



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		<ul style="list-style-type: none"> i. The adopted LDS at the time of commencement, publication and submission of the DPD ii. The relevant authority monitoring report (if changes need to be explained) 	<p>The Council's latest <i>Local Development Scheme</i> (LDS) has been submitted as part of the examination library (OLP1). This was approved at the meeting of Full Council on 11 April 2017 at the same time as the submission of the Local Plan. The changes since the last version of the LDS, which was in effect at the time of publication of the Local Plan, are explained on page 9.</p> <p>Previous iterations of the LDS came into effect in January 2016, September 2014, February 2013, February 2012, February 2011, December 2009, June 2007 and February 2005 and can be made available to the Inspector on request.</p>
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.	<ul style="list-style-type: none"> i. The SCI ii. The project plan for the DPD 	<p>The Council's adopted <i>Statement of Community Involvement</i> (SCI) has been submitted as part of the examination library (OLP2). Previous iterations of the SCI came into effect in December 2012 and July 2006 and can be made available to the Inspector on request</p> <p>The project plan for the plan is contained in the LDS (OLP1). Previous iterations of the LDS came into effect in January 2016, September 2014, February 2013, February 2012, February 2011, December 2009, June 2007 and February 2005 and can be made available to the Inspector on request.</p> <p>Three consultations were carried out under Regulation 18 to inform the proposed submission of the plan: <i>Housing Growth Options & Locations</i> (OLP3, February 2013); <i>Housing Additional Location Options</i> (OLP4, July 2013) and <i>Preferred Options</i> (OLP5, December 2014)</p>
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 -4.26	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<ul style="list-style-type: none"> i. The SCI ii. Reports and decisions setting out the approach to specific and general consultation bodies iii. Consultation statement 	<p>The Council has carried out consultation in the Local Plan in line with the relevant acts and regulations. The SCI (OLP2) contains information on how general and specific consultation bodies will be included. Previous iterations of the SCI can be made available to the Inspector on request</p> <p>The Regulation 18 and Regulation 22 consultation statements (LP5 and LP6) contain details of the consultations carried out as part of the plan's preparation.</p>
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4) The Act Section 20(5)(c) Regulation 4	NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7)) Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree</p>	<ul style="list-style-type: none"> i. Reports and decisions setting out the approach to be taken ii. Consultation statement 	<p>A Duty to Co-operate Compliance Statement (SOC1) has been completed setting out the key interactions and outcomes under the Duty. This sets out, retrospectively, a number of key interactions at the preparation stage of the plan demonstrating that this activity was undertaken.</p> <p>Where relevant / applicable, the responses of Duty to Co-operate bodies to consultations on the plan have been incorporated in the summaries of key issues presented in the statements of consultation (LP5, LP6).</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
		strategic priorities. Strategic priorities are listed at NPPF Para 156	joint local development documents under section 28. The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).		Completed Memoranda of Understanding or other relevant agreements have been submitted alongside the plan (MOU1 to MOU11 inclusive). The Council remains in discussion with a number of agencies to complete additional agreements reflecting engagement carried out under the Duty.
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?	The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e) The Act section 20(5)(c). Regulation 4	NPPF paras 178 to 181	Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156. Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9). Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.	i. Reports and decisions setting out the approach to be taken. ii. Consultation statement	As Activity 4 above.
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section 13	NPPF paras 158 - 177		i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report	The Local Plan is accompanied by an extensive evidence base covering the full range of necessary topics including (but not limited to) housing, employment, retail, green infrastructure, Green Belt and transport. These have had regard to existing baseline conditions in their respective topic areas. The Sustainability Appraisal (LP4) contains details of baseline monitoring. The latest Annual Monitoring Report for 2015/16 (OLP6) forms part of the document library and contains time series data against a number of indicators.
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	NPPF paras 165 and 167 Strategic Environmental Assessment Guide, chapter 5		i. Sustainability report scoping document ii. Sustainability appraisal report	The Sustainability Appraisal (LP4) contains details of baseline monitoring in Section 2 and Appendix 2 of the report. The baseline information has been updated in different iterations of the SA as the Local Plan has been progressed and as such the sustainability issues and framework have been updated accordingly.
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167 SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	Copies of the consultation letters sent to and any responses from the bodies	Consultation on the SA Scoping Reports was carried out between 06/06/2005 and 08/07/2005 and 22/10/2007 and 23/11/2007. Consultation responses were received from both Statutory and other consultees. Details of these comments are included in Appendix 12 of the <i>Draft Sustainability Appraisal of North Hertfordshire Proposed Submission Local Plan (LP4)</i> . Copies of consultation letters can be made available to the Inspector on request.

