



## 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	RBC Evidence
<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>NPPF para 153</p>		<p>Local Development Scheme August 2012, January 2014, January 2015, December 2015 and June 2017</p> <p>Details of the progression of the plan have been published on the Rugby Borough Council (RBC) website</p> <p>RBC Annual Monitoring Report 2015-2016</p>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150, 155 and 157</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>RBC Statement of Community Involvement 2015</p> <p>Local Development Schemes August 2012- June 2017</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 - 4.26</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p>	<p>Statement of Community Involvement 2015</p>



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Activity	Legal requirement	Guidance reference	Additional notes	RBC Evidence
				<p>Consultation Database of all statutory consultees, community groups and individuals who have previously expressed an interest in the Local Plan</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) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>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 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 of compliance with the Duty to Cooperate</p> <p>Memorandum of Understanding relating to the planned distribution of Housing within the Coventry and Warwickshire Housing Market Area (HMA)</p> <p>RBC Consultation responses to neighbouring authorities plans</p>
<p>5. How you will co-operate</p>	<p>The Act section</p>	<p>NPPF paras 178 to</p>	<p>Section 33A (4) defines a</p>	<p>Statement of Community</p>



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Activity	Legal requirement	Guidance reference	Additional notes	RBC Evidence
<p>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>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>181</p>	<p>"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>Involvement</p> <p>Statutory bodies contained within the consultation database have been kept informed</p>
<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 section 13</p>	<p>NPPF paras 158 - 177</p>		<p>The evidence base is available on the Rugby Borough Council Website</p> <p>Evidence base documents:</p> <p><b>SHMA:</b></p> <p>Strategic Housing Market Assessment (SHMA) 2013</p>



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Activity	Legal requirement	Guidance reference	Additional notes	RBC Evidence
				<p>Strategic Housing market Assessment (SHMA) Annex 2014</p> <p>Strategic Housing Market Assessment (SHMA) Update 2015</p> <p>Coventry Warwickshire Housing Market Area Subnational Population and Household Projections 2016</p> <p><b>SHLAA:</b></p> <p>Strategic Housing Land Availability Assessment (2015)</p> <p>Strategic Housing Land Availability Assessment (SHLAA) Addendum 2016</p> <p>Housing Background Paper</p>



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Activity	Legal requirement	Guidance reference	Additional notes	RBC Evidence
				<p>Local Plan Viability testing</p> <p>Housing market Delivery Study 2015</p> <p><b>Employment:</b></p> <p>Employment Land Study 2015</p> <p>CWLEP Strategic Employment Land Study 2014</p> <p>CWLEP Employment Land Use Study 2015</p> <p>Coventry, Solihull and Warwickshire Employment Land Study 2007</p> <p>Employment Background Paper</p>



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Activity	Legal requirement	Guidance reference	Additional notes	RBC Evidence
				<p><b>Transport:</b></p> <p>Warwickshire County Council Assessment of Option Information- Phase One (2015)</p> <p>Warwickshire County Council Assessment of Option Information- Phase Two (2015)</p> <p>Strategic Transport Assessment (STA) 2016</p> <p>Strategic Transport Assessment (STA) 2017</p> <p>Green Infrastructure Study 2009</p> <p>Rural Sustainability Study 2015</p>





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Activity	Legal requirement	Guidance reference	Additional notes	RBC Evidence
				<p><b>Flood Risk</b></p> <p>Strategic Flood Risk Assessment 2013</p> <p><b>Landscape</b></p> <p>Landscape Assessment 2006</p> <p>Landscape Sensitivity Study 2016</p> <p>Rainsbrook Valley Sensitivity Study 2017</p> <p><b>Gypsy and Traveller</b></p> <p>Gypsy and Traveller Accommodation Assessment 2014</p> <p><b>Open Space</b></p> <p>Open Space, Play Pitch and</p>



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Activity	Legal requirement	Guidance reference	Additional notes	RBC Evidence
				<p>Built Facilities Study 2015</p> <p><b>Heritage</b></p> <p>Heritage Asset Review 2016</p> <p><b>Habitat</b></p> <p>Sub-Regional green Infrastructure 2010</p> <p>Habitat Regulations Assessment 2016</p> <p>Habitat Biodiversity Audit 2017</p> <p>Renewable Energy and Low Carbon Energy Resource Assessment and Feasibility Study 2010</p> <p>Water Cycle Study 2017</p>



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Activity	Legal requirement	Guidance reference	Additional notes	RBC Evidence
				<p><b>Retail</b></p> <p>Retail and Town Centre Uses Study 2015</p> <p><b>Green Belt</b></p> <p>Coventry and Warwickshire Joint green Belt Review (Part One) 2015</p> <p><b>Equality</b></p> <p>Equality Impact Assessment</p> <p><b>Monitoring</b></p> <p>Authority Monitoring Report 2015-2016</p>
<p>7. Is baseline information being collected and evidence being gathered to set the framework for</p>	<p>The Act section 19(5)</p>	<p>NPPF paras 165 and 167</p> <p>Strategic</p>		<p>Rugby Borough Council Local Plan Sustainability Appraisal September 2016</p>



