



Local Plan Legal Compliance Checklist (April 2013)

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

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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

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

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"> i. (F05) The Norfolk Minerals and Waste Development Scheme (June 2013) ii. (A15) The Norfolk Minerals and Waste Development Scheme (June 2016) iii. (F345) Norfolk County Council Local Aggregate Assessment and Silica Sand Assessment 2015 iv. (F350) Norfolk County Council Local Aggregate Assessment and Silica Sand Assessment 2014 v. (F365) Annual Monitoring Report - Policy, Implementation and Monitoring 2015/16
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"> i. (A20) The Norfolk Minerals and Waste SCI (April 2012) ii. (F05) The Norfolk Minerals and Waste Development Scheme (June 2013) iii. (A15) The Norfolk Minerals and Waste Development Scheme (June 2016)
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	<ul style="list-style-type: none"> • (A20) The Norfolk Minerals and Waste SCI (April 2012) • (F50) Initial consultation document Question 8 • (A90 & A92) Statement of Consultation - Parts 1 & 2

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			need to.	
<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 bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<ul style="list-style-type: none"> • (A90 & A92) Statement of Consultation - Parts 1 & 2 • (A75) Silica Sand Review - Duty to Cooperate Statement (November 2016) • (A50) Submission Sustainability Appraisal Report Part B –section 1.8
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p>	<ul style="list-style-type: none"> • (A90 & A92) Statement of Consultation - Parts 1 & 2 • (A75) Silica Sand Review - Duty to Cooperate Statement (November 2016)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
significant impact on at least two planning areas?	Regulation 4		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 section13	NPPF paras 158 - 177		<ul style="list-style-type: none"> • (F50) Initial Consultation document (especially sections 5 and 6) • (F150) Preferred Options Consultation (especially sections 6-8) • (F10) Norfolk Minerals and Waste Core Strategy and Development Management Policies DPD-chapter 8 monitoring and implementation • (F155) Initial Consultation Sustainability Appraisal – Part A Scoping Report (October 2015) • (F160) Initial Sustainability Appraisal - Part B (October 2015) • (A50) Sustainability Appraisal Report – Part B (March 2016) • (F345) Local Aggregate and silica sand Assessment 2015 • (F350) Local Aggregate and silica sand Assessment 2014 • (F355) Local Aggregate and silica sand Assessment 2013

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<ul style="list-style-type: none"> (F365) Annual Monitoring Report – Scheme, Policy Implementation and Monitoring – 2015/16
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section 19(5)</p>	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<ul style="list-style-type: none"> (F155) Initial Consultation Sustainability Appraisal – Part A Scoping Report (October 2015) (F160) Initial Sustainability Appraisal - Part B (October 2015) (A50) Sustainability Appraisal Report – Part B (March 2016)
<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</p> <p>SEA Guide chapter 3</p>	<p>The Strategic Environmental Assessment consultation bodies are also amongst the ‘specific consultation bodies’ which are defined in Regulation 2).</p>	<ul style="list-style-type: none"> (F45) Sample letter Sustainability Appraisal scoping prescribed consultees (January 2015) (F40) Silica sand review and Core Strategy review – Sustainability Appraisal Scoping Report (January 2015) (F50) Silica sand review Initial consultation document (January 2015) (A90 & A92) Statement of Consultation-Parts 1 & 2



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
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.	i. (A90) Statement of Consultation - Part 1 ii. (F250) Sample Initial consultation letter to specific consultees iii. (F260) Sample Initial consultation letter to general consultees iv. (F275) Sample Preferred Options letter to statutory consultees v. (F280) Sample Preferred Options letter to general consultees vi. (F200) Initial consultation feedback report (June 2015) vii. (F205) Preferred Options consultation Feedback report (January 2016)
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		i. (A90) Statement of Consultation – Part 1 ii. (F265) Sample Initial consultation email to parish councils iii. (F255) Sample Initial consultation letter to mineral

