



Legal Compliance Checklist

South Downs Local Plan

April 2018



Local Plan Legal Compliance Checklist (April 2013)

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

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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

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



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		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)	The LDS was first revised in 2012 and a work programme for 2012-2016 is set out on page 12 of that document. Additional revisions to the LDS were produced in 2014, 2015, 2016, 2017 and 2018 and each of these documents set out a programme of work for the following 4 years.
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	i. The SCI ii. The project plan for the DPD	The Process for community engagement at early stages of plan making is set out in <ul style="list-style-type: none"> • SCI adopted March 2012 • SCI 1st Revision Jan 2014 The timetable for the work was included in the LDS and the AMRs documents progress against that timetable.
3. Have you considered the	Regulation 18	NPPF paras 4.25 - 4.26	Regulation 2 defines the	i. The SCI ii. Reports and	The first SCI prepared by the SDNPA was adopted March 2012 and the first



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<p>appropriate bodies you should consult?</p>			<p>general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>decisions setting out the approach to specific and general consultation bodies</p> <p>iii. Consultation statement</p>	<p>revision was made in 2014. This document set out who would be consulted and how the SDNPA would consult with them. The Duty to Cooperate Interim Statement Autumn 2015 included additional information about consultees and the specific matters consulted on.</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</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 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</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</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p>	<p>From its inception, the SDNPA co-operated with other local planning authorities through the preparation of Joint Core Strategies. This work is explained in the AMRs.</p> <p>Para 3.14 of the Interim Duty to Cooperate Statement sets out that, "The South Downs Local Plan has incorporated as far as possible the policies within the adopted and emerging Joint Core Strategies where the evidence base is up to date and the principles of a landscape led Local Plan are indoctrinated into the relevant</p>



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on at least two planning areas?		<p>priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>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>policies.”</p> <p>More strategic work was carried out through the Coastal West Sussex and Greater Brighton Planning Board.</p> <p>In addition, the SDNPA attends and contributes to regular meetings with partner local authorities and other Duty to Cooperate partners as set out in the DCS.</p>
5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of</p>	<p>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p>	<p>The National Park covers part of three LEPs namely Coast to Capital (C2C), Enterprise M3 (EM3) and South East. The NPA is most involved with the C2C LEP as it covers around two thirds of the National Park.</p> <p>The Planning Policy team have informed the LNPs of all stages of the Local Plan consultation.</p> <p>Appendix I of the Duty to Cooperate Statement sets out SA objectives at</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
significant impact on at least two planning areas?			<p>section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>		Issues and Options Stage and identifies those that might be a strategic issue and where co-operation will be appropriate.
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section 13	NPPF paras 158 - 177		<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 preparation of evidence base studies is set out in appendices to each AMR. A full list of background evidence is included in the Core Document Library.</p> <p>AMR 2015 paragraph 209 states, 'Work also progressed on a large number of evidence based studies to support the Local Plan.' Evidence base studies are listed in appendix 4 of South Downs Local Plan: Preferred Options published in 2015.</p> <p>Further background information is</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					contained in the SDNPA Partnership Management Plan and the State of the Park Report.
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	NPPF paras 165 and 167 Strategic Environmental Assessment Guide, chapter 5		i. Sustainability report scoping document ii. Sustainability appraisal report	Primarily, this is set out in the Sustainability Appraisal Scoping Report (and scoping report update 2013). Paragraph 2.2 of the Scoping Report refers to consultation on scoping required by SEA Directive and Scoping Report Guidance and states that extensive consultation has underpinned the collation of evidence. This outcome of this work is set out in the SA report to accompany Pre-Submission consultation which took place over eight weeks from 24 September 2018.
8. Have you consulted the statutory	Regulations 9 and 13 of The Environmental	NPPF paras 165 and 167	The Strategic Environmental Assessment	Copies of the consultation letters sent to and any	Consultation with the relevant bodies are included in the Interim Consultation Report.



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<p>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>Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>SEA Guide chapter 3</p>	<p>consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</p>	<p>responses from the bodies</p>	<p>The statutory environment consultation bodies were consulted for a period of at least five weeks as required by the legislation and have then had ongoing involvement with the iterations of the SA and HRA documents.</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
<p>1. Have you notified:</p> <ul style="list-style-type: none"> the specific consultation bodies? the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these bodies iii. Record of discussions iv. Copies of representations made v. A brief statement setting out the reasons why any bodies have been omitted from or included in consultation 	Yes. This followed the relevant revision of the SCI and the work is recorded in the Interim Consultation Statement and the Duty to Co-operate Interim 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		<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these persons 	Yes. This followed the relevant version of the SCI. The process and outcome is recorded in the Interim Consultation Statement.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
				<ul style="list-style-type: none"> iii. Record of discussions iv. Copies of representations made 	
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions 	Yes. This followed the relevant version of the SCI. The process and outcome is recorded in the Interim Consultation 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.	<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD 	The work is documented in the Interim and final Consultation Statements. How the options evolved and how representations were taken into account is set out in the document 'Progress from Issues and Options to Preferred Options September 2015'.
5. Does the consultation contribute to the	The Act section 19(5)	NPPF paras 165 – 168		<ul style="list-style-type: none"> i. Consultation statement 	Yes. The SA has been updated and



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
development and sustainability appraisal of alternatives?	Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	SEA Guide, chapter 3		ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report	revised as the Plan evolved. Alternatives are taken account of as demonstrated in 'Progress from Issues and Options to Preferred Options September 2015' and 'Sustainability Appraisal for the South Downs Local Plan – Findings of the SA of Issues and Options (2014)'
6. Is the participation: <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	The Act section 19(3)	NPPF para 155		i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies	The process followed the relevant version of the Statement of Community Involvement (1 st Revision) Jan 2014 and this work is recorded in the Interim Consultation Statement. The SDNPA Partnership Management Plan is the equivalent of a sustainable community strategy and this document informed the Local Plan from the outset.
7. Are you keeping a record of:	The Act section 20(3)	NPPF paras 158 - 171	You will need to submit a	i. Consultation statement	This is documented in the Interim Consultation Statement



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	Regulation 17		<p>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"> ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	and the 'Progress from Issues and Options to Preferred Options' document produced in September 2015.
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>Yes. This is set out in the Interim Consultation Statements and Duty to Co-operate Interim Statement Autumn 2015.</p> <p>The Interim Duty to Cooperate Statement identified six key cross-boundary issues and asked for feedback on these issues from neighbouring local planning authorities during the Preferred Options consultation.</p> <p>SDNPA has adopted joint</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					<p>Minerals and Waste Plans with East Sussex, south Downs and Brighton and Hove and Hampshire and in September 2017 is involved in an Examination in Public of the West Sussex Minerals Local Plan. These documents have been taken into account in the development plan process.</p> <p>As referred to under Stage I, Joint Core Strategies were prepared with a number of authorities and these formed the basis of ongoing dialogue on strategic and cross-boundary issues.</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant 	<p>The chief executive of the SDNPA regularly meets with representatives of the LEPs. The Local Plan team have informed the LNPs of all stages of the Local Plan consultation.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
			Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	correspondence iv. Technical reports on the engagement process	
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	NPPF paras 165 - 1687 SEA Guide, Chapter 5	It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	i. Sustainability appraisal report ii. The authority monitoring report iii. Reports or documents setting out the appraisal and monitoring framework	The framework for monitoring is informed by the SA Scoping, SA Report and the updated SA Reports. AMRs have been produced annually since 2015 following the Preferred Options consultation. The AMRs monitor extant and emerging Local Plan policies.



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	Evidence Produced
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182 SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	Documents supporting decisions on alternatives and any preferred strategy	The SA appraised reasonable alternatives for development strategies. The SA is an iterative process and whilst a report was published at the time of Preferred Options publication, the work prior to this helped shape the preferred strategy. Other evidence published around the time of the Preferred Options consultation in September 2015 was prepared to show the assessment of policy alternatives and to support the preferred strategy.
2. Have you assessed alternatives against: <ul style="list-style-type: none"> consistency with national policy? general conformity with the regional spatial strategy where still in force? 	The Act section 19 (2), section 24	NPPF para 151	For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.	i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)	Background papers further explain how the Plan's policies have been developed to be consistent with national policy set out in the NPPF and English National Parks Vision and Circular (Defra, 2010). Progress from Issues and Options to Preferred Options September 2015 considers the alternative options in the light of national policies.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Produced
					The chapters of the Preferred Options document dated September 2015 each include a section explaining conformity with National Policy.
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		Where the regional strategy has been revoked you should record that fact.	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate) iii. CLG notice of revocation of the regional strategy 	<p>The Regional Strategy (South East Plan) was revoked in March 2012.</p> <p>The spatial development strategy for London, Planning Policy for Wales and the National Planning Framework for Scotland are not relevant to the South Downs Local Plan.</p>
<p>4. Are you co-operating with other local planning authorities including</p>	<p>The Act section 33A(2)(a)</p> <p>Section</p>	<p>NPPF paras 181 and 185</p>	.	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with LPA/County 	<p>The Interim Duty to Co-operate statement records how Section 33A(2)(a) and 33A(6)(a)(b) has been complied with.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Produced
<p>counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>33A(6)(a)(b) Section 20(5) (c)</p>			<p>Council</p>	<p>In addition as Para 3.14 of the Interim Duty to Cooperate Statement states, “The South Downs Local Plan has incorporated as far as possible the policies within the adopted and emerging Joint Core Strategies where the evidence base is up to date and the principles of a landscape led Local Plan are indoctrinated into the relevant policies.”</p> <p>Each AMR has a section on working with partners on joint documents as well as Duty to Cooperate work undertaken in the relevant year.</p> <p>AMR 2016, whilst published after Preferred Options, states in paragraph 2.10 that SDNPA has worked on Joint Core Strategies with LPAs with population or land within the Park.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation</p>	<p>The Act section 33A(2)(a), section 33A(6)(a) The Act section</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</p>	<p>i. Supporting documents ii. Correspondence with prescribed bodies</p>	<ul style="list-style-type: none"> • Duty to Co-operate Interim Statement Autumn 2015 • Duty to Cooperate Interim Statement



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Produced
33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	20 (5) (c) Regulation 4		(1).		Summer 2017 <ul style="list-style-type: none"> • Interim Consultation Statement (2017) • Authority Monitoring Reports
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182		i. Supporting documents ii. Correspondence with LEP/LNP	The chief executive of the SDNPA regularly meets with representatives of the LEPs. The Local Plan team have informed the LNPs of all stages of the Local Plan consultation.
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 	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 SDNPA Partnership Management Plan is the equivalent of a sustainable community strategy. The SDNPA Partnership Management Plan sets out the 7 special qualities of the Park and which provides further background and context to the initial work on the SDNPA Local Plan documents. Joint Core Strategies documents as set out in the Duty to Cooperate Interim Statements, and the joint waste and



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documents adopted by the council?					<p>minerals plans prepared with Brighton and Hove, East Sussex County Council, West Sussex County Council and the Hampshire Authorities.</p> <p>Regard has been had to made and emerging neighbourhood plans. These are intrinsic to the content of the Plan, for example, housing allocations are made in these documents which then contribute to the overall housing supply figures for the Park.</p>
<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 	<p>The Act section 19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with the relevant bodies 	<p>Yes the SDNPA has had regard to other matters and relevant strategies. Examples include:</p> <ul style="list-style-type: none"> • Infrastructure Delivery Plan • Joint Minerals and Waste Plans (see above) <p>The following local transport plans have been taken into account:</p> <ul style="list-style-type: none"> • East Sussex Local Transport Plan 3, 2011-2026



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Produced
<ul style="list-style-type: none"> • waste strategies • hazardous substances 					<ul style="list-style-type: none"> • West Sussex Transport Plan 2011-26 • Hampshire Local Transport Plan 2011-31 <p>The following waste strategies have been taken into account:</p> <ul style="list-style-type: none"> • East Sussex Joint Waste Management Strategy • West Sussex Joint Materials Resource Management Strategy 2005-2035 • Hampshire Joint Municipal Waste Strategy (adopted 2006) <p>The Duty to Cooperate Statements sets out joint work undertaken relating to the regional economy to take account of the work of Local Enterprise Partnerships. Individual Statements of Common Ground have been entered into with a number of stakeholders and these detail the discussions and relevant outcomes.</p>
9. Are you having	The Act	NPPF paras		Supporting	The SDNPA Local Plan has incorporated



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regard to the need to include policies on mitigating and adapting to climate change?	section 19(1A)	93 -108		documents	the findings of the SDNP Low carbon and renewable energy study. The SNDPA Local Plan Preferred Options document included policies on mitigating and adopting to climate change for example: SD2 Ecosystem Services, SD17 Flood Risk Management, SD31 Climate Change and Sustainable Construction. These have been carried forward to the Pre-submission version of the Plan.
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.	i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents	Yes. Sustainability Appraisal (SA) report to accompany the Local Plan Preferred Options (2015). SA of South Downs Local Plan September 2017.
11. Are you setting out reasons for any preferences	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability	i. Any reports setting out alternatives and	Yes. Sustainability Appraisal (SA) report to