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.	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these bodies iii. Record of discussions iv. Copies of representations made v. A brief statement setting out the reasons why any bodies have been omitted from or included in consultation 	<p>This answer relates to questions 1 to 9 (inclusive) of this section which can be dealt with together.</p> <p>The Council has carried out consultation on the Local Plan in line with the relevant acts and regulations. The SCI (OLP2) contains information on how general and specific consultation bodies will be and have been included.</p> <p>Three consultations were carried out under Regulation 18 to inform the proposed submission of the plan: <i>Housing Growth Options & Locations (OLP3, February 2013)</i>; <i>Housing Additional Location Options (OLP4, July 2013)</i> and <i>Preferred Options (OLP5, December 2014)</i>.</p> <p>The first two of these set out broad options for the housing strategy of the plan. Other elements of the plan – such as employment, retail and Green Belt policy – are largely derived from the choices that have been made in relation to this crucial element of the spatial strategy. Notwithstanding this point, the <i>Draft Sustainability Appraisal of North Hertfordshire Proposed Submission Local Plan (LP4)</i> assessed alternates for other policy areas insofar as is reasonable and proportionate.</p> <p>The Regulation 18 and Regulation 22 consultation statements (LP5 and LP6) contain details of the consultations that have been carried out including summaries of the main issues raised, particularly at the preferred options and pre-submission stage.</p> <p>The collated <i>Regulation 20 consultation responses (LP7)</i> have been submitted alongside the plan. Representations to earlier stages of consultation are held by the Council and can be made available to the Inspector upon request.</p>
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these persons iii. Record of discussions iv. Copies of representations made 	
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions 	
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.	<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD 	
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5) Regulations 12 and 13 of The Environmental Assessment of	NPPF paras 165 – 168 SEA Guide, chapter 3		<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report 	

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
	Plans and Programmes Regulations 2004 No 1633				A number of the general and specific consultation bodies are also captured by the requirements of the Duty to Co-operate.
6. Is the participation: <ul style="list-style-type: none"> following the principles set out in your SCI? integrating involvement with the sustainable community strategy? proportionate to the scale of issues involved in the DPD? 	The Act section 19(3)	NPPF para 155		<ul style="list-style-type: none"> i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies 	<p>A Duty to Co-operate Compliance Statement (SOC1) has been completed setting out the key interactions and outcomes under the Duty. Completed Memoranda of Understanding or other relevant agreements have been submitted alongside the plan (MOU1 to MOU11 inclusive). The Council remains in discussion with a number of agencies to complete additional agreements reflecting engagement carried out under the Duty.</p> <p>The Local Plan is accompanied by an extensive evidence base covering the full range of necessary topics including (but not limited to) housing, employment, retail, green infrastructure, Green Belt and transport. Where applicable, these give consideration to alternate scenarios and choices and cross-boundary issues.</p>
7. Are you keeping a record of: <ul style="list-style-type: none"> the individuals or bodies invited to make representations? how this was done? the main issues raised? 	The Act section 20(3) Regulation 17	NPPF paras 158 - 171	You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below. Regulation 35 deals with the availability of documents and the time of their removal.	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	
8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9) The Act section 20 (5)(c)	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	
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.	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
10. Are you developing a framework for monitoring the effects of the DPD?	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p>	<p>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.</p>	<ul style="list-style-type: none"> i. Sustainability appraisal report ii. The authority monitoring report iii. Reports or documents setting out the appraisal and monitoring framework 	<p>The latest Annual Monitoring Report for 2015/16 (OLP6) forms part of the document library and contains time series data against a number of indicators. Many of these indicators will remain applicable to the monitoring of the new plan</p> <p>Issues of delivery and monitoring are covered in Chapter 14 of the submitted plan (LP1, pp.217-225). This includes identification of key partners, the basis of a monitoring framework for the new plan and a number of issues which might trigger a full or partial review of the plan. This chapter contains a year-by-year housing trajectory.</p> <p>The AMR monitoring framework will be reviewed in the next report (forthcoming) to ensure its indicators remain ‘fit for purpose’ in terms of monitoring the effects of the new plan.</p> <p>The <i>Draft Sustainability Appraisal of North Hertfordshire Proposed Submission Local Plan (LP4)</i> discussed monitoring issues in Section 9 . These link to the AMR.</p>

