



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
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		<ul style="list-style-type: none"> Local Development Scheme adopted June 2015; this sets out the timetable for the Milton Keynes Minerals Local Plan. Website also shows progress of the plan.
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	<ul style="list-style-type: none"> Online consultation used. SCI was revised and adopted in March 2014, consultation will follow guidelines set out in the SCI.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	Regulation 2 defines the general and specific consultation bodies. The possible evidence may duplicate each other. Only use what you need to.	<ul style="list-style-type: none"> SCI refers to this and was revised and adopted in March 2014, consultation will follow guidelines set out in the SCI. Online consultation database contains all the different bodies that need to be consulted.
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)	NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))	Section 33A(4) defines a "strategic matter". Under section 33A(6) the required engagement	<ul style="list-style-type: none"> Respond to information requests regarding minerals movement and commitments, in relation to policy approach and statistics in order to facilitate information sharing and co-operation.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<ul style="list-style-type: none"> • SCI was adopted March 2014. • Duty to Co-operate note stating how DtC engagement will be carried out with other minerals planning authorities published December 2014 and placed on website. • Decision was taken to consult the majority of Minerals Planning authorities in the UK to highlight matters and see if other authorities have issues with the approach taken forward through the Local Plan as well as the methodology and content of the LAA. • Other councils plans checked as they progress and responses submitted to other councils plans if required. • Attendance at South East Aggregate Working Party. Also other meetings considered relevant.
<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</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</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</p>	<ul style="list-style-type: none"> • SCI adopted March 2014: this document highlights how we will engage with stakeholders. • SEMLEP and LNP have been invited to comment at all key stages of the plan preparation process.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
strategic priorities that will have a significant impact on at least two planning areas?	The Act section 20(5)(c). Regulation 4		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.	
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"> • Baseline data collected as part of the monitoring. • Baseline data used in the updating of the SA.
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		<ul style="list-style-type: none"> • Scoping report published September 2013. • The framework was updated and baseline data is used/being collected to ensure it is up to date.
8. Have you consulted the statutory environment consultation bodies for	Regulations 9 and 13 of The Environmental	NPPF paras 165 and 167	The Strategic Environmental Assessment consultation	<ul style="list-style-type: none"> • The SA Scoping Report was subject to consultation during the period 30 October 2013 to 22nd



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Assessment of Plans and Programmes Regulations 2004 No 1633.	SEA Guide chapter 3	bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	January 2014 alongside the issues and options document. The SA Environmental Report was subject to consultation during the period 13 August 2014 to 5 November 2014. This included the scope of environmental information to be included in the SA and included the SEA Consultation bodies.



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Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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



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Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Have you notified: <ul style="list-style-type: none"> 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"> Bodies consulted highlighted in the SCI. Bodies consulted via email. Copies of responses received. Copies of emails sent. 51 responses received at Issues and Option stage.
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"> Copies of email sent. Groups are highlighted in the SCI. Business and residential groups invited to comment on the plan and documents in libraries.
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"> SCI highlights bodies that will be consulted and includes the minerals and waste industry.
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	<ul style="list-style-type: none"> List of all responses published and response used to draft plan. Cabinet reports highlight key issues raised at Issues and Options and Draft Plan stages.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			account.	
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168 SEA Guide, chapter 3		<ul style="list-style-type: none"> • Consultation took place on the SA scoping report 30 October 2013 to 22 January 2014. • Consultation responses were considered and taken into account when drafting the SA Environmental Report and finalising the SA Scoping Report.
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 section19(3)	NPPF para 155		<ul style="list-style-type: none"> • Consultation via letters and emails, sent to those included on the councils database of consultations. • Consultee database invited to comment at all stages. • Para 1.24 of Submitted Plan outlines that the Local Plan has been prepared in line with the Community Strategy.
7. Are you keeping a record of: <ul style="list-style-type: none"> • the individuals or bodies invited to make 	The Act section20(3) Regulation 17	NPPF paras 158 - 171	You will need to submit a statement of representations under Regulation 22 (1) (c): see	<ul style="list-style-type: none"> • Consultation database. • Representations received are logged on the online consultation system. • Table of representations published



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
representations? <ul style="list-style-type: none"> • how this was done? • the main issues raised? 			Submission stage below. Regulation 35 deals with the availability of documents and the time of their removal.	and at Issues and Options, Draft Plan and Proposed Submission stages included council comments and possible suggested changes.
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)?	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)	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.	<ul style="list-style-type: none"> • Ongoing communications/letters with other authorities. • All counties in England and MPA's specifically invited to comment on documents. • All adjoining districts invited to comment on document • DtC statement published at the start of the plan process and placed on website. This stated how DtC engagement will be carried out with other minerals planning authorities.
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).	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.	<ul style="list-style-type: none"> • SEMLEP and LNP have been invited to comment at all key stages of the plan preparation process.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Regulation 4		Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	
10. Are you developing a framework for monitoring the effects of the DPD?	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p>	<p>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.</p>	<ul style="list-style-type: none"> The monitoring framework has been developed and has been included in the documents to allow comment.



Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

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



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Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182 SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	<ul style="list-style-type: none"> Appendix 5 of the Draft Plan sets out how responses received at Issues and Options stage have been used to formulate the Draft Plan policies. Issues and Option document highlighted potential alternatives. SA process was undertaken alongside the plan making process, including consideration and assessment of alternatives.
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.	<ul style="list-style-type: none"> The RSS has been revoked in the south east. The Issues and Options addressed alternatives and referenced national policies compliance where appropriate.
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> adjoining regional spatial strategies? the spatial development 	The Act sections 19 (2) and 24 (1) and (4)		Where the regional strategy has been revoked you should record that fact.	<ul style="list-style-type: none"> The RSS has been revoked in the south east and adjoining regions. It is not considered the SDS for London has relevance to this plan (as is the case with the Welsh and Scottish policy framework).



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>strategy for London?</p> <ul style="list-style-type: none"> • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<p>Regulation 10 and 21</p>			
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a) Section 33A(6)(a)(b) Section 20(5)(c)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<ul style="list-style-type: none"> • All adjoining authorities have been invited to comment on the plan as well as related documents including the Local Aggregate Assessment (LAA). • No discussion over joint documents as the original Minerals DPD was prepared as a standalone document.
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a) The Act section 20 (5) (c) Regulation 4</p>	<p>NPPF paras 181 and 182</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<ul style="list-style-type: none"> • All adjoining authorities have been invited to comment on the plan. • No discussions over joint document as the original Minerals DPD was prepared as a standalone plan. • All bodies listed in Reg 4 (1) have been invited to comment on plans • Responses have been received from Highways England, Historic England, Environment Agency and Natural England. • DtC statement prepared to state



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				how engagement will be carried out with other minerals planning authorities.
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182		<ul style="list-style-type: none"> • SEMLEP and LNP invited to comment on the plan.
7. Are you having regard to: <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area comprises part of the area of the council? • any other local development documents adopted by the council? 	The Act section 19(2)			<ul style="list-style-type: none"> • Para 1.24 set out how the local plan meets the Milton Keynes Community Strategy. • Section 1 of the Plan gives information on these relationships.
8. Do you have regard to other matters and relevant strategies relating to: <ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities 	The Act section 19(2) Regulation 10		As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to	<ul style="list-style-type: none"> • Section 2 of the Plan sets out the perspective in relation to these matters. • The plan has strategic objectives which cover these matters.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
and services <ul style="list-style-type: none"> • waste strategies • hazardous substances 			in preparing the DPD.	
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section 19(1A)	NPPF paras 93 -108		<ul style="list-style-type: none"> • Policy 15 of the plan addresses climate change. There is also a policy in relation to sustainable transport (Policy 13).
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.	<ul style="list-style-type: none"> • SA undertaken and consultation completed alongside that of the Local Plan plan-making process.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	<ul style="list-style-type: none"> • Set out in the SA document
12. Have you taken into account any representations made on the content of the DPD and	Regulations 17, 18(3) and 22 (1) (c) (iv)	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment	<ul style="list-style-type: none"> • Schedules of responses with council comments and suggested amendments produced - forms part of material presented to cabinet. • The SA has been amended as



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>the sustainability appraisal? Are you keeping a record?</p>	<p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>		<p>made under the Habitats Directive.</p>	<p>appropriate after each round of consultation.</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? 	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<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>	<ul style="list-style-type: none"> • Technical Appendix published. Contains all the detailed site assessment work undertaken and shows locations. • Parish meetings/drop – in sessions undertaken to highlight to communities the location of sites. • Plan contains site profiles that show sites on an OS base.
<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"> • Participants have been engaged in accordance with the SCI



Stage four: Publication

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

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

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

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

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

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

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

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



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Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
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		<ul style="list-style-type: none"> A Sustainability Report was published alongside the Minerals Local Plan January 2016.
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	<ul style="list-style-type: none"> The period during which representations could be made was published in the documents, on the letters, emails and online; all these locations also provided details on the methods of responding. This was for a period of six weeks. The consultation met the requirements of the SCI. Copies of emails and letters distributed.
3. Have you made copies of the following available for inspection:	Regulation 19(a)		Regulation 17 gives definitions.	<ul style="list-style-type: none"> The publication documents were made available to view at Milton Keynes Council as well



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? 				as online. <ul style="list-style-type: none"> All letters and emails informed stakeholders of the locations for viewing documents. Copies of letters and emails. All documents made available online. Statement of representation procedure published.
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.	<ul style="list-style-type: none"> The publication documents were made available on the council website as well as the online consultation system. All documents including supporting documents were made available online. Web pages and online consultation systems. Statement of representation procedure published.
5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> A copy of each of the 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<ul style="list-style-type: none"> Consultation bodies sent electronic links to all documents. Copies of emails inviting comments. Copies of responses received. Details of consultation provided



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>proposed submission documents</p> <ul style="list-style-type: none"> The statement of the representations procedure? 				<p>online.</p> <ul style="list-style-type: none"> Statement of representation procedure published.
<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 procedure? where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<ul style="list-style-type: none"> General consultation bodies sent emails / letters inviting them to comment. Letters / emails highlighted where document can be downloaded / viewed. Copies of emails and letters. Statement of Consultation and Engagement.
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24</p> <p>Regulation 21</p>		<p>The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).</p>	<ul style="list-style-type: none"> Not applicable.