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<p>between alternatives?</p>			<p>appraisal.</p>	<p>choices considered ii. Supporting documents</p>	<p>accompany the Local Plan Preferred Options (2015). SA of South Downs Local Plan September 2017. SDLP Progress from Issues and Options to Preferred Options September 2015. Background papers accompanying the Local Plan Pre-submission.</p>
<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv) Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 150, 155, 157 and 159-171</p>	<p>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<p>i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report</p>	<p>Representations are available on the SDNPA website. The Interim consultation Statement 2017 summarises the representations and the issues raised.</p>
<p>13. Where sites are to be identified or</p>	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms</p>	<p>i. Adopted policies map</p>	<p>Yes.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Produced
<p>areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 			<p>'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>	<ul style="list-style-type: none"> ii. Any reports on proposals to amend the policies map iii. Illustrative material that shows how the policies map will be amended or replaced 	<p>Inset maps were published in the Preferred Options version of Plan (Section 8 Strategic Sites pp. 179-191; Section 9 Site Allocations, pp. 193-229), showing draft site allocations and draft settlement boundaries.</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150 and 155</p>		<ul style="list-style-type: none"> i. The SCI ii. Consultation statement 	<p>The Interim Consultation Statements set out how the relevant SCI had been complied with.</p>



Stage four: Publication

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

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

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

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

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

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

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

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



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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 paras 165 - 168 SEA Guide Chapter 5		Sustainability appraisal report	Yes. The SA was updated and re-published as the SA of Pre-Submission South Downs Local Plan September 2017.
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	Statement of Representations Procedure and Availability of Documents was published on the website informing stakeholders of an eight week consultation from 26 September 2017. Paper copies were also made available in accordance with the Regulations.
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none">the proposed	Regulation 19(a)		Regulation 17 gives definitions.	i. Copies of the relevant statements ii. Report on where and when made	Yes. The Proposed Submission documents and Statement of Representations Procedure were



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
submission documents? <ul style="list-style-type: none"> the statement of the representations procedure? 				available iii. Record of where and when made available	published on website, and paper copies were made available for inspection at seven deposit locations across the National Park.
4. Have you published on your website: <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? statement and details of where and when documents can be inspected? 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	Record of publication	Yes. The Proposed Submission documents and Statement of Representations Procedure were published on website, and paper copies were made available for inspection at seven deposit locations across the National Park. The Statement of Representations Procedure gives details of where and when documents can be inspected.
5. Have you sent to each of the specific consultation bodies invited to make representations	Regulation 19(b)		Regulations 2 and 17 give definitions.	i. Copies of correspondence ii. Record of sending	A statement of the representations procedure and where the documents were available to view (including on the SDNPA website) was sent to each



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
under Regulation 18(1): <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 					of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).
6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	i. Copies of correspondence ii. Record of sending	Yes. See comments for Activity 5 above.
7. Have you requested the opinion of the	The Act section 24		The request must be made on the	Copies of	Not applicable



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	Regulation 21		day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	correspondence	



Stage five: Submission

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

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

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

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

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

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
I. 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	<ul style="list-style-type: none"> i. The LDS ii. Explanation of any changes from the milestones set out in the LDS 	The LDS was updated and adopted for a fifth time in March 2018. It sets out the timetable for the preparation of all the DPDs in the development plan