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).	Documents supporting decisions on alternatives and any preferred strategy	This answer relates to questions 1 to 12 (inclusive) of this section which can be dealt with together. The Council has carried out consultation on the Local Plan in line with the relevant acts and regulations. The SCI (OLP2) contains information on how general and specific consultation bodies will be and have been included.
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.	i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)	Three consultations were carried out under Regulation 18 to inform the proposed submission of the plan: <i>Housing Growth Options & Locations (OLP3, February 2013)</i> ; <i>Housing Additional Location Options (OLP4, July 2013)</i> and <i>Preferred Options (OLP5, December 2014)</i> . The first two of these set out broad options for the housing strategy of the plan. Other elements of the plan – such as employment, retail and Green Belt policy – are largely derived from the choices that have been made in relation to this crucial element of the spatial strategy. Notwithstanding this point, the <i>Draft Sustainability Appraisal of North Hertfordshire Proposed Submission Local Plan (LP4)</i> insofar as is reasonable and proportionate.
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? 	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.	i. Supporting documents ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate) iii. CLG notice of revocation of the regional strategy	The Regulation 18 and Regulation 22 consultation statements (LP5)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
<ul style="list-style-type: none"> the National Planning Framework for Scotland? 					and LP6) contain details of these consultations including summaries of the main issues raised, particularly at the preferred options and pre-submission stage.
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?	The Act section 33A(2)(a) Section 33A(6)(a)(b) Section 20(5) (c)	NPPF paras 181 and 185	.	i. Supporting documents ii. Correspondence with LPA/County Council	The Regional Strategy for the East of England was revoked in January 2013, prior to the first of the Regulation 18 consultations supporting the plan. The collated <i>Regulation 20 consultation responses (LP7)</i> have been submitted alongside the plan. Representations to earlier stages of consultation are held by the Council and can be made available to the Inspector upon request.
5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 33A(2)(a), section 33A(6)(a) The Act section 20 (5) (c) Regulation 4	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	i. Supporting documents ii. Correspondence with prescribed bodies	A number of the general and specific consultation bodies are also captured under the requirements of the Duty to Co-operate. A Duty to Co-operate Compliance Statement (SOC1) has been completed setting out the key interactions and outcomes under the Duty. Completed Memoranda of Understanding or other relevant agreements have been submitted alongside the plan (MOU1 to MOU11 inclusive). The Council remains in discussion with a number of agencies to complete additional agreements reflecting engagement carried out under the Duty.
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182		i. Supporting documents ii. Correspondence with LEP/LNP	The Local Plan is accompanied by an extensive evidence base covering the full range of necessary topics including (but not limited to) housing, employment, retail, green infrastructure, Green Belt and transport. Where applicable, these give consideration to alternate scenarios and choices and cross-boundary issues.
7. Are you having regard to: <ul style="list-style-type: none"> your sustainable community strategy or of other authorities whose area comprises part of the area of the council? any other local development documents adopted by the council? 	The Act section 19(2)			i. Supporting documents ii. The sustainable community strategies iii. Relevant local development documents iv. Correspondence with the local strategic partners	<i>The Planning Advisory Service (PAS) soundness self assessment (SOC3)</i> rigorously tests the compatibility of the plan with the requirements of the National Planning Policy Framework.
8. Do you have regard to other matters and relevant strategies relating to: <ul style="list-style-type: none"> resources the local/regional economy the local transport plan and transport facilities and services waste strategies hazardous substances 	The Act section 19(2) Regulation 10		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.	i. Supporting documents ii. Correspondence with the relevant bodies	Regard has been had to other relevant plans and strategies of the Council and other relevant bodies. A summary of these, and the issues identified are contained in Chapter 2 of the submitted plan (LP1 , pp.15-22 as amended by the <i>Schedule of Proposed Additional Modifications LP3</i>).
9. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and	NPPF para 182 SEA Guide, Chapter 5	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents	

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
	Programmes Regulations 2004 No 1633				
10. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	<ul style="list-style-type: none"> i. Any reports setting out alternatives and choices considered ii. Supporting documents 	
11. 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.	<ul style="list-style-type: none"> i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report 	
12. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		<ul style="list-style-type: none"> i. The SCI ii. Consultation statement 	
13. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section 19(1A)	NPPF paras 93 -108		Supporting documents	Addressing climate change is a theme that permeates throughout the submitted plan (LP1). In particular this can be seen in the Vision & Objectives (pp.27-29), Policy SP1 (pp.31-32), Policy SP11 (pp.55-56) and the detailed policies on the natural environment contained in Chapter 11 (pp.110-126).
14. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to: <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	Regulations 5 (1)(b) and 9	NPPF para 157	Regulation 2 defines the terms 'submission' and 'adopted' proposals map. A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.	<ul style="list-style-type: none"> i. Adopted policies map ii. Any reports on proposals to amend the policies map iii. Illustrative material that shows how the policies map will be amended or replaced 	The <i>Submission Proposals Map (LP2)</i> shows how the policies in the submitted plan would apply spatially if the plan was adopted.

