 4.50</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>16. Yes. The draft policies are in compliance with the Town and Country Planning (Local Planning) (England) Regulations 2012. Further steps will be undertaken once the draft policies have been submitted.</p> <p>17. Yes. The Council has made the prescribed documents available on their website and will ensure that all documents are available shortly after submission.</p> <p>18. A hardcopy of the local advertisement advising of Submission is no longer required by the latest regulations.</p> <p>19. Relevant DPD bodies are being notified at the time of submission.</p> <p>20. The Core Strategy contains a list of superseded UDP policies in Chapter 41 of the adopted Core Strategy.</p>
<p>21. Are there any policies applying to sites or areas by reference to an</p>	<p>Regulations 13(4) 14 and 30(1)(b)</p>	<p>PPS12 paragraphs 4.6 -</p>		<p>21. Not applicable to the submission policies except that the boundary of Higher Order Town Centres is defined on the adopted Proposals Map and this is enclosed as a</p>

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
<p>Ordnance Survey map or to amend an adopted proposals map?</p> <p>22. If yes, have you prepared a submission proposals map?</p>		4.7; 8.1-8.3		<p>submission document.</p> <p>22. A submission Proposals Map is not required to be prepared in this case.</p>
<p>23. If the development plan document is not a core strategy, is it in conformity with the core strategy?</p>	Regulation 13(6)			N/A
<p>24. 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 25 • How they were invited • A summary of the main issues raised • How the representations have been taken into account? 	<p>The Act section 20(3)</p> <p>Regulation 30(1)(d)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above)</p>	<p>Yes. A consultation report has been prepared in line with Regulation 22 (c) of the Town and Country Planning (Local Planning) (England) regulations 2012.</p>
<p>25. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 28(2) • a summary of the main issues raised <p>OR</p>	<p>The Act section 20(3)</p> <p>Regulation 30(1)(e)</p>			<p>A consultation report has been prepared in line with Regulation 22(c). It includes the number of representations made under Regulation 22(c) and a summary of the main issues raised. A hardcopy of this consultation report is submitted to the Inspector and it will be published on the website shortly.</p>

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
<ul style="list-style-type: none"> that no representations were made? 				
26. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 30(1)(f)			Yes. Please see a schedule containing all the representations received and the Officer's response to the representations, as submitted to the Inspector.
27. Have you assembled the relevant supporting documents?	<ol style="list-style-type: none"> The Act section 20(3) Regulation 30(1)(g) 			<p>Yes. We have assembled the following documents:</p> <ul style="list-style-type: none"> Submission document containing draft policies Adopted Core Strategy Sustainability Appraisal Adopted Proposals map which shows the town centre boundaries Statement of Community Involvement Consultation Statement (Reg 22) Schedule of proposed submission representations and officers' response Schedule of Recommended Amendments Soundness Self Assessment Evidence base documents Background papers <p>All background documents and evidence base documents are submitted to the Inspector, available online and in all libraries.</p>
28. Has your council approved the development plan document for submission?	The Act section 20		The full council has to approve the development plan document for submission (requirements are set out in Local Authorities	The draft policies were approved for submission by a full meeting of the Council's elected members on the 5 th December 2012. See Report and appendices and Minutes.

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
			Functions Regulations)	
<p>29. Have you sent the Secretary of State (the Planning Inspectorate) a paper copy of the following:</p> <ul style="list-style-type: none"> • the development plan document? • the submission proposals map (unless there are no site allocation policies)? • the documents prescribed in Regulation 30(1)? 	<ol style="list-style-type: none"> 1. The Act s20(1) and 20(3) 2. Regulations 30(1) and 30(2)(a) 		Regulation 49 deals with the availability of documents and the time of their removal.	Yes.
<p>30. Have you sent the Secretary of State (the Planning Inspectorate) an electronic copy of the:</p> <ul style="list-style-type: none"> • development plan document? • submission proposals map (unless there are no site allocation policies)? • documents prescribed in Regulation 30(1)? 	<ol style="list-style-type: none"> 1. The Act s20(1) and 20(3) 2. Regulations 30(1) and 30(2)(b) 		<p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 49 deals with the availability of documents and the time of their removal.</p>	Yes
<p>31. Have you made the following available at the same places where the proposed submission documents were to be</p>	Regulation 30(3)(a)		You should do this as soon as reasonably practicable after submitting to the	This will be undertaken after submission to PINS

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
<p>seen:</p> <ul style="list-style-type: none"> • The development plan document? • The documents prescribed in Regulation 30(1)? 			Secretary of State	
<p>32. On your website, have you published the:</p> <ul style="list-style-type: none"> • development plan document • submission proposals map • sustainability appraisal report • Regulation 30(1)(d) statement • Regulation 30(1)(e) statement • supporting documents (where practicable) • representations made under Regulation 28 (where practicable) • statement as to where and when the development plan document and the documents are available? 	Regulation 30(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State	This will be undertaken after submission to PINS
<p>33. For each specific consultation body invited to make representations</p>	Regulation 30(3)(c)		You should do this as soon as reasonably practicable after	This will be undertaken after submission to PINS

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
<p>under Regulation 25(1), have you sent the:</p> <ul style="list-style-type: none"> • development plan document • submission proposals map • sustainability appraisal report • adopted statement of community involvement • Regulation 30(1)(d) statement • Regulation 30(1)(e) statement • supporting documents you consider relevant to each body • statement as to where and when the development plan document and the documents are available? 			submitting to the Secretary of State	
<p>34. For each general consultation body invited to make representations under Regulation 25(1), have you sent:</p> <ol style="list-style-type: none"> 1. notification that the documents prescribed in Regulation 30(1) are available for inspection 	Regulation 30(3)(d)		You should do this as soon as reasonably practicable after submitting to the Secretary of State	This will be undertaken after submission to PINS

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
2. where and when they can be inspected?				
<p>35. Have you given notice by local advertisement setting out:</p> <ul style="list-style-type: none"> • the title of the development plan document? • the subject and area covered by the development plan document? • notification that the documents prescribed in Regulation 30(1) are available for inspection • where and when they can be inspected? 	Regulation 30(3)(e)		You should do this as soon as reasonably practicable after submitting to the Secretary of State	This will be undertaken after submission to PINS
36. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 30(3)(f)		You should do this as soon as reasonably practicable after submitting to the Secretary of State	This will be undertaken u after submission to PINS
<p>37. 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 	<ol style="list-style-type: none"> 1. The Act section 20 2. Regulation 34 			This will be undertaken after submission to PINS

Question	Statutory Requirement	Guidance Reference	Additional Notes	Evidence provided
<p>appointed to carry out the examination on your website</p> <ul style="list-style-type: none">• notified those who have made representations on the published development plan document which have not been withdrawn of these details• advertised these details?				