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
Have the timescales set out in the LDS been met?			the LDS. As at January 2013, no further matters are prescribed in the Regulations.	iii. Relevant authority monitoring reports	for the National Park. The previous AMR documents set out progress against the relevant LDS. The South Downs Local Plan was submitted in April 2018.
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		i. The sustainable community strategy(ies) ii. Reference to sections of the DPD showing how regard has been had to them	The Partnership Management Plan is the equivalent of a community strategy. The Local Plan builds on the framework of the PMP.
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	i. The SCI ii. The Regulation 22(1)(c) statement	The SCI was updated and adopted in August 2017 prior to the consultation on the Pre-Submission Plan in September 2017. Regulation 22(1)(c) Statement April 2018 was submitted with the Local Plan.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
			out how the community engagement that you carried out met the regulations (as amended).		
<p>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 authority, LEAs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 181 and 182</p>	<p>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>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.</p> <p>Supporting correspondence and reports e.g. Memorandum of Understanding, shared and agreed evidence</p>	<p>The work undertaken to fulfil the Duty to Cooperate is set out in the Final Duty to Cooperate Statement (April 2018). A series of Statements of Common Ground with key partners are included in the Core Document Library. Each statement identifies where parties agree or disagree.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
on the approach is there a justification?					
5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5) Regulation 22(1)(a)	NPPF para 165 SEA Practical Guide, chapter 5		Sustainability appraisal report	The SA report was updated and republished in April 2018 alongside the SEA and HRA reports.
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		i. Correspondence with PINS? ii. PAS Soundness self assessment checklist	Yes, the Local Plan is consistent with national policy as set out in the NPPF and Vision & Circular.
7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification? If the LPA is a London borough or a mayoral	The Act section 24(1)(a) and 24(4) Regulation 21	NPPF para 218 footnote 41	In London the requirement is for general conformity with the spatial development strategy (The London Plan).	i. Correspondence with or representations from Mayor of London (where appropriate) ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place	Not applicable.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>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</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>	<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 prescribed documents were made available from 26 September 2017 for a period of eight weeks at the offices set out in the SCI and on the website of the SDNPA. They will also be made available at the same locations as soon as practicably possible after submission.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
saved policies?					
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>			<ul style="list-style-type: none"> i. Submission policies map ii. Brief statement if a submission policies map is not required 	<p>Yes, the Policies Map have been prepared and submitted with the Local Plan.</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>	<ul style="list-style-type: none"> i. The core strategy ii. Documents or reports demonstrating conformity 	<p>The Local Plan takes account of existing joint Waste and Minerals Plans that will remain extant.</p> <p>Appendix 2 of the Submission Local Plan lists all the existing policies currently operating in the National Park and what they will be replaced by.</p> <p>The NPA considers that the policies of the ‘made’ Neighbourhood Development Plans operating in the National Park are consistent with the</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					strategic policies of the Submission Local Plan.
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>i. Consultation statement</p> <p>ii. The Statement as required in Regulation 22(1)(c)</p>	<p>The Authority has prepared a Submission Consultation Statement dated April 2018 to meet the requirements of Regulation 22. It sets out the consultation process from the initial stages of the document through to publication.</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 22(1)(c)</p>			<p>The Statement as required in Regulation 22(1)(c)</p>	<p>This information is included in the Submission Consultation Statement dated April 2018 as referred to above.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
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? 					
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 22(1)(e)			Copies of the representations	Copies of the representations were submitted to PINS and redacted versions of all representations will be published on the SDNPA website.
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			All necessary evidence and records of decisions relevant to the DPD	The supporting documents are contained within the Core Document Library.
15. Has your council approved the DPD for submission?			Check the LPA's constitution/s tanding orders for the authorisation process	Report and resolution of the appropriate council body	The SDNPA approved the DPD for submission in July 2017 and noted progress on the Local Plan at a full Authority meeting in March 2018. The agendas and minutes for these meetings are in the core document library.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
			appropriate for the type of DPD.		
<p>16. Have you sent the Secretary of State (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>The Act section 20(1) and 20(3)</p> <p>Regulations 22(1) and 22(2)</p>		<p>Regulation 35 deals with the availability of documents and the time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their</p>	<ul style="list-style-type: none"> i. Record of sending ii. Reasons why documents cannot be sent electronically 	<p>Documents were sent to PINS in April 2018 by Royal Mail recorded delivery. This included</p> <ul style="list-style-type: none"> • paper copies of the Pre-Submission Local Plan, the Schedule of Changes and the Policies Maps • Encrypted memory sticks containing the publication stage representations • Electronic versions of all documents in the Core Document Library <p>PINS stated in their SLA and by phone that no further paper documents were required for submission.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
			removal.		
17. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	Record of where and when made available	The documents will be made available on the SDNPA website and at the deposit points as soon as practicable after submission.
18. On your website, have you published the: <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Record of publication	The documents will be made available on the SDNPA website as soon as practicable after submission.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<ul style="list-style-type: none"> • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 					
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> • notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection • where and when they can be inspected? 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	This will be done as soon as practicable after submission.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
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	This will be done as soon as practicable after submission.
21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <ul style="list-style-type: none"> • published the time and place of the examination and the name of the person appointed to carry out the examination on your website? • notified those who have made representations on the published DPD which have not been withdrawn of these 	The Act section 20 Regulations 24 and 35			i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement	This will be carried out by the Programme Officer at the later appropriate stage.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
details?					