

Royal Borough of Kensington and Chelsea
Local Plan Partial Review

Legal Compliance Checklist

May 2017

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

This checklist is based on **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**.

It should be used with the Soundness Self Assessment Checklist.

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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

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

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

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	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		<p>Yes</p> <p>The production of the policies within the Local Plan, and the milestones towards their production, have been documented in the Council's adopted Local Development Scheme. (May 2017).</p> <p>The progress that the Council has made in the production of the documents has been reported in the Authority's respective Monitoring Reports, the last being the Monitoring Report 2016, published in December 2016.</p>
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	<p>The Council's Statement of Community Involvement, "Involving People in Planning" (2013) sets out how the Council engages with the local community. This document is up-to-date as has been prepared having regard to the current regulations.</p> <p>The details of how the community has been consulted are set out in the consultation schedules/summaries which have been prepared for each stage of the policy progression, and within the Submission consultation statement (May 2017) available on the examination web page.</p> <p>In summary,</p> <p><i>Enterprise: Issues and Options (Nov 2014)</i></p> <ul style="list-style-type: none"> • A mail out to all stakeholders on the consultation database • A Discussion Group with relevant parties <p>Local Plan Review: Issues and Options: Pre-regulation 18. All policies, including Call for Sites (Dec 2015)</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
				<ul style="list-style-type: none"> • A mail out to all stakeholders on the consultation database • Discussion Groups with relevant parties <p><u>Local Plan Partial Review: Regulation 18, Draft Policies (October 2016)</u></p> <ul style="list-style-type: none"> • A mail out to all stakeholders on the consultation database • Discussion Groups with all the relevant parties <p><u>Local Plan Partial Review: Regulation 19, Publication Policies (Feb 2017)</u></p> <ul style="list-style-type: none"> • A mail out to all stakeholders on the consultation database. This consultation sought views on the “soundness” of publication policies only. <p>The results of the Discussion Group events were all recorded and considered, but the primary function of the events was to inform, to answer questions, and to encourage further written responses.</p> <p>All Discussion Groups were advertised by email to all on the Council’s planning policy consultation database and through the Council’s Planning Bulletin, the Council’s weekly electronic mail out of latest events, items of note and consultations.</p> <p>In addition the Council has continued ongoing engagement with the “prescribed Duty to Cooperate Bodies”.</p>
3. Have you considered the appropriate bodies	Regulation 18	NPPF paras 4.25 - 4.26	Regulation 2 defines the general and specific consultation	Yes. The Council’s <u>Submission Consultation</u>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
<p>you should consult?</p>			<p>bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>Statement (May 2017) contains a list of the bodies which the Council has consulted at the Draft Policies (Regulation 18) stage of the Local Plan. The same database has effectively been used for the other stages of consultation.</p> <p>These include the “general” consultation bodies, the “specific” consultation bodies, the “prescribed” (duty to cooperate) bodies, the Sustainability Appraisal bodies, the “local” consultation bodies, and certain Waste Planning Authorities.</p> <p>The Council keeps a record of the consultees who have been notified at each stage of consultation. This database includes all the specific and general consultees, including the amenity groups and key stakeholders who have asked to have been kept informed in the process. As such it is a live database, constantly evolving.</p>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 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 respective Policy Formulation Reports for each policy/topic set out how the ongoing engagement with the prescribed duty to cooperate bodies has been undertaken at each stage of the Local Plan's evolution.</p> <p>The engagement has taken a number of forms, through regular liaison meetings, meetings/emails to highlight particular issues and through the notification of each stage of consultation to all those on the consultation database.</p> <p>A Policy Formulation Report has been carried out for each topic. The final Policy Formulation Reports (May 2017) are available on the examination page of the Council's website.</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
			The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).	
5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e) The Act section 20(5)(c). Regulation 4	NPPF paras 178 to 181	Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156. Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9). Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.	As a prescribed duty to cooperate body the Council has consulted the London Enterprise Panel (LEP) (now the London Economic Action Partnership, (LEAP)) at each stage of the Local Plan. In addition the Council has had regard to the publications put out by the LEAP. Details of the consultation with the LEAP is set out in the respective Fostering Vitality Policy Formulation Report prepared at each stage of the evolution of the plan. The submission Policy Formulation Report (May 2017) is available on the examination web page of the Council's website. The Council has also consulted the London Wildlife Trust, the equivalent to the LNP for London at each stage of the Local Plan's formulation.
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		Yes. The Council has commissioned and prepared a number of studies to help inform the Local Plan. These have all been submitted to PINS and are viewable from the examination page of the Council's website . The Council's annual Monitoring Reports assess the nature of development across the borough, over time. The latest Monitoring Report 2016 has been submitted.
7. Is baseline information being collected and evidence being gathered to set the	The Act section 19(5)	NPPF paras 165 and 167		Yes. The Council has published an Integrated Impact Assessment (IIA) report to consider the impact of the policies upon a wide range

