



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.



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>			<p>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>	<p>The Sevenoaks District Local Plan is identified in, and its production timetabled, in the approved Local Plan timetable which forms the basis of the LDS.</p> <p>An updated LDS is being produced to accurately reflect the hearing timetable of the Local Plan and its anticipated adoption.</p>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3) Regulation 18</p>	<p>NPPF, paras 16, 25</p>	<p>If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.</p>	<p>i. The SCI ii. The project plan for the DPD</p>	<p>The timetable identifies the stages of formal public consultation for the production of the Local Plan. The Statement of Community Involvement sets out how the council will engage with the community. The SCI was adopted in November 2014.</p> <p>The Consultation Statement sets out the details of community engagement at each stage of Plan production.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 16, 24 to 27</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<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 Consultation Statement lists the appropriate bodies consulted, and along with the Duty to Cooperate Statement and SCI, sets out how they were consulted and at what stages in the Local Plan.</p> <p>The Council maintains a data base which contains up to date details of these consultees.</p>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 24 to 27</p> <p>Under NPPF Para 35, to be 'Effective' a plan should be based on effective joint working on crossboundary strategic matters that have been dealt with rather than</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local</p>	<ul style="list-style-type: none"> i. Reports and decisions setting out the approach to be taken ii. Consultation statement 	<p>The Duty to Cooperate Statement of Compliance has been produced alongside the Local Plan. It identifies the agreed strategic issues and outlines the discussions and engagement that has taken place to date with neighbouring authorities and other statutory bodies.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
		deferred.	development documents under section 28. The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).		
5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	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 24 to 27 Under NPPF para 35, to be 'Effective' a plan should be based on effective joint working on crossboundary strategic matters.	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	The Duty to Cooperate Statement Appendix 2 sets out how the Council has involved with the South East Local Enterprise Partnership and Local Nature Partnership.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section13</p>	<p>NPPF paras 31 to 33</p>		<ul style="list-style-type: none"> i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report 	<p>The Local Plan is supported by a comprehensive and proportionate body of evidence.</p> <p>The Annual Monitoring Reports monitor the progress of the plan against a series of indicators, which provide updates to the baseline information and will continue to monitor against these indicators annually.</p>
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section19(5)</p>	<p>NPF para 32</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<ul style="list-style-type: none"> i. Sustainability report scoping document ii. Sustainability appraisal report 	<p>The Sustainability Appraisal Scoping Report (2016) identified the baseline information for the District and established the SA framework. The Local Plan has been subject to Sustainability Appraisal throughout up to Submission.</p> <p>The relevant documents are: Interim Sustainability Appraisal Report July 2017</p> <p>Sustainability Appraisal to</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					<p>accompany Draft Local Plan Consultation July 2018</p> <p>Sustainability Appraisal Report Volume 1 December 2018</p> <p>Sustainability Appraisal Report Volume 2 (site specific) December 2018</p>
<p>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?</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>NPPF para 32</p> <p>SEA Guide chapter 3</p>	<p>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</p>	<p>Copies of the consultation letters sent to and any responses from the bodies</p>	<p>The consultation bodies are the Environment Agency, Historic England and Natural England. These authorities were consulted on the SA Scoping Report in September 2016 and have been consulted on all iterations of the SA to date including the SA Report Dec 2018. Comments received were duly considered and incorporated into the subsequent SA reports.</p>



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Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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