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Activity	Legal requirement	Guidance reference	Additional notes	RBC Evidence
the sustainability appraisal?		Environmental Assessment Guide, chapter 5		Sustainability Appraisal Scoping Report for the Rugby Borough Plan and Gypsy and Traveller Site Allocation Development Plan Documents
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).	Rugby SA Scoping Letter Environment Agency  Historic England  Natural England



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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
1. Have you notified: <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	Regulation 22 Consultation Statement  Statement of Community Involvement  Examples of notification letters and emails sent included as appendix to Regulation 22 statement
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		Regulation 22 Consultation Statement  Examples of notification letters and emails sent included as appendix to Regulation 22 statement
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which	Regulation 22 Consultation Statement



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			should be consulted.	Examples of notification letters and emails sent included as appendix to Regulation 22 statement
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.	Regulation 22 Consultation Statement  Modifications Table
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5)  Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168  SEA Guide, chapter 3		Consultation responses taken into account when shaping the scope of the SA.
6. Is the participation:	The Act	NPPF para 155		Regulation 22 Consultation



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable community strategy?</li> <li>• proportionate to the scale of issues involved in the DPD?</li> </ul>	section 19(3)			<p>Statement</p> <p>Statement of Community Involvement 2015</p> <p>Consultation letters and emails sent to all those on the consultation database at every stage of the consultation.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <li>• the individuals or bodies invited to make representations?</li> <li>• how this was done?</li> <li>• the main issues raised?</li> </ul>	<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. Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>Copies of Representations Received are kept in paper and electronic format</p> <p>Representations received have been summarised into tables</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</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) &amp; (e) section 33A(4) section 33A(9)</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>Ongoing engagement with neighbouring authorities</p> <p>Regulation 22 Consultation Statement</p>





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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?	The Act section 20 (5)(c)		Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	Memorandum of Understanding with neighbouring authorities  Statement of compliance with the Duty to Cooperate
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.	Consultation database  Relevant Correspondence
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35  Regulation 34  Regulation 17 of	NPPF paras 165 - 1687  SEA Guide, Chapter 5	It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation"	Local Plan Appendix 1: Implementation and Monitoring Framework



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	The Environmental Assessment of Plans and Programmes Regulations 2004 No1363		Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	

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### **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	Guidance reference	Additional notes	Possible evidence
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182  SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	The Development Strategy Consultation highlighted potential alternatives  SA process undertaken alongside plan making process
2. Have you assessed alternatives against: <ul style="list-style-type: none"> <li>consistency with national policy?</li> <li>general conformity with the regional spatial strategy where still in force?</li> </ul>	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.	National compliance established during Discussion Document stage of Local Plan  N/A
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> <li>adjoining regional spatial strategies?</li> <li>the spatial development strategy for London?</li> <li>Planning Policy for</li> </ul>	The Act sections 19 (2) and 24 (1) and (4)  Regulation 10 and 21		Where the regional strategy has been revoked you should record that fact.	N/A



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>Wales?</p> <ul style="list-style-type: none"> <li>the National Planning Framework for Scotland?</li> </ul>				
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)(c)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<p>Adjoining authorities have been engaged throughout the various stages of the plan</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>NPPF paras 181 and 182</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>Adjoining authorities have been engaged throughout the various stages of the plan</p> <p>All relevant correspondence available</p>
<p>6. Are you cooperating with having regard to the activities of the LEP and</p>	<p>The Act section 33A(2)(b) and section 33A(9).</p>	<p>NPPF para 181 and 182</p>		<p>Consultation database. All copies of correspondence available</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
LNP?	Regulation 4 (2)			
7. Are you having regard to: <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>• any other local development documents adopted by the council?</li> </ul>	The Act section19(2)			Rugby Borough Council Local Plan 2011-2031 Publication Draft
8. Do you have regard to other matters and relevant strategies relating to: <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> <li>• the local transport plan and transport facilities and services</li> <li>• waste strategies</li> <li>• hazardous substances</li> </ul>	The Act section19(2)  Regulation 10		As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.	Rugby Borough Council Local Plan 2011-2031 Publication Draft  Local and Regional Economy: Chapter 7
9. Are you having regard to the need to include policies	The Act	NPPF paras 93 -108		Rugby Borough Council Local Plan 2011-2031 Publication



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
on mitigating and adapting to climate change?	section 19(1A)			Draft addresses these points
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182  SEA Guide, Chapter 5	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	SA undertaken alongside Local Plan process
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include information from the sustainability appraisal.	Details contained within SA
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	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	Comments on the SA have been kept in electronic form, responses have been summarised and a summary of SA responses compiled  SA has been amended as appropriate



