



MISCELLANEOUS MATTERS

Local Plan Legal Compliance Checklist (April 2013)

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

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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

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



Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		Yes. <ul style="list-style-type: none"> • The review of the policies and the milestones towards their amalgamation into the CS has been documented in the Council's latest adopted Local Development Scheme (April 2014) which has been submitted to PINS. • The policy documents that have been published and consulted upon are also submitted for information. • The timetable for production is recorded in the latest Annual Monitoring Report 2013 published in December 2013. Copy submitted to PINS.
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	Yes <ul style="list-style-type: none"> • The Council's Statement of Community Involvement – called Involving People in Planning (IPIP) (2014) sets out how the Council engages with the local community. • The process of updating the policies has involved two separate periods of public consultation as well as the

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>final 'consultation' which considers 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.</p> <ul style="list-style-type: none"> The results of the workshop events were taken into account, but they were primarily aimed at informing and answering questions than eliciting responses.
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 -4.26</p>	<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>	<p>Yes.</p> <ul style="list-style-type: none"> IPIP contains a full list of the bodies which the Council normally consults including specific consultation bodies. 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



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>stakeholders as well as individuals, and others who have asked to be kept involved in the process.</p> <ul style="list-style-type: none"> • 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. • This is addressed as part of the Regulation 22 consultation report.
4. How you will co-operate with other local planning authorities, including	The Act section 33A(1)(a) and (b), section 33A(3)(d)	NPPF paras 178 to 181 (which comprise the guidance referred to in	Section 33A(4) defines a "strategic matter".	Policies relating to Temporary Sleeping Accommodation; diplomatic uses; Improving

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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>(e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>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>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 Regulation 4(1).</p>	<p>Alternatives to car use; servicing; climate change; noise and vibration and contaminated land do not raise strategic issues as defined in section 33A (4) of the Planning and Compensation Act 2004, and there is no strategic, 'needs', which can be met outside the borough boundary. Each borough may have its own approach to the issues tackled by the policies, tailored to their circumstances.</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter".</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>Not relevant to the policies in question here.</p>
<p>6. Is baseline information being collected and</p>	<p>The Act section 13</p>	<p>NPPF paras 158 - 177</p>		<p>Not relevant to the policies in</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
evidence being gathered to keep the matters which affect the development of the area under review?				question here.
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		No.
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).	Yes, <ul style="list-style-type: none"> • Each of the statutory environmental consultation bodies were consulted on the proposed Miscellaneous Matters (MM) policies. • 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. These are the "specific consultation bodies" for the SA.



Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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



Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Have you notified: <ul style="list-style-type: none"> • 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? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	Yes. <ul style="list-style-type: none"> • Letters were sent to each of the specific and general 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. A summary has been included in the “Schedule of Representations” submitted to PINS.
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		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 included a two workshops, and details of consultations and workshops included on the electronic

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>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.
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	The question is not really relevant to the policies in question. Certainly there was extensive publicity and those who may have an interest had the opportunity to comment.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	<p>Yes, the Council has taken the representations into account.</p> <ul style="list-style-type: none"> The Consultation Response document summarises the comments made and the Council's response to the comments. (Regulation 18)
5. Does the consultation contribute to the development and sustainability appraisal of	The Act section 19(5)	NPPF paras 165 – 168		Yes, the Sustainability Appraisal report appraised the alternative options.



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
alternatives?	Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	SEA Guide, chapter 3		
<p>6. Is the participation:</p> <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		<p>SCI 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 the Involving People in Planning document (IPIP).</p> <p>Community Strategy 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. This is explicitly set out in Chapter 44 of the Core Strategy document.</p> <p>Participation proportionate This consultation carried out is considered to be extensive, but proportionate. There are no</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				strategic issues involved with the draft MM policies so the nature of the consultation has reflected this.
<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. Regulation 35 deals with the availability of documents and the time of their removal.</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.
<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</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</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,</p>	<ul style="list-style-type: none"> • The question is not really relevant to the policies in question as none of the MM policies would have significant cross boundary impacts. • The policies are dealing with issues that are contained within the borough boundary.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?	The Act section 20 (5)(c)		actively and on an 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)?	The Act section 33A(1)(c) and Section 33A(9). The Act section 20(5) (c). Regulation 4	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	The question is not really relevant to the policies in question as none of the MM policies would have significant cross boundary impacts.
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	NPPF paras 165 - 1687 SEA Guide, Chapter 5	It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	Yes. <ul style="list-style-type: none"> • Monitoring indicators have been developed for the relevant policies. 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. • The monitoring indicators are contained within the Core Strategy, but they will be sent as a separate document as part of the submission process.





Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

The council should tell all parties that this is the main participation opportunity on the emerging plan.. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.



Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182 SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	Yes. The different options and alternatives were examined by the SA.
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 the DPD.	Yes. The draft policies and the alternatives have been assessed against the planning policy of the NPPF (March 2012) and the preferred options that have been developed are considered the best option as they are generally in conformity with the relevant NPPF paragraphs including 35, 47, 94, 95, 109, 123, 126 and 132.
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> adjoining regional spatial strategies? the spatial development strategy for London? 	The Act sections 19 (2) and 24 (1) and (4) Regulation 10 and 21		Where the regional strategy has been revoked you should record that fact.	These documents are no longer relevant and in any case would not have been relevant to these non-strategic policies.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • Planning Policy for Wales? • the National Planning Framework for 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 documents?</p>	<p>The Act section 33A(2)(a) Section 33A(6)(a)(b) Section 20(5) (c)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<p>This is not relevant to the policies in question as none of the MM policies would have significant cross boundary impacts.</p>
<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) The Act section 20 (5) (c) 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>This is not relevant to the policies in question as none of the MM policies would have significant cross boundary impacts.</p>
<p>6. Are you cooperating with having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>NPPF para 181 and 182</p>		<p>This is not relevant to the policies in question as none of the MM policies would have significant cross boundary impacts.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> • your sustainable 	<p>The Act section 19(2)</p>			<p>Yes.</p> <ul style="list-style-type: none"> • The positive relationship

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>community strategy or of other authorities whose 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>between the Core Strategy and Community Strategy is explicitly set out in Chapter 44 of the Adopted Core Strategy (December 2010).</p> <ul style="list-style-type: none"> Clearly the adopted Core Strategy itself (December 2010)
<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 services waste strategies hazardous substances 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>Yes. Particularly the Transport SPD (2008) which is relevant to CT1 and CR7 and the subterranean development SPD which is relevant to CE1.</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 -108</p>		<p>Yes policy CE1 has regard to this.</p>
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal</p>	<p>The Act section19(5)</p> <p>Regulation 12</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation</p>	<p>Yes.</p> <ul style="list-style-type: none"> Refer to the SA report which was published with the draft policies in July 2013. The Environment Agency, English

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
report?	and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633		procedures.	Heritage and English Nature were consulted on the contents.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	Yes. The sustainability appraisal and the Equalities Impact reports set out the alternatives and why the MM policies were selected instead of the alternatives.
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.	Yes. <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 representations received, which are submitted to the Inspector.
13. Where sites are to be identified or areas for the	Regulations 5 (1)(b) and 9	NPPF para 157	Regulation 2 defines the terms 'submission' and	Not applicable to the MM policies with the exception of Policy CF10



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 			<p>'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>which refers to a map, this already exists in the extant policies of the UDP and so just involves it being directly transferred into the Core Strategy.</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150 and 155</p>		<p>Yes. Compliant with IPIP (Jan 2014). The Regulation 22(c) Consultation Report on the Proposed Submission consultation is included and will be posted online.</p>



Stage four: Publication

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

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

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

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

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

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

The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness. Only people proposing a change to the plan can expect to be heard at examination.

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



Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Have you prepared the sustainability appraisal report?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168 SEA Guide Chapter 5		Yes, The Sustainability Appraisal Report, July 2013 has been submitted to PINS.
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).	Yes; we make it clear that the period of representations was 8 weeks (exceeding the requirements in the regs). Details of this were given on: <ul style="list-style-type: none"> • The Council's Website. • Letters sent to stakeholders (copies submitted). • Statement of Representation Procedure • The Publication document and the accompanying response form itself