Stage five: Submission

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

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

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

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

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

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the	<ul style="list-style-type: none"> • LDS adopted June 2015 • The timescale are in line with the LDS progress statement on the LDS website.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
Have the timescales set out in the LDS been met?			Regulations.	
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182		<ul style="list-style-type: none"> The Milton Keynes Community Strategy is referenced in the Plan.
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).	<ul style="list-style-type: none"> Local Plan consultation has been in compliance with the SCI. SCI adopted in March 2014.
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, LNP 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'.	<ul style="list-style-type: none"> Duty to co-operate statement was published at the start of the plan making process and this identified what would be a strategic matter. No key issues required addressing. No DtC objections received at Proposed Submission stage.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				
<p>5. Has the DPD been subject to sustainability appraisal?</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>		<ul style="list-style-type: none"> • Sustainability Appraisal Report published January 2016.
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<ul style="list-style-type: none"> • Plan has been developed so as to be consistent with the NPPF and other relevant guidance.
<p>7. Does the DPD contain 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>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<ul style="list-style-type: none"> • The RSS in the South East has been revoked.



planning advisory service

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<p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>				
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<ul style="list-style-type: none"> • Documents made available online on the Milton Keynes Council website and the online consultation system. • Document made available to view at the main office of Milton Keynes Council and also at libraries in the Borough. • Hard copies of all documents available on request • All relevant bodies and other stakeholders and those who made representations on the plan notified of submission. • As the Minerals Local Plan is a direct replacement there are no saved policies.
<p>9. Are there any policies</p>	<p>Regulations 5(1)</p>			<ul style="list-style-type: none"> • Sites that have been allocated are



planning advisory service

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<p>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>	(b), 9 (1), 17 & 22(1)			<p>shown on OS maps in the plan under Appendix 1: Site Profiles.</p> <ul style="list-style-type: none"> • No. However such a policies map is to be prepared.
<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"> • The link to other DPDs is referenced in Section 1 of the Plan. • The Minerals Local Plan will supersede the Minerals Local Plan 2006 in its entirety – this is referenced in Para 1.3.
<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 	<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>	<ul style="list-style-type: none"> • Details of how consultation took place and who was consulted are included within the Statement of Consultation and Engagement. • Representations received are published in a table and also includes council comments on each representation. • A summary of issues raised has been produced. No changes have



planning advisory service

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issues raised? <ul style="list-style-type: none"> How the representations have been taken into account? 				been made from Proposed Submission to Submission following analysis of representations.
12. Have you prepared a statement giving: <ul style="list-style-type: none"> the number of representations made under Regulation 22? a summary of the main issues raised? OR <ul style="list-style-type: none"> that no representations were made? 	The Act section 20(3) Regulation 22(1)(c)			<ul style="list-style-type: none"> Details of the number of representations made are included in the Statement of Consultation and engagement. This statement also includes a summary of the main issues raised.
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 22(1)(e)			<ul style="list-style-type: none"> Copies of the representations made have been submitted. Schedules of representations highlighting comments received and includes council comments
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation			<ul style="list-style-type: none"> The relevant supporting documents including those related to the evidence base have been compiled into a library list. This list (and the core documentation) has been submitted to PINs and published



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	22(1)(g)			on the council website.
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.	<ul style="list-style-type: none"> • Full council approved submission on 21 October 2015 (at the same time as it approved the proposed submission plan).
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)? 	<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 removal.</p>	<ul style="list-style-type: none"> • The documents were sent via courier on 31 March 2016. • An email was sent on...31 March 2016 confirming submission. Due to the size of documents, all documents were sent electronically on CD, the core documents were also provided in hard copy.
17. Have you made the following available at the same places where the proposed submission documents were to be seen:	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	<ul style="list-style-type: none"> • The submission document and all supporting material were made available to view at Milton Keynes Council offices. • Due to the size of the documentation/evidence base library this is only available to view in hard copy at the civic offices.



planning advisory service

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<ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 				<ul style="list-style-type: none"> • The submission document is available to view at all libraries in the Borough.
<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.	<ul style="list-style-type: none"> • All (except the policies map) have been published online. In relation to those supporting documents that make up the evidence base, web links have been provided to other websites (included as part of the library list).
19. For each general consultation body invited to make representations	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the	<ul style="list-style-type: none"> • All respondents and all stakeholders were sent letters informing them that the documents



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under Regulation 18(1), have you sent: <ul style="list-style-type: none"> • notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection • where and when they can be inspected? 			Secretary of State.	have been submitted and they can be viewed and when.
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	<ul style="list-style-type: none"> • All respondents were notified that the submission has taken place; details of the submission were also published online.
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 	The Act section 20 Regulations 24 and 35			<ul style="list-style-type: none"> • This information is not yet known.



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made representations on the published DPD which have not been withdrawn of these details?				