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>companies (Sibelco)</p> <p>iv. Emails regarding the Initial Consultation were also sent to other parties, including individuals who had made responses about silica sand during the previous plan preparation, and Norfolk Parish Councils outside the silica sand resource</p> <p>v. (F270) Sample Preferred Options letter to mineral operators (Tharros)</p> <p>vi. (F285) Sample Preferred Options email to parish councils with an Area of Search</p> <p>vii. Emails regarding the Preferred Options were also sent to other parties, including individuals who had made responses about silica sand during the previous plan preparation and Norfolk Parish Councils outside the Areas of Search</p> <p>viii. (F200) Initial consultation feedback report (June 2015)</p> <p>ix. (F205) Preferred Options consultation Feedback report (January 2016)</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	<ul style="list-style-type: none"> i. (A90) Statement of Consultation – Part 1 ii. (F255) Sample Initial consultation letter to mineral companies (Sibelco) iii. (F230) general letter to agents/consultants for Initial Consultation iv. (F235) general letter to agents/consultants for ‘Call for Sites’ v. (F270) Sample Preferred Options letter to mineral operators (Tharros) vi. (F270) letter to agents/consultants for Preferred Options vii. (F250) letter to specific consultation bodies for Initial Consultation viii. (F260) letter to general consultation bodies for Initial Consultation ix. (F275) letter to specific consultation bodies for Preferred Options x. (F280) letter to general consultation bodies for

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>Preferred Options</p> <ul style="list-style-type: none"> xi. (F200) Initial consultation feedback report (June 2015) xii. (F205) Preferred Options consultation Feedback report (January 2016)
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	<ul style="list-style-type: none"> i. (A90) Statement of Consultation – Part 1 ii. (F50) Silica sand review Initial consultation document (January 2015) iii. (F150) Preferred Options consultation document (October 2015) – Sections 3 and 10 iv. (F200) Initial consultation feedback report (June 2015) v. (F205) Preferred Options consultation Feedback report (January 2016)
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<ul style="list-style-type: none"> i. (A90) Statement of Consultation – Part 1 ii. (F50) Silica sand review Initial consultation document (January 2015) iii. (F150) Preferred Options consultation document (October 2015) – Section 10

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Programmes Regulations 2004 No 1633			defining Areas of Search process iv. (F40) Silica sand review and Core Strategy review – Sustainability Appraisal Scoping Report (January 2015) v. (F160) Preferred Options – Initial Sustainability Appraisal – Part B alternative options (October 2015) vi. (F200) Initial consultation feedback report (June 2015) vii. (F205) Preferred Options consultation Feedback report (January 2016)
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		i. (A90) Statement of Consultation – Part 1 ii. (A20) Statement of Community Involvement – April 2012 update iii. (E500) Norfolk Ambition - Norfolk's Community Strategy 2003-2023 (refreshed 2008)
7. Are you keeping a record of: <ul style="list-style-type: none"> • the individuals or bodies invited to make 	The Act section20(3)	NPPF paras 158 - 171	You will need to submit a statement of representations under Regulation 22 (1) (c): see	i. (A90) Statement of Consultation – Part 1 ii. (F150) Preferred Options consultation document

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>representations?</p> <ul style="list-style-type: none"> • how this was done? • the main issues raised? 	Regulation 17		Submission stage below. Regulation 35 deals with the availability of documents and the time of their removal.	<p>(October 2015)– Sections 3 and 10</p> <ul style="list-style-type: none"> iii. (F200) Initial consultation feedback report (June 2015) vi. (F205) Preferred Options consultation Feedback report (January 2016) vii. Copies of representations and relevant correspondence
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<ul style="list-style-type: none"> i. (A90) Statement of Consultation – Part 1 ii. (F150) Preferred Options consultation document (October 2015) – Section 3 iii. (F200) Initial consultation feedback report (June 2015) iv. (F205) Preferred Options consultation Feedback report (January 2016) v. (F241) Email to adjacent LPAs & MPAs for Initial Consultation vi. (F242) Email to Norfolk LPAs for Initial Consultation vii. (F244) Email to Norfolk LPAs for Preferred Options viii. (F243) Email to other LPAs & MPAs Preferred Options ix. Copies of representations and

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				relevant correspondence x. (A75) Revised Duty to Cooperate Statement (November 2016)
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.	i. (A90) Statement of Consultation – Part 1 ii. (F200) Initial consultation feedback report (June 2015) iii. (F205) Preferred Options consultation Feedback report (January 2016) iv. (F260) letter to general consultation bodies for Initial Consultation v. (F280) letter to general consultation bodies for Preferred Options vi. (A75) Revised Duty to Cooperate Statement (November 2016)
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35 Regulation 34 Regulation 17 of	NPPF paras 165 - 1687 SEA Guide, Chapter 5	It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning	i. (F40) Silica sand review and Core Strategy review – Sustainability Appraisal Scoping Report (January 2015) ii. (F160) Preferred Options – Initial Sustainability Appraisal – Part B alternative options