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
<p>framework for the sustainability appraisal?</p>		<p>Strategic Environmental Assessment Guide, chapter 5</p>		<p>of issues. Central to the IIA is a full sustainability appraisal. Each iteration of the IIA report includes a section/s considering baseline information. The IIA Report scoping document (December 2015), sets the scope for the baseline data being collected, data which is used to assess the policies at each subsequent stage (Scoping IIA (Stage A) (August 2016), the IIA (Stage C) Report (Feb 2017) and the final IIA (Stage C) Report (May 2017). These are available on the examination web page.</p>
<p>8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>NPPF paras 165 and 167 SEA Guide chapter 3</p>	<p>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</p>	<p>Yes. Natural England, the Environment Agency and Historic England were consulted on the scope and level of detail of the Integrated Impact Assessment, as part of the "Issues and Options" Consultation of December 2015. In addition the Council contacted the three statutory environmental bodies, specifically, for their comments on the scope of the SA. Appendix C of the IIA Scoping (Stage A) Report (August 2016) sets out the responses received from the three statutory consultation bodies concerning the scope of the IIA. The responses received from the statutory environmental consultation bodies, and the Council's responses, are included within Appendix H of the IIA (Stage C) Report (February 2017).</p>

Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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

Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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? 	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<p>Yes.</p> <p>The specific and general consultation bodies were invited to make comments on the emerging Local Plan at each stage of its formulation.</p> <p>The Submission Consultation Statement (May 2017) is available on the examination web page. It includes the specific and general consultation bodies that were consulted.</p> <p>The comments made, and the Council’s responses, to the Issues and Options consultation are set out in the relevant Schedule and Summary of responses published as part of the Regulation 18 consultation for the Draft Policies.</p> <p>The comments made, and the Council’s responses to the Regulation 18 consultation, were set out within the Consultation Statement, published as a supporting document as part of the Regulation 19 consultation.</p> <p>Any comments made on the Regulation 19 consultation, and the Councils responses, have been submitted to PINS and are</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>available on the examination page of the Council's website as part of the submission Consultation Statement and as part of the detailed Consultation Schedule.</p> <p>The Council keeps a record of consultees who have been notified at each stage of consultation. This database includes all the specific and general consultees, such as amenity groups and key stakeholders who have asked to have been kept informed in the process. As such it is a live database, constantly evolving.</p>
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>		<p>Yes.</p> <p>The general and local consultation bodies were invited to make comments on the emerging Local Plan at all stages of its formulation – see above for details.</p> <p>The Pre-regulation 18 Issues and Options and the Regulation 18, Draft Policy consultations, both included a stakeholder meeting which targeted business people to discuss the policies within the “Fostering Vitality” chapter of the emerging Local Plan.</p>
<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<p>Yes.</p> <p>The Council has engaged with the specific and general consultation bodies at each stage of the evolution of the Local Plan. This includes land owners, developers as well as infrastructure providers, housing and utility providers.</p> <p>In addition, the Council made a specific “call for sites” as part of the Issues and Options Consultation (December 2015). This has identified additional sites which will help the Council deliver its objectively assessed need for a variety of land uses.</p> <p>The Council has been working closely with</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>the key delivery agencies to assist in bringing forward of the development of the Kensal Canalside opportunity area site allocation. This includes TfL and Network Rail to help bring forward the railway station on the Elizabeth Line, as well as the principal land owners on the site. Infrastructure providers have also been specifically consulted on the Infrastructure Schedule and the Infrastructure Delivery Plan (IDP) to help ensure that infrastructure necessary for the delivery of the Local Plan is planned for.</p>