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		Sustainability appraisal report	Yes. The Regulation 19 consultation was accompanied by the <i>Draft Sustainability Appraisal of North Hertfordshire Proposed Submission Local Plan (LP4)</i> .
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).	i. Report or record of decisions ii. The statement of community interest	This answer relates to questions 1 to 6 (inclusive) of this section which can be dealt with together.
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	Regulation 19(a)		Regulation 17 gives definitions.	i. Copies of the relevant statements ii. Report on where and when made available iii. Record of where and when made available	Consultation on the Proposed Submission version of the Local Plan was held between 19 October and 30 November 2016. The consultation was advertised in accordance with the relevant regulations and documents were published on the Council's website and made available for inspection at the Council offices. Copies of the proposed submission Plan and Proposals Maps were additionally made available in public libraries in the District and in neighbouring authority libraries at Stevenage and Luton.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	
procedure?					
4. Have you published on your website: <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.	Record of publication	Further information on the consultation is provided in the Reg. 22 Statement of Consultation (LP6). Examples of notices and correspondence are contained in the <i>Consultation Statement Annex (LP9)</i> .
5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> A copy of each of the proposed submission documents The statement of the representations procedure? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	i. Copies of correspondence ii. Record of sending	
6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> the statement of the representations procedure? where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	i. Copies of correspondence ii. Record of sending	
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	The Act section 24 Regulation 21		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	Copies of correspondence	

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 timescales set out in the LDS been met?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	<ul style="list-style-type: none"> i. The LDS ii. Explanation of any changes from the milestones set out in the LDS iii. Relevant authority monitoring reports 	Yes. The Council's latest <i>Local Development Scheme</i> (LDS) has been submitted as part of the examination library (OLP1). This was approved at the meeting of Full Council on 11 April 2017 at the same time as the submission of the Local Plan. The changes since the last version of the LDS, which was in effect at the time of publication of the Local Plan, are explained on page 9 of the LDS.
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182		<ul style="list-style-type: none"> i. The sustainable community strategy(ies) ii. Reference to sections of the DPD showing how regard has been had to them 	Sections 19(2)(f) and (g) of the Act have been omitted by virtue of s100(2) of the Deregulation Act 2015.
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).	<ul style="list-style-type: none"> i. The SCI ii. The Regulation 22(1)(c) statement 	The Council's adopted <i>Statement of Community Involvement</i> (SCI) has been submitted as part of the examination library (OLP2). Previous iterations of the SCI came into effect in December 2012 and July 2006 and can be made available to the Inspector on request. The Regulation 22 consultation statement (LP6) contains details of the proposed submission consultation. The collated representations from this consultation have been submitted alongside the plan (LP7).
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	Statement identifying any strategic cross-boundary issues or impacts on county matters addressed in the document and explaining the approach taken to co-operate with the relevant bodies. Supporting correspondence and reports e.g. Memorandum of	A Duty to Co-operate Compliance Statement (SOC1) has been completed setting out the key interactions and outcomes under the Duty. Completed Memoranda of Understanding or other relevant agreements have been submitted alongside the plan (MOU1 to MOU11 inclusive). The Council remains in discussion with a number of agencies to complete additional agreements reflecting engagement carried out under the Duty.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues If you have not agreed on the approach is there a justification?				Understanding, shared and agreed evidence	
5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5) Regulation 22(1)(a)	NPPF para 165 SEA Practical Guide, chapter 5		Sustainability appraisal report	Yes. The <i>Draft Sustainability Appraisal of North Hertfordshire Proposed Submission Local Plan (LP4)</i> accompanies the submitted plan. A short <i>Sustainability Appraisal Supplementary Paper (LP8)</i> has been prepared to address comments raised during the consultation on the Proposed Submission plan. It is the Council's intention that the changes set out in this document will be incorporated into the final Sustainability Appraisal, along with any necessary further appraisals or commentary arising from the examination process.
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		i. Correspondence with PINS? ii. PAS Soundness self assessment checklist	Yes. The <i>Planning Advisory Service (PAS) soundness self assessment (SOC3)</i> rigorously tests the compatibility of the plan with the requirements of the National Planning Policy Framework.
7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification? 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?	The Act section 24(1)(a) and 24(4) Regulation 21	NPPF para 218 footnote 41	In London the requirement is for general conformity with the spatial development strategy (The London Plan).	i. Correspondence with or representations from Mayor of London (where appropriate) ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place	Not applicable. The Regional Strategy for the East of England was revoked in January 2013.
8. Has the council published the prescribed documents, and made them available at their principal offices and their website? Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make	The Act section 20(2), 20(3) and 20(5)(b) Regulations 8 and 19	NPPF para 182	Requirements relating to publication of the prescribed documents are listed later in this table.	i. The documents prescribed at Regulation 22(1) ii. Relevant authority monitoring reports iii. Records of the actions undertaken (see below)	These actions will be taken as soon as reasonably practicable following the submission of the plan in consultation with the appointed Programme Officer where applicable.