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	The Environmental Assessment of Plans and Programmes Regulations 2004 No1363		Officer letter 30 March 2011 withdrawing ODPM guidance.	<p>(October 2015)</p> <ul style="list-style-type: none"> iii. (F345) Norfolk County Council Local Aggregate Assessment and Silica Sand Assessment 2015 iv. Annual Monitoring Report – Scheme, Policy Implementation and Monitoring – 2015/16 v. (F10) Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD (adopted Sept 2011) Chapter 8: Monitoring and Implementation



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
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"> i. (F160) Preferred Options – Initial Sustainability Appraisal – Part B alternative options (October 2015) ii. (F50) Silica sand review Initial consultation document (January 2015), especially question 17 iii. (F150) Preferred Options consultation document (October 2015), especially section 1 and section 9 iv. (F200) Initial consultation feedback report (June 2015) v. (F205) Preferred Options consultation Feedback report (January 2016) vi. (A45) Silica Sand Review - Sustainability Appraisal Report-Part A-Scoping (October 2015) vii. (A50) Silica Sand Review - Sustainability Appraisal Report-Part B (March 2016)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				viii. (A55) Silica Sand Review - Sustainability Appraisal Report-non-technical summary (March 2016)
<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? 	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"> i. (F160) Preferred Options – Initial Sustainability Appraisal – Part B alternative options (October 2015) ii. (F50) Silica sand review Initial consultation document (January 2015), especially question 17 iii. (F150) Preferred Options consultation document (October 2015), especially section 1 and section 9 iv. (F200) Initial consultation feedback report (June 2015) v. (F205) Preferred Options consultation Feedback report (January 2016) vi. (A50) Silica Sand Review - Sustainability Appraisal Report-Part B (March 2016)
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? 	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"> i. The East of England Plan has been revoked ii. (C85) Chief Planning Officer letter - Revocation of RSS

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	Regulation 10 and 21			(July 2010)
<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)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	NPPF paras 181 and 185	.	<ul style="list-style-type: none"> i. (A90) Statement of Consultation – Part 1 ii. (F200) Initial consultation feedback report (June 2015) iii. (F205) Preferred Options consultation Feedback report (January 2016) iv. (F150) Preferred Options consultation document (October 2015), especially Section 3 v. (F241) Email to adjacent LPAs & MPAs for Initial Consultation vi. (F242) Email to Norfolk LPAs for Initial Consultation vii. (F244) Email to Norfolk LPAs for Preferred Options viii. (F243) Email to other LPAs & MPAs for Preferred Options ix. (A75) Revised Duty to Cooperate Statement

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				(November 2016)
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).	i. F210 - Duty to Cooperate statement- pre-submission (February 2016) ii. Correspondence with prescribed bodies
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182		i. (A90) Statement of Consultation – Part 1 ii. (F200) Initial consultation feedback report (June 2015) iii. (F205) Preferred Options consultation Feedback report (January 2016) iv. (F260) letter to general consultation bodies for Initial Consultation v. (F280) letter to general consultation bodies for Preferred Options
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 	The Act section 19(2)			(F155) Preferred Options – Initial Sustainability Appraisal – Part A Scoping (October 2015) (E500) Norfolk Ambition - Norfolk's Community Strategy

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>area of the council?</p> <ul style="list-style-type: none"> • any other local development documents adopted by the council? 				<p>2003-2023 (refreshed 2008)</p> <p>(F10) Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD (adopted Sept 2011)</p> <p>(A25) Adopted Minerals Site Specific Allocations DPD (October 2013)</p> <p>(A75) Silica Sand Review – revised Duty to Cooperate Statement (September 2016)</p> <p>(A90) Statement of Consultation – Part 1</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 • hazardous substances 	<p>The Act section 19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<ul style="list-style-type: none"> i. (F10) Norfolk M&W Core Strategy adopted 2011 ii. (F155) Preferred Options – Initial Sustainability Appraisal – Part A Scoping (October 2015) iii. (F160) Preferred Options – Initial Sustainability Appraisal – Part B alternative options (October 2015) iv. (F150) Preferred Options consultation document (October 2015) v. (A75) Silica Sand Review –