<p>4. Are you taking into account representations made?</p>	<p>Regulation 18(3)</p>	<p>NPPF para 155</p>	<p>Evidence from participation is part of the justification. Show how you have taken representations into account.</p>	<p>Yes. The policies and supporting text have been amended having had regard to the representations received at each stage of the evolution of the Local Plan – see above regarding consultation schedules, summaries and Statements.</p> <p>In addition, the respective Policy Formulation Reports, at each stage of the Local Plan evolution, sets out how policies have evolved.</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 – 168 SEA Guide, chapter 3</p>		<p>Yes, it does. The respective policy formulation reports set out, in some detail, both the reasonable alternatives as well as the policy approach which the Council has ultimately chosen to take forward. The Council has clearly articulated why each rejected reasonable alternative was dismissed.</p> <p>Where an option is not reasonable, this is set out within the policy formulation report. Each of the reasonable alternatives have been subject to a sustainability appraisal carried out on behalf of the Council by Arcadis, within the wider Integrated Impact Assessment. This has been an iterative process, with a report submitted alongside each of the policy drafts as set out in the</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>submission Document Index.</p> <p>A full audit trail of the policy alternatives that have been considered is included in Appendix F of the IIA report.</p>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	<p>The Act section19(3)</p>	<p>NPPF para 155</p>		<p>SCI.</p> <p>Section 3 of the Council’s SCI, “Involving People in Planning”, (IPP) sets out how the Council will consult at the various stages of the plan making process. The Council has followed these principles.</p> <p>The process followed for the Regulation 18 Draft Policies consultation is set out in the Consultation Statement (May 2017).</p> <p>Sustainable Community Strategy</p> <p>In section 1 of the Local Plan, the Council does refer to the Community Strategy, a strategy which runs to 2028. Therefore, the Council has ensured that the key spatial planning objectives for the Borough, as set out in the Local Plan, are in harmony with the priorities within the Community Strategy. However, the Council does note that section 100(2)(b) of the Deregulation Act 2015 did remove the requirement for a Council to have regard to its Sustainable Community Strategy.</p> <p>Proportionate participation</p> <p>The Submission Consultation Statement (May 2017) provides details of the consultation undertaken at each stage of the policy preparation. This has been extensive, which indicates the importance that a sound local plan has to the Borough’s many stakeholders.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				Each stage of consultation is in accordance with the provisions of the SCI/IPIP.
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p>The Act section 20(3) Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>The Submission Consultation Statement (May 2017), provides details of the consultation undertaken at the Draft Policies Regulation 18 stage of the policy preparation. These include the types of consultee, so for example, the general, local, prescribed or specific bodies. In addition the Council keeps a record of consultees who have been notified at each stage of consultation. This database includes all the specific and general consultees, such as amenity groups and key stakeholders who have asked to have been kept informed in the process. As such it is a live database, constantly evolving.</p> <p>See above regarding consultation schedules, summaries and Statements.</p> <p>At each stage both a summary of the comments received previously, as well as a schedule setting out all comments in their entirety, has been published.</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9) The Act section 20 (5)(c)</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> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>Yes. The respective Policy Formulation reports set out how the ongoing engagement with the prescribed duty to cooperate bodies has been undertaken at each stage of the Local Plan's evolution. The respective consultation schedules, summaries and statements, set out all the comments received at each stage of the process, and explains how the Council has responded to each comment. This is the case for all comments received, including those from the prescribed bodies.</p> <p>The engagement has taken a number of forms, through regular liaison meetings, meetings/ emails to discuss/ highlight</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
Section 33A(1)(c)?				particular issues as well as through the notification of each stage of consultation to all those on the consultation database. A letter of general conformity with the London Plan has been received from the GLA. (March 2017).
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.	As a prescribed duty to cooperate body the Council has consulted the London Enterprise Action Partnership (LEAP) at each stage of the Local Plan. In addition the Council has had regard to the publications published by the LEAP. Details of the consultation with the LEAP is set out in the relevant Policy Formulation Report . The Council has also consulted the London Wildlife Trust, acting as an interim Local Nature Partnership (LNP) for London, at each stage of the Local Plans formulation.
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.	Yes. Chapter 38 of the Local Plan sets out how the Council intends to monitor the policies within the Local Plan. For each policy it includes a target, monitoring indicators, the frequency that the monitoring will be undertaken and the source of the information used. In addition, the Council monitors the success, or otherwise, of its policies through its monitoring report. These are produced and published on an annual basis, all being available on the Council’s website . The Monitoring Report includes the Council’s housing trajectory as well as considering the Council’s five year housing supply.

Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

The council should tell all parties that this is the main participation opportunity on the emerging plan.. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>NPPF paras 152 - 182 SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>Yes. The respective policy formulation reports set out, in some detail, both the reasonable alternatives as well as the policy approach which the Council has ultimately chosen to take forward. The Council has clearly articulated why each rejected reasonable alternative was dismissed.</p> <p>This process has been undertaken for all elements of the plan. Where an option is not reasonable this is set out within the policy formulation report.</p> <p>Each of the reasonable alternatives have been subject to a sustainability appraisal carried out on behalf of the Council by Arcadis, within the wider Integrated Impact Assessment report. This has been an iterative process, with a report submitted alongside each of the policy drafts; as set out in the submission Document Index.</p> <p>A full audit trail of the policy alternatives that have been considered is included in Appendix F of the IIA.</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where still in force? 	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>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.</p>	<p>Yes.</p> <p>The policies within the Local Plan are in general conformity with the NPPF. Conformity is considered in more detail within the respective Policy Formulation reports.</p> <p>A letter of general conformity with the London Plan has been received from the GLA. (March 2017). This confirms that the publication policies are in general conformity with the London Plan.</p>
<p>3. Are you having</p>	<p>The Act sections 19</p>		<p>Where the regional</p>	<p>Yes.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>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>(2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>strategy has been revoked you should record that fact.</p>	<p>The London Plan forms part of the Borough's Development Plan, and as such the policies within it are of direct relevance.</p> <p>The relationship between the London Plan and the Local Plan policies are set out within the respective Policy Formulation Reports.</p> <p>A letter of general conformity with the London Plan has been received from the GLA. (March 2017). This confirms that the publication policies are in general conformity with the London Plan.</p>
<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>Yes.</p> <p>The respective Policy Formulation reports set out how the ongoing engagement with the prescribed duty to cooperate bodies has been undertaken at each stage of the Local Plan's evolution.</p> <p>In addition the respective consultation statements set out all the comments reviewed at each stage of the process, and explains how the Council has responded to each comment. This is the case for all comments received, including those from the prescribed bodies.</p> <p>The engagement has taken a number of forms, through regular liaison meetings, meetings/ emails to discuss/ highlight particular issues as well as through the notification of each stage of consultation to all those on the consultation database.</p> <p>A letter of general conformity with the London Plan has been received from the GLA.</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				(March 2017). This confirms that the publication policies are in general conformity with the London Plan.
5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 33A(2)(a), section 33A(6)(a) The Act section 20 (5) (c) Regulation 4	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	The respective Policy Formulation reports set out how the ongoing engagement with the prescribed duty to cooperate bodies has been undertaken at each stage of the Local Plan's evolution. This includes the GLA, neighbouring local authorities and Waste Planning Authorities of the Western Riverside Waste Authority. In addition the respective consultation schedules, summaries and statements set out all the comments received at each stage of the process, and explains how the Council has responded to each comment. This is the case for all comments received, including those from the prescribed bodies. The engagement has taken a number of forms, through regular liaison meetings, meetings/ emails to discuss/ highlight particular issues as well as through the notification of each stage of consultation to all those on the consultation database. A letter of general conformity with the London Plan has been received from the GLA. (March 2017). This confirms that the publication policies are in general conformity with the London Plan.
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		As a prescribed duty to cooperate body the Council has consulted the London Enterprise Action Partnership (LEAP) at each stage of the Local Plan. In addition the Council has had regard to the publications published out by the LEAP. Details of the consultation with the LEAP is set out in the relevant Policy