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? 	Regulation 19(a)		Regulation 17 gives definitions.	<p>Yes, the document containing the publication policies and reasoned justification, Sustainability Appraisal, Equalities Impact Assessment and all supporting documents are available on the Council's consultation portal website, and libraries.</p> <p>The statement of representation procedure is also available at the above locations.</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	<p>Yes.</p> <p>The publication Miscellaneous Matters policies, Statement of Representations Procedure setting out where and when documents can be inspected is available on the Council's website.</p>
5. Have you sent to each of the specific consultation bodies	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>Yes.</p> <p>A letter was sent to all of the specific consultation bodies</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>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? 				<p>inviting them to make representations including the link to the electronic copies of the publication policies and all supporting documents.</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>A copy of the letter has been submitted to PINS.</p>
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>Yes.</p> <p>A letter was sent to all of general consultation bodies inviting them to make representations including the link to the electronic copies of the publication basements policy and all supporting documents.</p> <p>Detailed guidance to making representations was also</p>



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>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>A copy of the letter has been submitted to PINS.</p>
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24 Regulation 21</p>		<p>The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).</p>	<p>Yes, the same letter sent to the other specific consultation bodies was sent to the GLA. A copy of the letter from GLA confirming compliance with the London Plan policies has been submitted to PINS.</p>



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? Have the	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	1. Yes. 2. No major issues have arisen as a result of Publication Stage. The Council has submitted the representation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
timescales set out in the LDS been met?			in the Regulations.	received to PINS. 3. Yes.
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		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 Community”. This is detailed further in Chapter 44 of the Core Strategy.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	Yes. The Core Strategy and the draft policies are in compliance with IPIP (January 2014). Yes. Consultation was carried out in accordance with IPIP (January 2014). Although the document was consulted upon before IPIP was adopted the consultation principles set out in IPIP were used.
4. Have you identified and addressed any issues which	The Act section 33A(1) and section	NPPF paras 181	Under NPPF para 182, the plan should be based on	This is not relevant to the policies in question as none of the MM

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>	20(5)	and 182	effective joint working on cross-boundary strategic priorities to be found 'Effective'.	policies would have significant cross boundary impacts.
<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>		Yes. Included in the Sustainability appraisal report
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	NPPF para 151		Yes. The rationale behind this review of the MM policies is to bring them into conformity with the NPPF.
<p>7. Does the DPD contain any</p>	The Act section	NPPF para 218	In London the requirement is	No

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>policies or proposals that are not in general conformity with the regional strategy where it still exists?</p> <p>If yes, is there local justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>	<p>24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>footnote 41</p>	<p>for general conformity with the spatial development strategy (The London Plan).</p>	<p>Yes</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</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>	<p>Yes. The document containing the publication policies and reasoned justification, Sustainability Appraisal, Equalities Impact Assessment and all supporting documents are available on the Council's consultation portal website, council office and libraries. All organisations and individuals</p>



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>				<p>who are on the Local Plan database (including residents and businesses) were consulted throughout the policy process. This 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> <p>Yes</p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>			<p>No</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</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>Yes the DPD is consistent with the Core Strategy and states clearly in the publication document where it supersedes the extant UDP policies.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
superseded policies?				
11. Have you prepared a statement setting out: <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 	The Act section 20 (3) Regulation 22(1)(c)		This will bring forward material from the Consultation statement (see Stage 2 above).	Yes in the Consultation statement as required in Regulation 22(1)(c).
12. Have you prepared a statement giving: <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? OR <ul style="list-style-type: none"> • that no representations were made? 	The Act section 20(3) Regulation 22(1)(c)			The Consultation Response document summarises the number of representations received, the nature of the comments made and the Council's response to the comments. (Regulation 22)
13. Have you collected together	The Act section			Copies of all responses, at each

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
all the representations made under Regulation 28?	20(3) Regulation 22(1)(e)			stage of the documents have been kept, and are available for inspection. These have been included in the “Schedule of Representations” submitted to PINS.
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			All necessary evidence and records of decisions relevant to 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	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	Yes

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
site allocation policies)? <ul style="list-style-type: none"> the documents prescribed in Regulation 22(1)? 			the time of their removal.	
17. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> The DPD? The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	This will be undertaken after submission to PINS
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) ? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	This will be undertaken after submission to PINS

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> representations made under Regulation 20 (where practicable) ? statement as to where and when the DPD and the documents are available? 				
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 	Regulation 22(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>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.	This will be undertaken after submission to PINS
<p>21. If an examination is being held, at least six weeks</p>	The Act section 20			This will be undertaken after



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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? notified those who have made representations on the published DPD which have not been withdrawn of these details? 	<p>Regulations 24 and 35</p>			<p>submission to PINS</p>