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				revised Duty to Cooperate Statement (September 2016) v. (A90) Statement of Consultation – Part 1
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		(F10) Norfolk M&W Core Strategy adopted 2011 (F155) Preferred Options – Initial Sustainability Appraisal – Part A Scoping (October 2015) (F160) Preferred Options – Initial Sustainability Appraisal – Part B alternative options (October 2015) (A70) Silica Sand Review - Flood Risk at Potential Areas of Search and specific site Sequential Test (February 2016)
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.	(F160) Preferred Options – Initial Sustainability Appraisal – Part B alternative options (October 2015) (A90) Statement of Consultation – Part 1 (F200) Initial consultation feedback report (June 2015) (F205) Preferred Options consultation Feedback report (January 2016)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
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"> i. (F160) Preferred Options – Initial Sustainability Appraisal – Part B alternative options (October 2015) ii. (F200) Initial consultation feedback report (June 2015) iii. (F205) Preferred Options consultation Feedback report (January 2016) iv. (F150) Preferred Options Consultation document (Oct 2015)
12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?	Regulations 17, 18(3) and 22 (1) (c) (iv) Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	<ul style="list-style-type: none"> i. (F200) Initial consultation feedback report (June 2015) ii. (F205) Preferred Options consultation Feedback iii. (A90) Statement of Consultation – Part 1 iv. (F155) Preferred Options – Initial Sustainability Appraisal – Part A Scoping (October 2015) vi. (F160) Preferred Options – Initial Sustainability Appraisal – Part B alternative options (October 2015)
13. Where sites are to be identified or areas for the	Regulations 5 (1)(b) and 9	NPPF para 157	Regulation 2 defines the terms ‘submission’ and	i. (A30) Norfolk Core Strategy and Minerals and Waste

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<p>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>'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>Development Management Policies DPD – Revised Proposals (Policies) Map (adopted October 2013)</p> <p>ii. (A40) Norfolk Minerals and Waste Development Framework - Revised Policies Map (September 2016)</p> <p>iii. (A35) Silica Sand Review of Minerals Site Specific Allocations DPD- Pre-submission (March 2016)</p> <p>iv. (A105) Silica Sand Review - Pre-submission Addendum: Modifications (September 2016)</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150 and 155</p>		<p>(A20) Statement of Community Involvement – April 2012 update</p> <p>(A90) Statement of Consultation – Part 1</p>



Stage four: Publication

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

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

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

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

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

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

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

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

Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Have you prepared the sustainability appraisal report?</p>	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 - 168</p> <p>SEA Guide Chapter 5</p>		<p>(A45) Silica Sand Review - Sustainability Appraisal Report-Part A-Scoping (October 2015)</p> <p>(A50) Silica Sand Review - Sustainability Appraisal Report-Part B (March 2016)</p> <p>(A55) Silica Sand Review - Sustainability Appraisal Report-non-technical summary (March 2016)</p> <p>(A105) Silica Sand Review - Pre-submission Addendum: Modifications (September 2016)</p>
<p>2. Have you made clear where and within what period representations must be made?</p>	<p>Regulation 17, 19, 20 and 35</p>		<p>The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).</p>	<p>i. (A85) Silica Sand Review pre-submission – Representations Form 2016</p> <p>ii. (A110) Silica Sand Review pre-submission Main Modifications – Representations Form 2016</p> <p>iii. (A125) Eastern Daily Press pre-submission public notice 16 May 2016</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				iv. (A135) Eastern Daily Press Main Modifications addendum public notice 14 September 2016 v. (F305) Sample pre-submission email, to parish councils vi. (F315) Sample Main Modifications letter, to general consultees vii. (F310) Screenshot of Norfolk County Council website 8 June 2016– Pre-submission viii. (F312) Screenshot of Norfolk County Council website – Pre-submission modifications
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.	i. (A85) Silica Sand Review pre-submission – Representations Form 2016 ii. (A110) Silica Sand Review pre-submission Main Modifications – Representations Form 2016 iii. (A125) Eastern Daily Press pre-submission public