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Formulation Report.</p> <p>The Council has also consulted the London Wildlife Trust, as the interim Local Nature Partnership (LNP) for London, at each stage of the Local Plan's formulation.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area comprises part of the area of the council? • any other local development documents adopted by the council? 	<p>The Act section19(2)</p>			<p>In section 1 of the Local Plan, the Council does refer to the Community Strategy, a strategy which runs to 2028. Therefore, the Council has ensured that the key spatial planning objectives for the Borough, as set out in the Local Plan, are in harmony with the priorities within the Community Strategy. However, the Council does note that section 100(2)(b) of the Deregulation Act 2015 did remove the requirement for a Council to have regard to its Sustainable Community Strategy.</p> <p>In addition section 4 of each of the delivery chapters (Chapter's 30 to 36) of the Local Plan considers the corporate and partner strategies, and how these will contribute to the delivery of the respective Strategic Objective.</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 • waste strategies 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>The respective Policy Formulation Reports relating to these areas set out how the Council has had regard to these relevant strategies.</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> hazardous substances 				
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 -108</p>		<p>Yes. The Local Plan Review includes Policy CE1 (Climate Change). This policy sets out the measures by which climate change will be mitigated. It includes adherence to the relevant carbon standards, to energy sources and to combined cooling heat and power. Policy CE2, considers flooding and the need to address and reduce flood risk and its impacts.</p>
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Act section19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF para 182 SEA Guide, Chapter 5</p>	<p>Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<p>Yes. The respective policy formulation reports sets out, in some detail, both the reasonable alternatives as well as the policy approach which the Council has ultimately chosen to take forward. The Council has clearly articulated why each rejected reasonable alternative was dismissed. Each of the reasonable alternatives have been subject to a sustainability appraisal carried out on behalf of the Council by Arcadis, within the wider Integrated Impact Assessment report. This was an iterative process, with a report submitted alongside each of the policy drafts; as set out in the submission Document Index. A full audit trail of the policy alternatives that have been considered is included in Appendix F of the IIA report.</p>
<p>11. Are you setting out reasons for any preferences between alternatives?</p>	<p>Regulation 8(2)</p>	<p>NPPF para 182</p>	<p>This will include Information from the sustainability appraisal.</p>	<p>Yes. The respective policy formulation reports sets out, in some detail both the reasonable alternatives as well as the policy approach which the Council has ultimately chosen to take forward. The Council has clearly</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>articulated why each rejected reasonable alternative was dismissed.</p> <p>Each of the reasonable alternatives have been subject to a sustainability appraisal carried out on behalf of the Council by Arcadis, within the wider Integrated Impact Assessment.</p> <p>A full audit trail of the policy alternatives that have been considered is included in Appendix F of the IIA report.</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)</p> <p>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>Yes.</p> <p>The comments made, and the Council's responses, are set out in the relevant Schedule and Summary of responses to the Issues and Options, as published as part of the Regulation 18 consultation for the Draft Policies.</p> <p>The comments made, and the Council's responses to the Regulation 18 consultation, were set out within the Consultation Statement, published as a supporting document as part of the Regulation 19 consultation.</p> <p>The comments made on the soundness of the plan, as part of the regulation 19 consultation have been submitted to PINS as part of the Submission Consultation Statement (May 2017). It is available to view on the examination web page.</p> <p>At each stage the Council sought views on the IIA report in addition to the emerging Local Plan, but comments on the IIA report were only received from the statutory bodies.</p> <p>The comments received on the Draft Policies which related to the IIA are set out within Appendix H of the IIA (Stage C) Report</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>(February 2017).</p> <p>Appendix C of the IIA Scoping (Stage A) Report (August 2016) sets out the responses received from the three statutory consultation bodies concerning the scope of the IIA.</p> <p>The respective policy formulation reports, consultation schedules, summaries and statements set out where a policy has changed as a result of a representation received.</p> <p>The Council published the Screening for the Habitats Regulations Assessment in December 2015. This concluded that none of the policies that are being reviewed are likely to have a significant/ any effect on the relevant Natura 2000 sites. No representations were received to the contrary.</p>
<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"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	Regulations 5 (1)(b) and 9	NPPF para 157	<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>	Yes. Maps and diagrams are included within each chapter of the Local Plan, and have been updated accordingly. This includes for each of the strategic sites, the diagrammatic “Place” maps and thematic maps for each policy chapter. Consequential changes to the Proposals Map have also been consulted on.
14. Are the participation	The Act, section 19(3)	NPPF paras 150		Yes. The participation arrangements set out

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
arrangements compliant with the SCI?	Regulation 18	and 155		within the Council's SCI, "Involving people in Planning" (2013) have been followed.