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
	Regulations 2004 No 1633			
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> <li>• enable you to amend the currently adopted policies map?</li> <li>• inform the community about the location of proposals?</li> </ul>	Regulations 5 (1)(b) and 9	NPPF para 157	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>Proposals maps submitted</p> <p>Modifications table</p>
14. Are the participation arrangements compliant with the SCI?	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	NPPF paras 150 and 155		Engagement has been compliant with the Statement of Community Involvement





#### **Stage four: Publication**

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

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

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

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

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

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

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

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

**Stage four: Publication**

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Have you prepared the sustainability appraisal report?	The Act section 19(5)  Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168  SEA Guide Chapter 5		Sustainability Appraisal Report September 2016
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).	Period within which representations could be made published on all correspondence sent  Consultation met the requirements of the Statement of Community Involvement
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"><li>the proposed</li></ul>	Regulation 19(a)		Regulation 17 gives definitions.	All documents available to view online and at the Rugby Borough Council Town Hall



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
submission documents? <ul style="list-style-type: none"> <li>the statement of the representations procedure?</li> </ul>				
4. Have you published on your website: <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> <li>statement and details of where and when documents can be inspected?</li> </ul>	Regulations 19 and 35		Regulations 2 and 17 give definitions.	Submission documents have been made available online throughout the plan making process and are now located in the online 'Examination Library'
5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> <li>A copy of each of the proposed submission documents</li> <li>The statement of the representations</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	All specific consultation bodies kept informed



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
procedure?				
<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"> <li>• the statement of the representations procedure?</li> <li>• where and when the documents can be inspected?</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	All specific consultation bodies kept informed
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24</p> <p>Regulation 21</p>		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	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?	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	RBC LDS June 2017

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
Have the timescales set out in the LDS been met?			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)	NPPF para 182		N/A
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3)  Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	Statement of Community Involvement 2015  Regulation 22 Consultation Statement
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a 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 of compliance with the Duty to Cooperate  Memorandum of Understanding



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>Sustainability Appraisal Report December 2015</p>
<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>		<p>PAS Soundness Self-Assessment checklist</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>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>	<p>N/A</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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 invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</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>Regulation 22 Statement</p> <p>Documents have been available on the Councils website as they have been produced</p> <p>Authority Annual Monitoring Reports</p> <p>List of superseded Policies Submitted</p>





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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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 &amp; 22(1)</p>			<p>Submission Proposals Maps</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</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>Rugby Borough Local Plan 2011-2031 will replace the Core Strategy and Saved Local Policies</p> <p>List of Superseded Policies Submitted</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> <li>• Which bodies and persons were invited to make representations under Regulation 18?</li> <li>• How they were invited?</li> </ul>	<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>Regulation 22 Consultation Statement</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>				
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> <li>• the number of representations made under Regulation 22?</li> <li>• a summary of the main issues raised?</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• that no representations were made?</li> </ul>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>Regulation 22 Consultation Statement</p>
<p>13. Have you collected together all the representations made under Regulation 28?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>Copies of the representations</p>
<p>14. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p>			<p>Evidence base has been compiled into an examination library which is publically available on the website and</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Regulation 22(1)(g)			has been submitted to PINS
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.	Special Council Report June 21 <sup>st</sup> 2017 (available online)
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> <li>• the DPD?</li> <li>• the submission policies map (unless there are no site allocation policies)?</li> <li>• the documents prescribed in Regulation 22(1)?</li> </ul>	The Act section 20(1) and 20(3)  Regulations 22(1) and 22(2)		Regulation 35 deals with the availability of documents and the time of their removal.  Electronic copies of some of the representations and supporting documents may not be practicable.  Regulation 35 deals with the availability of documents and the time of their removal.	Documents have been sent and received
17. Have you made the following available at the same places where the proposed submission documents were to be seen:	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	All documents available online and to view at Rugby Borough Council Town Hall



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> <li>• The DPD?</li> <li>• The documents prescribed in Regulation 22(1)?</li> </ul>				
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> <li>• DPD?</li> <li>• submission policies map?</li> <li>• sustainability appraisal report?</li> <li>• Regulation 22(1)(c) statement?</li> <li>• supporting documents (where practicable) ?</li> <li>• representations made under Regulation 20 (where practicable) ?</li> <li>• statement as to where and when the DPD and the documents are available?</li> </ul>	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	<p>All documents are available on the RBC website; a specific 'Local Plan Examination' page has been created.</p> <p>Summary of Representations</p>
19. For each general consultation body invited to make representations	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the	All statutory consultees and those who have previously expressed an interest in the



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
under Regulation 18(1), have you sent: <ul style="list-style-type: none"> <li>notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</li> <li>where and when they can be inspected?</li> </ul>			Secretary of State.	plan will be notified.
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.	All respondents will be notified that submission has taken place. Details of submission published online on the RBC website and within a press release.
21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <ul style="list-style-type: none"> <li>published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> </ul>	The Act section 20  Regulations 24 and 35			This information is not yet known.



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<ul style="list-style-type: none"><li>notified those who have made representations on the published DPD which have not been withdrawn of these details?</li></ul>				

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