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Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
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 16, 24 to 27	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	The Consultation Statement sets out the specific consultation bodies and how they have been consulted at different stages of the Local Plan including two Regulation 18 consultations and a Regulation 19 consultation. Copies of all representations are available to view via the Councils dedicated Consultation Portal.
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 para 16		i. Consultation statement ii. Copies of documents consulting these persons iii. Record of discussions iv. Copies of representations made	The Consultation Statement sets out the ways in which people and businesses from the district were invited to comment during the preparation of the plan and how this was publicised. Copies of all documents were published on the Council's website at each stage of consultation. In addition, hard copies of the Local Plan were made available at libraries, SDC Council offices and Town/Parish Council offices. Further detail is set out in the Consultation Statement.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					Copies of all representations are available to view via the Councils dedicated Consultation Portal.
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 16, 24 to 27	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 	The Consultation Statement and the Duty to Cooperate Statement provide an overview of when and how key stakeholders were consulted and engaged with, the key issues and how they have been taken into account. Relevant stakeholders have also been consulted on the production of the Infrastructure Delivery Plan.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 16	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 	The Consultation Statement summarises the representations that were made at each stage of plan preparation and details how these have been taken into consideration as the plan has evolved.
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and</p>	<p>NPPF paras 32, 35</p> <p>SEA Guide chapter 3</p>		<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 	<p>The Consultation Statement summarises the representations that were made at each stage of plan preparation and how these have been taken into consideration as the plan has evolved.</p> <p>Throughout the process of</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
	Programmes Regulations 2004 No 1633				developing the Local Plan, a number of different options were considered and were subject to a Sustainability Appraisal. The Sustainability Appraisal Report Dec 2018 for the Proposed Submission Version draws together the previous Sustainability Appraisals that were carried out for each stage of the plan preparation, including the assessment of all reasonable alternatives. The SA documents were subject to consultation alongside the Draft (Regulation 18) Local Plan and the Proposed Submission Version (Regulation 19) Local Plan.
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the 	The Act section 19(3)	NPPF para 16		<ul style="list-style-type: none"> i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies 	<p>Consultation throughout the preparation of the Local Plan has been guided by the SCI. The Consultation Statement sets out that the Council has met and exceeded the minimum requirements for consultation in line with the SCI.</p> <p>Details of consultation at each stage of the Local Plan is set out in the submitted Consultation Statement.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
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>	<p>NPPF para 16</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>The Consultation Statement details who was consulted at each stage and how each stage was publicised and carried out. All representation have been recorded on the Council's dedicated Consultation Portal including detail of individuals and bodies invited to make representations. This includes details of representations submitted online, by email and by letter.</p> <p>The main issues raised were set out and considered at each stage of consultation to inform the next iteration of the Local Plan. Further detail is set out in the submitted Consultation Statement.</p> <p>All representations made are available to view on the Council's dedicated Consultation Portal.</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from</p>	<p>The Act section 33A(1)(a) (b) and (c), section</p>	<p>NPPF paras 24 to 27</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and 	<p>Representations have been invited at all stages from Kent County Council and all neighbouring authorities. Details are set out in the Consultation Statement.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
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)?	33A(3)(d) & (e) section 33A(4) section 33A(9) The Act section 20 (5)(c)		before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	relevant correspondence iv. Technical reports on the engagement process	There has also been on-going, constructive and active dialogue throughout the plan outside the formal consultation stages on strategic or cross boundary issues, as detailed in the submitted Duty to Cooperate Statement.
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 24 to 27	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	The Duty to Cooperate Statement Appendix 2 details how the South East Local Enterprise Partnership (SELEP) and the Kent Local Nature Partnership (LNP) have been involved in work on strategic issues in the preparation of the plan.
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35 Regulation 34	NPPF paras 31 to 33 SEA Guide	It is a matter for each council to decide what to include in their	i. Sustainability appraisal report ii. The authority monitoring report iii. Reports or documents setting out the appraisal and	Indicators and targets are set out for each policy in the Local Plan. These will be monitored through the Annual Monitoring Report.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
	Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	chapter 5	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.	monitoring framework	



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.



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Stage three: Plan preparation – writing the plan

Activity	Statutory requirement		Additional notes	Possible evidence	Evidence Provided
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 32, 35 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	A number of reasonable alternatives have been considered during the development of the Plan set out in the Sustainability Appraisal Report Dec 2018 and previous iterations.
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 35	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)	Sites that were found to be unsuitable, were not considered further during the plan making process. The reasonable alternatives were considered throughout the Sustainability Appraisal process. The Local Plan is consistent with the National Planning Policy Framework and associated guidance, as detailed in the Soundness Checklist.
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> adjoining regional spatial strategies? 	The Act sections 19 (2) and 24 (1) and (4) Regulation 10 and		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	N/A



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Activity	Statutory requirement		Additional notes	Possible evidence	Evidence Provided
<ul style="list-style-type: none"> • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	21			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 24 to 27	.	i. Supporting documents ii. Correspondence with LPA/County Council	We have been actively and constructively engaging with Kent County Council and all neighbouring authorities to address strategic cross boundary issues as set out in the Duty to Cooperate Statement. A joint development plan was not considered to be appropriate due to differences in timetables for neighbouring authorities. However some evidence gathering was done jointly with other local authorities in the Housing Market Areas, including the Strategic Housing Market Assessment with Tunbridge Wells Borough Council.
5. Are you cooperating	The Act section	NPPF paras 24	The bodies prescribed	i. Supporting	The Duty to Cooperate Statement



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Activity	Statutory requirement		Additional notes	Possible evidence	Evidence Provided
with a 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	to 27	by The Act section 33A(1)(c) are set out at Regulation 4 (1).	documents ii. Correspondence with prescribed bodies	identifies the strategic issues and outlines the discussions and engagement that has taken place with the duty to cooperate bodies.
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 paras 24 to 27		i. Supporting documents ii. Correspondence with LEP/LNP	The Duty to Cooperate Statement Appendix 2 sets out how the Council has involved the South East Local Enterprise Partnership and the Kent Local Nature Partnership throughout preparation of the Local Plan.
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	The Council has had regard to the adopted Minerals and Waste Local Plan 2013- 2030 produced by Kent County Council.



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Activity	Statutory requirement		Additional notes	Possible evidence	Evidence Provided
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with the relevant bodies</p>	<p>The Council has consulted with all relevant bodies at each stage of preparation of the Local Plan. The Local Plan has taken into account a wide range of evidence and strategies including the Strategic Transport Assessment and Economic Needs Assessment.</p> <p>The Council has had regard to the adopted Minerals and Waste Local Plan 2013- 2030 produced by Kent County Council.</p> <p>Further information is set out in the submitted Consultation Statement and Duty to Co-operate Statement.</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section19(1A)</p>			<p>Supporting documents</p>	<p>Policy CC1 of the Local Plan sets the main policy for climate change mitigation and adaption as well as policy on flooding and water management. However, measures which contribute to climate change mitigation and adaptation are included in other policies throughout the plan. These measures include reducing the reliance on car use and</p>



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Activity	Statutory requirement		Additional notes	Possible evidence	Evidence Provided
					<p>promoting the use of public transport, walking and cycling, provision of electric vehicle charging points, protection/improvement of blue green infrastructure, design of development to include green technologies and flood mitigation measures, and appropriate air quality mitigation.</p> <p>The Climate Change Act 2008 sets out requirements for Government and informs the NPPF (chapter 14) in this regard. The Plan complies with the NPPF chapter 14, and therefore, is in line with the objectives and provisions of the Climate Change Act 2008.</p>
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Act section 19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and</p>	<p>NPPF para 32</p> <p>SEA Guide chapter 5</p>	<p>Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<ul style="list-style-type: none"> i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting 	<p>The Sustainability Appraisal Report Dec 2018 sets out the appraisal of reasonable alternatives. This was published for consultation alongside the Regulation 19 Pre-Submission Version of the Local Plan.</p>



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Activity	Statutory requirement		Additional notes	Possible evidence	Evidence Provided
	Programmes Regulations 2004 No 1633			documents	
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF paras 32, 35	This will include Information from the sustainability appraisal.	i. Any reports setting out alternatives and choices considered ii. Supporting documents	The Sustainability Appraisal Report contains information relating to reasonable alternatives, how these were appraised and how the preferred approach was developed.
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 16 and 32	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report	The Consultation Statement summarises representations that have been made and how they have been addressed at each consultation of the Local Plan. A response to all Regulation 19 representations has been submitted alongside the Local Plan.
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to: <ul style="list-style-type: none"> enable you to 	Regulations 5 (1)(b) and 9	NPPF para 23	Regulation 2 defines the terms 'submission' and 'adopted' proposals map. A map showing changes to the adopted	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	The submitted Consultation Statement sets out the materials used/provided at each stage of consultation of the Local Plan. The sites proposed for allocation were made available to view on a map of the District via the Councils interactive map at draft



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Activity	Statutory requirement		Additional notes	Possible evidence	Evidence Provided
amend the currently adopted policies map? <ul style="list-style-type: none"> • inform the community about the location of proposals? 			policies map is part of the proposed submission documents defined in Regulation 17.	amended or replaced	Local Plan (Regulation 18) and Proposed Submission Version Local Plan (Regulation 19) consultations. In addition maps were presented at drop in sessions.
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 16		i. The SCI ii. Consultation statement	The Consultation Statement sets out how we have met and exceeded the requirements of the adopted SCI.



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'.



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Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
1. Have you prepared the sustainability appraisal report?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 32 SEA Guide chapter 5		Sustainability appraisal report	The Sustainability Appraisal Report Dec 2018 was prepared and consulted on alongside the Reg 19 Submission Version of the Local Plan.
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	The Consultation Statement sets out the period for consultations and how this was communicated for each consultation period throughout the preparation of the Local Plan. Three periods of consultation were carried out: Issues and Options (Regulation 18) consultation, Draft Local Plan (Regulation 18) consultation and Proposed Submission Version of the Local Plan (Regulation 19) consultation.
3. Have you made copies of the following available	Regulation 19(a)		Regulation 17 gives definitions.	i. Copies of the relevant statements ii. Report on where and when	All of the proposed submission documents are made available on the Council's website and are also



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
for inspection: <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? 				made available iii. Record of where and when made available	made available in hard copy for public inspection at the Council offices, and at each of the libraries in the District. The Statement of representations procedure is set out in page 4 of the Issues and Options (Regulation 18), page 4 of the Draft Local Plan (Regulation 18) and page 5 of the Proposed Submission Version (Regulation 19) of the Local Plan documents.
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	All of the submission documents, Statement of main issues and any relevant documents are made available on the Council's website.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	The Consultation Statement sets out the method of contacting consultees and their responses are available to view on the Council's dedicated Consultation Portal. Summaries of relevant consultee comments from the Draft Local Plan (Regulation 18) consultation on specific sites can be found in the Site Appraisals document.
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • the statement of the representations 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	The Consultation Statement sets out the method of contacting consultation bodies and their responses are available to view of the Council's dedicated Consultation Portal.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
procedure? <ul style="list-style-type: none"> • where and when the documents can be inspected? 					
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	N/A



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	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	<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 	The Local Plan has been produced in line with the timetable set out in the Local Development Scheme. An updated LDS is being produced to accurately reflect the hearing timetable of the Local Plan and its anticipated adoption.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
out in the LDS been met?			prescribed in the Regulations.		
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)			<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 	There is no longer a requirement to prepare a sustainable community strategy.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	<p>The Act section 19(3)</p> <p>Regulation 22(1)(c)</p>		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	<ul style="list-style-type: none"> i. The SCI ii. The Regulation 22(1)(c) statement 	The Local Plan has been prepared in accordance with the SCI. Details are set out in the Consultation Statement which includes how the Council has met and exceeded the requirements of the adopted SCI.
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning	The Act section 33A(1) and section 20(5)	NPPF paras 24 to 27, 35	Under NPPF para 182, the plan should be based on effective joint working on	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.	The Duty to Cooperate Statement identifies strategic cross boundary issues and how the relevant duty to cooperate bodies (and other bodies where relevant) were engaged with



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>			<p>cross-boundary strategic priorities to be found 'Effective'.</p>	<p>Supporting correspondence and reports e.g. Memorandum of Understanding, shared and agreed evidence</p>	<p>during the preparation of the plan. Statements of Common Ground have also been produced with Neighbouring Authorities to identify any cross boundary strategic issues. These documents set out the agreed approach for these areas.</p>
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 32</p> <p>SEA Guide chapter 5</p>		<p>Sustainability appraisal report</p>	<p>The Sustainability Appraisal process has been carried out throughout the preparation of the Local Plan and has informed its contents.</p> <p>The Sustainability Appraisal Report Dec 2018 has been published alongside the Regulation 19 Proposed Submission Version of the Local</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible 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 35</p>		<ul style="list-style-type: none"> i. Correspondence with PINS? ii. PAS Soundness self-assessment checklist 	<p>Plan.</p> <p>The Soundness Self-Assessment checklist has been carried out. This demonstrates how the Plan is consistent with national policy in the NPPF and Planning Practice Guidance.</p> <p>The Local Plan is consistent with national policy with the exception of the proposed requirement of affordable housing contributions sought on sites of 6-9 dwellings within the District. Justification for this departure from national policy is set out in the Local Plan, supporting document and evidence base.</p>
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>		<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<ul style="list-style-type: none"> 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 	<p>N/A</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>					
<p>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</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>		<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<ul style="list-style-type: none"> i. The documents prescribed at Regulation 22(1) ii. Relevant authority monitoring reports iii. Records of the actions undertaken (see below) 	<p>The relevant documents have been published on the Councils website and are also available in hard copy to view at the Council offices and libraries in the District - www.sevenoaks.gov.uk/localplalexamination</p> <p>The Consultation Statement sets out notification of relevant statutory and non-statutory bodies to make representations on the Local Plan.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>					<p>A list of superseded policies is included within the submitted documents of the 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>			<p>i. Submission policies map ii. Brief statement if a submission policies map is not required</p>	<p>The interactive policies map has been published on the Council's website www.sevenoaks.gov.uk/localplalexamination</p> <p>A number of policies apply to sites or areas by reference to an Ordnance Survey map.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>i. The core strategy ii. Documents or reports demonstrating conformity</p>	<p>The Proposed Submission Version of the Local Plan in the Visions and Objectives sets out that it will supersede the current ADMP and Core Strategy.</p> <p>Regard has been had to the</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
policies, does it state that fact and identify the superseded policies?					adopted Minerals and Waste Local Plan 2013- 2030 produced by Kent County Council and no inconsistencies have been identified.
<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>i. Consultation statement</p> <p>ii. The Statement as required in Regulation 22(1)(c)</p>	<p>The Consultation Statement sets out the bodies and persons invited to make representations at Reg 18 and how they were invited to comment. A summary of the main issues and how these representations were considered is also set out in this document.</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under 	<p>The Act section 20(3)</p> <p>Regulation</p>			<p>The Statement as required in Regulation 22(1)(c)</p>	<p>The Consultation Statement sets out the number of representations made at each consultation and a summary of the main issues raised.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
Regulation 22? <ul style="list-style-type: none"> a summary of the main issues raised? OR <ul style="list-style-type: none"> that no representations were made? 	22(1)(c)				
13. Have you collected together all the representations made under Regulation 20?	The Act section 20(3) Regulation 22(1)(e)			Copies of the representations	All representations are publically available to view on the Council's website www.sevenoaks.gov.uk/localplanningexamination
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	All supporting documents are available on the council's website www.sevenoaks.gov.uk/localplanningexamination
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 Local Plan was agreed at Full Council on 26 March 2019. The report and minutes of the meeting can be found on the Council's website.
16. Have you sent the Secretary of State	The Act section 20(1)		Regulation 35 deals with the	<ul style="list-style-type: none"> Record of sending Reasons why documents 	The relevant documents have been send to the Planning



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>(the Planning Inspectorate) both a paper copy and an email of the following:</p> <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)? 	<p>and 20(3) Regulations 22(1) and 22(2)</p>		<p>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.</p>	<p>cannot be sent electronically</p>	<p>Inspectorate (in hard copy where requested) and are available on the Council's website www.sevenoaks.gov.uk/localplanexamination</p>
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> • The DPD? • The documents 	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Record of where and when made available</p>	<p>All documents are available on the Council's website at www.sevenoaks.gov.uk/localplanexamination including the Local Plan and prescribed Reg 22 documents.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
prescribed in Regulation 22(1)?					
18. On your website, have you published the: <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Record of publication	All documents and representations are available on the Council's website at www.sevenoaks.gov.uk/localplalexamination



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
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	An email or letter of notification of submission together with the details of where and when they can be inspected has been sent to all consultation bodies previously invited to make representations and that have made representations on the Local Plan.
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	An email or letter of notification of submission together with the details of where and when they can be inspected has been sent to all those who requested to be notified.
21. If an examination is being held, at least six weeks before its opening has the	The Act section 20			i. Record of publication of information ii. Record of sending	Details of the Inspector and examination hearing sessions have been publicised on the Council's website and



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	
<p>Programme Officer:</p> <ul style="list-style-type: none">published the time and place of the examination and the name of the person appointed to carry out the examination on your website?notified those who have made representations on the published DPD which have not been withdrawn of these details?	Regulations 24 and 35			iii. Copies of correspondence iv. Copy of advertisement	respondents notified by the Programme Officer.