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		Yes. The Council has published a sustainability appraisal report, part of the Integrated Impact Assessment) " IIA (Stage C) Report (February 2017) " at the publication stage of the Local Plan. A further iteration of the IIA, Stage C Report (May 2017) having regard to Proposed Modifications to the Local Plan as a result of the Government's newly-published Housing White Paper and the Regulation 19 consultation has also been published and submitted to PINS to assess possible amendments to the Local Plan.
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	Yes. The Council published a " Statement of Representations Procedure " on 2 nd February 2017 which set out where, and within what period representations must be made. These details were also made clear on the relevant pages of the Council's website and through a letter/ email sent to all stakeholders on the Council's consultation database.
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none">• the proposed submission documents?• the statement of the representations procedure?	Regulation 19(a)		Regulation 17 gives definitions.	Yes. The Council published a Statement of Representations Procedure on 2 nd February 2017 which set out where the proposed submission documents were available to view. As well as being available in the Council's website , both the proposed submission / 'publication policies' documents and the statement of representations procedure were available to view at the Council's main office in the Town Hall Hornton Street and

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				at all of the Borough's libraries.
<p>4. Have you published on your website:</p> <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.	<p>Yes.</p> <p>The proposed submission / 'publication policies' documents, the Statement of Representations Procedure (February 2017) and a statement and the details of where and when the documents could be inspected were all made available on the Council's website when the Council consulted on the Regulation 19, Publication Policies.</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>Yes, a letter/email was sent to all of the specific consultation bodies inviting them to make representations on the Regulation 18 draft policies and regulation 19 publication policies. This correspondence included a link to the electronic copies of the publication Local Plan, the associated IIA and to all the other supporting documents.</p>
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • the statement of the representations 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>Yes, a letter/email was sent to all of the general consultation bodies inviting them to make representations on the proposed submission / 'publication policies' documents. This correspondence included a link to the relevant page on the Council's website, which holds links to the Statement of Representations Procedure and which gave details as to where and when hard</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
procedure? • where and when the documents can be inspected?				copies of relevant documents could be inspected.
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	The Act section 24 Regulation 21		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	A letter of general conformity with the London Plan was formally requested and has been received from the GLA (March 2017). This confirms that the publication policies are in general conformity with the London Plan.

Stage five: Submission

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

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

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

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

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

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	Yes. The Council's LDS has been submitted to PINS. This took effect on 2 May 2017. The Issues and Options, Draft Policies and Publication policies have been prepared in accordance with the LDS and its previous iterations. The Council's Monitoring Reports , published annually, consider the progress that the Council has made in preparing its LDDs against the published milestones.
2. Has the DPD had regard to any sustainable community strategy for its area (like a	The Act section 19(2)	NPPF para 182		In section 1 of the Local Plan, the Council does refer to the Community Strategy, a strategy which runs to 2028. Therefore, the Council has ensured that the key spatial planning objectives for the Borough, as set

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
county and district)?				out in the Local Plan, are in harmony with the priorities within the Community Strategy. However, the Council does note that section 100(2)(b) of the Deregulation Act 2015 did remove the requirement for a Council to have regard to its Sustainable Community Strategy.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	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).	Yes. The Council's Statement of Community Involvement, " Involving People in Planning " (IPIP) (2013) sets out how the Council engages with the local community. This document is up-to-date as has been prepared having regard to the current regulations. Consultation, at each stage of the process, has been carried out in accordance with IPIP. Explanation of the process followed is set out within the Submission Consultation Statement (May 2017) available on the examination web page .
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, LEPs, LNPs and the prescribed bodies in identifying and	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'.	Yes. The respective Policy Formulation reports set out how the ongoing engagement with the prescribed duty to cooperate bodies has been undertaken at each stage of the Local Plan's evolution. The respective consultation schedules, summaries and statements, set out all the comments received at each stage of the process, and explain how the Council has responded to each comment. This is the case for all comments received, including those from the prescribed bodies. The engagement has taken a number of forms, through regular liaison meetings, meetings/ emails to discuss/ highlight particular issues as well as through the

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				<p>notification of each stage of consultation to all those on the consultation database.</p> <p>A letter of general conformity with the London Plan has been received from the GLA. (March 2017). This confirms that the publication policies are in general conformity with the London Plan.</p> <p>As prescribed duty to cooperate body the Council has consulted the London Enterprise Action Partnership (LEAP) at each stage of the Local Plan. In addition the Council has had regard to the publications put out by the LEAP. Details of the consultation with the LEAP is set out in the relevant Policy Formulation Report.</p> <p>Similarly the London Wildlife Trust as the interim London Nature Partnership (LNP) has been consulted.</p>
<p>5. Has the DPD been subject to sustainability appraisal?</p> <p>Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>Sustainability appraisal has been carried out within the wider Integrated Impact Assessment. This was an iterative process, with a report submitted alongside each of the policy drafts; as set out in the submission Document Index.</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>Yes.</p> <p>The policies within the Local Plan are in general conformity with the NPPF. Conformity is considered in more detail within the respective Policy Formulation reports and within the submitted Soundness self-assessment checklist available on the examination web page.</p>
<p>7. Does the DPD contain</p>	<p>The Act section</p>	<p>NPPF para 218</p>	<p>In London the</p>	<p>A letter of general conformity with the London</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>any policies or proposals that are not in general conformity with the regional strategy where it still exists?</p> <p>If yes, is there local justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>	<p>24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>footnote 41</p>	<p>requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>Plan has been received from the GLA. (March 2017). This confirms that the publication policies are in general conformity with the London Plan.</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>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>Yes, the documents prescribed at Regulation 22(1) are all available in Kensington Town Hall and on the examination page of the Council's website. These include:</p> <ul style="list-style-type: none"> • The Publication Policies document (February 2017) • The Sustainability Appraisal Report as part of the IIA (Stage C) Report (February 2017) and a submission version of the IIA Report (May 2017) which takes into account possible amendments arising out of the Proposed Modifications. • A Proposals Map showing the consolidated changes to it arising from the Local Plan Partial Review. • The Submission consultation statement

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>Does the DPD contain a list of superseded saved policies?</p>				<p>(May 2017).</p> <ul style="list-style-type: none"> • Consultation Schedules showing each comment received in response to the Publication Policies consultation. <p>For the submission, the Council has notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan.</p> <p>Chapter 41 of the Local Plan, the “Policy Replacement Schedule” shows how the extant UDP Policies and the policies within the original Core Strategy relate to those within the Publication Policies version of the Local Plan. This table fulfils the requirements laid out in regulation 8(5) of the TCP Regulations (2012).</p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>			<p>Yes. Maps and diagrams are included within each chapter of the Local Plan, and have been updated accordingly. This includes for each of the strategic sites, the diagrammatic “Place” maps and thematic maps for each policy chapter. Consequential changes to the Proposals Map have also been consulted on and submitted.</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</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>Chapter 41 of the Local Plan, the “Policy Replacement Schedule” shows how the extant UDP Policies and the policies within the original Core Strategy relate to those within the Publication Policies version of the Local Plan. It sets out which policies have been superseded by the new Local Plan</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
state that fact and identify the superseded policies?				policies. This table fulfils the requirements laid out in regulation 8(5) of the TCP Regulations (2012).
<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>Yes the Submission Consultation Statement (May 2017) includes this information.</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>Yes the Submission Consultation Statement (May 2017) includes this information.</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
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 made on the soundness of the Soundness of the Local Plan are available on the Examination web page of the Council's website, as "Publication Policies, Consultation Schedules" (May 2017)
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			Yes. All the relevant supporting documents are both available on the Council's website and have been submitted to PINS. A Document Index is available on the webpage.
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.	Yes the Publication Policies document was approved for submission by a full meeting of the Council's elected members on 26 April 2017.
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? 	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)		Regulation 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and supporting documents may not be practicable. Regulation 35 deals with the availability of documents and the time of their removal.	Yes documents have been submitted by post and electronically. A Document Index on the Council's examination web page sets out all the submission documents.
17. Have you made the following available at the same places	Regulation 22(3)		You should do this as soon as reasonably practicable after	Yes. All of these documents have been made available on the Council's website, with a hard copy available at the Customer

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 			submission.	Service centre at the Town Hall and at local libraries.
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Yes. All of these documents will be made available on the Council's website as soon as practicable after submission.
19. For each general	Regulation 22(3)(b)		You should do this as	Yes. Copies of the correspondence notifying

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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? 			<p>soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>the general consultation bodies of the submission, and where the prescribed documents can be inspected, will be sent to the respective bodies as soon as practicable.</p>
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>Yes. Copies of the correspondence giving notice of the submission will be sent to the respective bodies as soon as practicable.</p>
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> • published the time and place of the examination and the name of the person appointed to carry out the examination on your website? • notified those who have made 	<p>The Act section 20 Regulations 24 and 35</p>			<p>Yes this will be undertaken at the appropriate time, and copies of the correspondence will be submitted to the respective bodies.</p>

Local Plan Partial Review: Legal Compliance Checklist (May 2017)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
representations on the published DPD which have not been withdrawn of these details?				