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>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>	Regulations 5(1) (b), 9 (1), 17 & 22(1)			<p>i. Submission policies map</p> <p>ii. Brief statement if a submission policies map is not required</p>	The <i>Submission Proposals Map (LP2)</i> shows how the policies in the submitted plan would apply spatially if the plan was adopted.
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	Regulation 8(3) and (4)		Development Plan is defined in Section 38 of the Act.	<p>i. The core strategy</p> <p>ii. Documents or reports demonstrating conformity</p>	<p>The issue of consistency is not applicable: NHDC have prepared a single local plan covering all issues of strategy, site allocations and detailed policies for Development Management.</p> <p>Appendix 1 of the submitted plan (LP1) (pp.227-228) sets out a list of saved policies in the 1996 District Local Plan No. 2 with Alterations which will be superseded upon adoption of the new plan.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> Which bodies and persons were invited to make representations under Regulation 18? 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).	<p>i. Consultation statement</p> <p>ii. The Statement as required in Regulation 22(1)(c)</p>	<p>Three consultations were carried out under Regulation 18 to inform the proposed submission of the plan: <i>Housing Growth Options & Locations (OLP3, February 2013)</i>; <i>Housing Additional Location Options (OLP4, July 2013)</i> and <i>Preferred Options (OLP5, December 2014)</i>.</p> <p>The Regulation 18 consultation statement (LP5) contains details of these consultations including summaries of the main issues raised, particularly at the preferred options and pre-submission stage.</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> the number of representations made under Regulation 22? a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> that no representations were made? 	The Act section 20(3)	Regulation 22(1)(c)		The Statement as required in Regulation 22(1)(c)	The Regulation 22 consultation statement (LP6) contains details of the proposed submission consultation.
<p>13. Have you collected together all the representations made</p>	The Act section 20(3)			Copies of the representations	The collated representations from the proposed submission consultation have been submitted alongside the plan (LP7).

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
under Regulation 28?	Regulation 22(1)(e)				
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	The Local Plan is accompanied by an extensive evidence base covering the full range of necessary topics including (but not limited to) housing, employment, retail, green infrastructure, Green Belt and transport. These are listed in full in the document library.
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Report and resolution of the appropriate council body	The meeting of Full Council on April 11 2017 approved the submission of the plan to the Secretary of State for examination. The report and minutes (ORD1) form part of the examination library.
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> the DPD? the submission policies map (unless there are no site allocation policies)? the documents prescribed in Regulation 22(1)? 	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)		Regulation 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and supporting documents may not be practicable. Regulation 35 deals with the availability of documents and the time of their removal.	i. Record of sending ii. Reasons why documents cannot be sent electronically	Paper and electronic copies of documentation have been sent as advised following liaison with the Planning Inspectorate in the run up to submission.
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.	Record of where and when made available	This answer relates to questions 17 to 21 (inclusive) of this section which can be dealt with together. The actions to notify and publicise submission of the plan will be taken as soon as reasonably practicable in consultation with the appointed Programme Officer where applicable. The appointed Programme Officer will provide the necessary notifications of the examination once dates for the hearing sessions are advised by the appointed Inspector.
18. On your website, have you published the: <ul style="list-style-type: none"> DPD? submission policies map? sustainability appraisal report? Regulation 22(1)(c) statement? supporting documents (where practicable) ? representations made under Regulation 20 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Record of publication	

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
(where practicable) ? <ul style="list-style-type: none"> statement as to where and when the DPD and the documents are available? 					
19. For each general consultation body invited to make representations under Regulation 18(1), have you sent: <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.	i. Copies of correspondence ii. Record of sending	
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	i. Copies of correspondence ii. Record of sending	
21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <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? 	The Act section 20 Regulations 24 and 35			i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement	