



Local Plan Legal Compliance Checklist (April 2013)

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

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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

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



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
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) 	<ul style="list-style-type: none"> a) Yes – adopted LDS at the time b) The relevant authority monitoring report
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 Statement of Community Involvement (SCI), June 2007</p> <p>The Statement of Community Involvement (SCI), Technical Addendum, January 2010</p> <p>Report of Consultation</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
					DPD project plan
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	Regulation 2 defines the general and specific consultation bodies. The possible evidence may duplicate each other. Only use what you need to.	<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>Yes -the general and specific consultees have been consulted in line with SCI.</p> <p>The Statement of Community Involvement (SCI), June 2007</p> <p>The Statement of Community Involvement (SCI), Technical Addendum, January 2010</p> <p>Checked NPPF Report of Consultation</p>
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies,	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)	NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required</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 Cooperate Statement, April 2018</p> <p>b) Consultation</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<p>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 20(5)(c)</p> <p>Regulation 4</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>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>statement</p> <p>Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) Publication Version, (Draft Regulation 22 Statement), September 2017</p> <p>Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) Revised Publication Version, (Regulation 22 Statement – Part</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
					2) , March 2018
<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>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p>	<p>a) Duty to Cooperate Statement, April 2018</p> <p>b) Consultation statement</p> <p>Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) Publication Version, (Draft Regulation 22 Statement), September 2017</p> <p>Report of Consultation for the Nottingham</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
					City Land and Planning Policies Development Plan Document (Local Plan Part 2) Revised Publication Version, (Regulation 22 Statement – Part 2) , March 2018
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF paras 158 - 177		<ul style="list-style-type: none"> i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report 	Evidence Base Report Nottingham AMRs eg The Authority Monitoring Report (AMR) 2017
7. Is baseline information being collected and evidence being	The Act section19(5)	NPPF paras 165 and 167		<ul style="list-style-type: none"> i. Sustainability report scoping document ii. Sustainability 	Yes - baseline information is set out in the Sustainability



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
gathered to set the framework for the sustainability appraisal?		Strategic Environmental Assessment Guide, chapter 5		appraisal report	Appraisal Scoping
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	Yes-Sustainability Appraisal Scoping Report was subject to consultation Copies of the consultation letters sent to and any responses from the bodies are contained in the Report of Consultation



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Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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



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Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
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.	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	Yes - the specific and general consultation bodies have been notified. Details are set out in the Report of Consultation The Council has carried out consultation in line with its adopted SCI. Statement of Compliance with the Duty to Cooperate An issues and options document was consulted on 26/9/11-21/11/11. Consultation on additional sites between 5/3/12-30/4/12. A Preferred Option was consulted on 7/10/13-2/12/13. 2 additional sites were also consulted on: Owners, neighbouring occupiers and residents between 22/8/14 and 3/10/14 and Statutory Consultees



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
					<p>between 17/9/14 and 29/10/14.</p> <p>Publication Draft consultation 29/1/15 – 11/3/16. A site (Horizon Factory) was consulted on 28/9/16-9/11/16</p> <p>Revised Publication Draft consultation 29/9/17-10/11/17</p>
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>		<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 	<p>Yes - residents, businesses, community and voluntary organisations have been consulted. Details are set out in the Report of Consultation. The Council has carried out consultation in line with its adopted SCI.</p>
<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting 	<p>Yes - Report of Consultation prepared under regulation</p> <p>Duty to Cooperate</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
				these people iii. Record of discussions	Statement, April 2018 Infrastructure Delivery Plan An Issues and Options document was consulted on 26/9/11-21/11./11. Consultation on additional sites between 5/3/12-30/4/12. A Preferred Option was consulted on 7/10/13-2/12/13. 2 additional sites were also consulted on: Owners, neighbouring occupiers and residents between 22/8/14 and 3/10/14 and Statutory Consultees between 17/9/14 and 29/10/14. Publication Draft consultation 29/1/15 – 11/3/16. A site (Horizon Factory) was consulted on 28/9/16-9/11/16 Revised Publication Draft



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
					consultation 29/9/17-10/11/17
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 	<p>Yes - detailed in Report of Consultation</p> <p>An issues and options document was out for consultation 26/9/11-21/11./11. Consultation on additional sites between 5/3/12-30/4/12. A Preferred Option was out for consultation 7/10/13-2/12/13. 2 additional sites were also consulted on: Owners, neighbouring occupiers and residents between 22/8/14 and 3/10/14 and Statutory Consultees between 17/9/14 and 29/10/14. Publication Draft consultation 29/1/15 – 11/3/16. A site (Horizon Factory) was consulted on 28/9/16-9/11/16 Revised Publication Draft consultation 29/9/17-</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
					10/11/17 Schedule of modifications explains why we made changes
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168 SEA Guide, chapter 3		i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report	Yes - The Sustainability Appraisal has been fully integrated with the development of the LAPP. The Sustainability Appraisal considers appropriate alternatives Report of Consultation
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 	The Act section19(3)	NPPF para 155		i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies	Yes -, Report of Consultation. Public participation has followed the principles set out in the Councils SCI. The LAPP includes how it links with Nottingham's Sustainable Community Strategy - The Nottingham Plan to 2020



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
involved in the DPD?					.
<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>	NPPF paras 158 - 171	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>Yes, - Report of Consultation Copies of representations and Various Council reports. Include these in Examination library.</p>
<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>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence 	<p>Yes, see Duty to Cooperate Statement, April 2018 Report of Consultation</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?			engage constructively, actively and on an ongoing basis.	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.	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	Yes, see Duty to Cooperate Statement, April 2018 Report of Consultation
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35 Regulation 34 Regulation 17	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	i. Sustainability appraisal report ii. The authority monitoring report iii. Reports or	Yes - Sustainability Appraisal Report The monitoring arrangements set out in the LAPP



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
	of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363		prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	documents setting out the appraisal and monitoring framework	Authority Monitoring Reports eg The Authority Monitoring Report (AMR) 2017



Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

The council should tell all parties that this is the main participation opportunity on the emerging plan. The publication stage will not be a participation or consultation process. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.



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Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
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	Yes,- alternatives are set out in the Sustainability Appraisal. See also Issues and Options consultation document, Preferred Option, Publication and Revised Publication documents Report of Consultation
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)	Yes,- see the Nottingham Sustainability Appraisal tests alternatives consistently against spatial objectives consistent with the Council's Sustainable Communities Strategies and national policy. The East Midlands Regional Plan has been revoked.
3. Are you having regard to (where	The Act sections 19 (2)		Where the regional strategy has been	i. Supporting documents	NA



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
relevant): <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	and 24 (1) and (4) Regulation 10 and 21		revoked you should record that fact.	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	
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	.	<ul style="list-style-type: none"> • Supporting documents • Correspondence with LPA/County Council 	Yes, -There is a long history of joint working and cooperation between the Adjoining councils, other councils and key stakeholders within and adjoining Greater Nottingham. See Duty to Cooperate Statement, April 2018
5. Are you cooperating with a	The Act section	NPPF paras 181 and 182	The bodies prescribed by The	1. Supporting documents	Yes, see Duty to Cooperate Statement, April



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	33A(2)(a), section 33A(6)(a) The Act section 20 (5) (c) Regulation 4		Act section 33A(1)(c) are set out at Regulation 4 (1).	2. Correspondence with prescribed bodies	2018
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		<ul style="list-style-type: none"> Supporting documents Correspondence with LEP/LNP 	Yes, see Duty to Cooperate Statement, April 2018
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? 	The Act section 19(2)			<ul style="list-style-type: none"> Supporting documents The sustainable community strategies Relevant local development 	Yes the LAPP is linked to the Nottingham's Sustainable Community Strategy - The Nottingham Plan to 2020 Nottingham Sustainability Appraisal.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<ul style="list-style-type: none"> any other local development documents adopted by the council? 				<ul style="list-style-type: none"> documents Correspondence with the local strategic partners 	
<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>	<ul style="list-style-type: none"> Supporting documents Correspondence with the relevant bodies 	<p>Yes - The LAPP has taken account of the Strategic plans of various service providers and these are referenced in the Infrastructure Delivery Plan and LAPP document.</p>
<p>9. Are you having</p>	<p>The Act</p>	<p>NPPF paras</p>		<p>Supporting documents</p>	<p>Yes. See Climate Change</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
regard to the need to include policies on mitigating and adapting to climate change?	section19(1A)	93 -108			Section of LAPP, policies CC1: Sustainable Design and Construction, CC2: Decentralised Energy and Heat Networks and CC3:Water The Sustainability Appraisal Framework includes objectives on energy and climate change and also on natural resources and flooding.
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182 SEA Guide, Chapter 5	Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	<ul style="list-style-type: none"> • Reports on the sustainability of alternatives • Record of work undertaken on sustainability appraisal • Supporting documents 	Yes,- see the Sustainability Appraisal for the appraisal of options. The introduction to the SA sets out the development and record of work on the sustainability appraisal. Consultation on the Sustainability Appraisal was undertaken
11. Are you setting out reasons for any preferences between	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	<ul style="list-style-type: none"> • Any reports setting out alternatives and choices considered • Supporting 	Yes see the Sustainability Appraisal and the Option for Consultation Document.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
alternatives?				documents	
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.	1. Correspondence from those making representations 2. Reports on issues raised 3. Consultation statement 4. Sustainability appraisal report	Copies of representations. Report of Consultation Sustainability Appraisal Habitats Regulations Assessment 2010-12, June 2012
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to: • enable you to amend the currently adopted policies map?	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	<ul style="list-style-type: none"> • Adopted policies map • Any reports on proposals to amend the policies map • Illustrative material that shows how the policies map will be amended or replaced 	Yes, each development site has its own plan and there is a city wide proposals map and City Centre inset



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<ul style="list-style-type: none"> inform the community about the location of proposals? 			in Regulation 17.		
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		<ol style="list-style-type: none"> The SCI Consultation statement 	Yes - Report of Consultation and The Statement of Community Involvement (SCI), June 2007 The Statement of Community Involvement (SCI), Technical Addendum, January 2010



Stage four: Publication

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

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

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

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

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

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

You should make it clear that publication of a DPD is not public participation, nor a consultation. The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness.

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



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Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
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,
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	Yes, - relevant statements and documents produced in the legal notices attached to letters. Information also contained in the various consultation versions of the LAPP.
3. Have you made copies of the following available for inspection:	Regulation 19(a)		Regulation 17 gives definitions.	<ul style="list-style-type: none"> Copies of the relevant statements Report on 	Yes, submission documents and statement of representations



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? 				where and when made available <ul style="list-style-type: none"> Record of where and when made available 	procedure made available Report of Consultation
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	Yes. The proposed submission documents, the statement of the representations procedure and statement and details of where and when documents can be inspected on website
5. Have you sent to each of the specific consultation bodies invited to make	Regulation 19(b)		Regulations 2 and 17 give definitions.	<ul style="list-style-type: none"> Copies of correspondence Record of 	Yes, copies of letters/emails available



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
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? 				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.	<ul style="list-style-type: none"> • Copies of correspondence • Record of sending 	Yes, copies of correspondence available
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the	The Act section 24 Regulation 21		The request must be made on the day you publish the documents under Regulation 19(a) and	Copies of correspondence	Not Applicable



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence
general conformity of the DPD spatial development strategy?			a response must be made within six weeks from the request (Regulation 21).		



Stage five: Submission

At the submission stage, the council should receive and collate any representations made at publication stage. You don't have to report these representations to councillors but there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered. Or you might just think it is a good idea to report on it anyway.

If they are reported it should be on the facts of the representations made, not the results of a consultation process by the council. They should not be treated as a consultation or an opportunity to make changes or answer representations. NB: under the 2012 Regulations there is no longer any requirement to give notice by local advertisement.

You should ensure you are in legal compliance with the SCI, the Habitats Directive and the Strategic Environmental Assessment Directive in any additional work. Any formal publication of additional or changed matters would need to allow at least a six-week period for representations to be made.

There are different approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements if any changes are made (and any consequential effects on the DPD as a whole).

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission.

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in 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 in the	i. The LDS ii. Explanation of any changes from the milestones set	iv. Yes – Nottingham City Local Development Scheme (LDS), March 2018



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
LDS match the document? Have the timescales set out in the LDS been met?			Regulations.	<ul style="list-style-type: none"> out in the LDS iii. Relevant authority monitoring reports 	v. Yes – to the Submission date met, however, Examination put back to September to avoid summer holidays link to committee reports provided.
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 ii. Reference to sections of the DPD showing how regard has been had to them 	Yes,- LAPP includes reference to Nottingham's Sustainable Community Strategy - The Nottingham Plan to 2020
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out	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	<ul style="list-style-type: none"> i. The SCI ii. The Regulation 22(1)(c) statement 	Yes, -consultees have been consulted in accordance with The Statement of



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
consultation as described in the SCI?			need to set out how the community engagement that you carried out met the regulations (as amended).		Community Involvement (SCI), June 2007 And The Statement of Community Involvement (SCI), Technical Addendum, January 2010 Report of Consultation
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	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	Consulted with neighbouring authorities and LEP eg involved the LEP heavily in the production of Employment Land Forecasting Study: Nottingham Core HMA and



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<p>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>				<p>relevant bodies.</p> <p>Supporting correspondence and reports e.g. Memorandum of Understanding, shared and agreed evidence</p>	<p>Nottingham Outer HMA Final Report, August 2015</p> <p>There is a long history of joint working between the adjoining Councils, other councils and key stakeholders within and adjoining Greater Nottingham</p> <p>Duty to Cooperate Statement, April 2018</p>
<p>5. Has the DPD been subject to sustainability appraisal?</p> <p>Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>Sustainability appraisal report</p>	<p>Yes, SA report produced</p> <p>Sustainability Appraisal Addendum 2, Submission Version, March 2018</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<ul style="list-style-type: none"> • Correspondence with PINS? • PAS Soundness self assessment checklist 	<p>Yes – see Submission Version Soundness Self-Assessment Check List, April 2018</p>
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local 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</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<ul style="list-style-type: none"> • Correspondence with or representations from Mayor of London (where appropriate) • Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place 	<p>Not Applicable</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<p>the general conformity of the plan with the spatial development strategy?</p>					
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>i. The documents prescribed at Regulation 22(1)</p> <p>ii. Relevant authority monitoring reports</p> <p>iii. Records of the actions undertaken (see below)</p>	<p>Yes, - The documents prescribed at Regulation 22(1) are available at Loxley House and on website</p> <p>AMRs – included in the Examination Library</p> <p>Yes – all those on the Local Plan database have been invited to make representations</p> <p>Copies of</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
policies?					<p>letters/emails available</p> <p>The DPD will supersede all the remaining saved policies in the adopted Local Plan</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>			<ul style="list-style-type: none"> • Submission policies map • Brief statement if a submission policies map is not required 	<p>Yes, - Submission policies map prepared.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If 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>The core strategy Documents or reports demonstrating</p>	<p>Yes, - The DPD has been prepared to be in general</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<p>DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>				conformity	conformity with Aligned Core Strategy and supersedes all the remaining saved policies in the adopted Local Plan
<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? 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>Consultation statement</p> <p>The Statement as required in Regulation 22(1)(c)</p>	<p>Yes, - Report of Consultation</p> <p>The Statement as required in Regulation 22(1)(c):</p> <p>https://www.nottinghamcity.gov.uk/submission</p> <p>Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
					<p>(Local Plan Part 2) Publication Version, (Draft Regulation 22 Statement), September 2017</p> <p>Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) Revised Publication Version, (Regulation 22 Statement – Part 2) , March 2018</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> the number of representations 	<p>The Act section 20(3)</p> <p>Regulation</p>			<p>The Statement as required in Regulation 22(1)(c)</p>	<p>Yes, - Report of Consultation https://www.nottinghamcity.gov.uk</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<p>made under Regulation 22?</p> <ul style="list-style-type: none"> • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? 	<p>22(1)(c)</p>				<p>/submission</p> <p>Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) Publication Version, (Draft Regulation 22 Statement), September 2017</p> <p>Report of Consultation for the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) Revised Publication Version, (Regulation 22</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
					Statement – Part 2) , March 2018
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 22(1)(e)			Copies of the representations	Yes, -Copies of the representations
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	Yes – Examination library available,
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	Yes, -Report and resolution of Full Council available.
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the	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	Record of sending Reasons why documents cannot be sent electronically	Documents sent both paper copy and electronically



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
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)? 			representations and supporting documents may not be practicable. Regulation 35 deals with the availability of documents and 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.	Record of where and when made available	Yes - see legal notices.
18. On your website, have you published the: <ul style="list-style-type: none"> • DPD? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Record of publication	Yes



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
<ul style="list-style-type: none"> • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 					
<p>19. For each general consultation body invited to make representations under Regulation</p>	<p>Regulation 22(3)(b)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<ul style="list-style-type: none"> • Copies of correspondence • Record of sending 	<p>Yes - Copies of correspondence Record of sending Copies of</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence
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? 					letters/emails/legal notices.
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.	<ul style="list-style-type: none"> Copies of correspondence Record of sending 	<ul style="list-style-type: none"> Yes - Copies of letters/emails/legal notices.
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 	The Act section 20 Regulations 24 and 35			Record of publication of information Record of sending Copies of correspondence Copy of advertisement	To follow



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