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>notice 16 May 2016</p> <p>iv. (A135) Eastern Daily Press Main Modifications addendum public notice 14 September 2016</p> <p>v. (F310) Screenshot of Norfolk County Council website 8 June 2016– Pre-submission</p> <p>vi. (F312) Screenshot of Norfolk County Council website –Pre-submission modifications</p> <p>vii. (F290) Sample pre-submission letter to specific consultees (Department of Transport)</p> <p>viii. (F325) Sample Main Modifications letter to specific consultees</p> <p>ix. (A92) Statement of Consultation – Part 2</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations 	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>i. (F310) Screenshot of Norfolk County Council website 8 June 2016– Pre-submission</p> <p>ii. (F312) Screenshot of Norfolk County Council website –Pre-submission</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>procedure?</p> <ul style="list-style-type: none"> statement and details of where and when documents can be inspected? 				<p>modifications</p> <p>iii. (A85) Silica Sand Review pre-submission – Representations Form 2016</p> <p>iv. (A110) Silica Sand Review pre-submission Main Modifications – Representations Form 2016</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>(F290) Sample pre-submission letter to specific consultees (Department of Transport)</p> <p>(F325) Sample Main Modifications letter to specific consultees</p> <p>(A92) Statement of consultation – Part 2</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>i. (F305) Sample pre-submission email, to parish councils</p> <p>ii. (F315) Sample Main Modifications letter, to general consultees</p> <p>iii. (A92) Statement of</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
procedure? <ul style="list-style-type: none"> • where and when the documents can be inspected? 				consultation – Part 2
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).	Not applicable to the Silica sand Review



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.	i. (A15) Minerals and Waste Development Scheme – June 2016 ii. (F30) Annual Monitoring Report – Scheme, Policy Implementation and Monitoring 2014/15 (May 2016)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				iii. (F365) Annual Monitoring Report – Scheme, Policy Implementation and Monitoring 2015/16 (Nov 2016)
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		(E500) Norfolk Ambition - Norfolk's Community Strategy 2003-2023 (refreshed 2008) (F10) Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD (adopted Sept 2011) – section 5
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).	i. (A20) Statement of Community Involvement – April 2012 update ii. (A90 & A92) Statement of Consultation - Parts 1 & 2
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	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'.	(A75) Silica Sand Review – revised Duty to Cooperate Statement (September 2016)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>planning authority, LEPS, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>(A45) Silica Sand Review - Sustainability Appraisal Report-Part A-Scoping (October 2015)</p> <p>(A50) Silica Sand Review - Sustainability Appraisal Report-Part B (March 2016)</p> <p>(A55) Silica Sand Review - Sustainability Appraisal Report-non-technical summary (March 2016)</p> <p>(A105) Silica Sand Review - Pre-submission Addendum: Modifications (September 2016)</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>i. (A150) Silica Sand Review - Soundness Self-Assessment (November 2016)</p>
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with</p>	<p>The Act section 24(1)(a) and 24(4)</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development</p>	<p>Not applicable to the Silica Sand Review</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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>Regulation 21</p>		<p>strategy (The London Plan).</p>	<p>(C85) Chief Planning Officer letter - Revocation of RSS (July 2010)</p>
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>(F310) Screenshot of Norfolk County Council website 8 June 2016– Pre-submission</p> <p>(F312) Screenshot of Norfolk County Council website – Pre-submission modifications</p> <p>(F290) Sample pre-submission letter to specific consultees (Department of Transport)</p> <p>(F295) Sample pre-submission letter to general consultees (Health and Safety Executive)</p> <p>(F315) Sample Modifications letter to general consultees</p> <p>(F325) Sample Modifications</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>letter to specific consultees (A90) Statement of Consultation (Part 2)</p> <p>No superseded saved policies, these were all replaced by the Adopted Minerals and Waste Plan (2011 & 2013)</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>(A35) Silica Sand Review of Minerals Site Specific Allocations DPD- Pre-submission (March 2016)</p> <p>(A105) Silica Sand Review Pre-submission Addendum: Modifications (Sept 2016)</p> <p>(A40) Silica Sand Review Pre-Submission – Revised Policies Map (Sept 2016)</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>i. (A30) Norfolk Core Strategy and Minerals and Waste Development Management Policies DPD – Revised Proposals (Policies) Map (adopted September 2011)</p> <p>ii. (A25) Adopted Minerals Site Specific Allocations DPD (October 2013)</p> <p>iii. (E200) Adopted KL&WN Core Strategy (July 2011)</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<ul style="list-style-type: none"> iv. (E225) Adopted KL&WN Site Allocations and Development Management Policies Plan (September 2016) v. (F50) Initial Consultation document (January 2015) vi. (F150) Preferred Options Consultation document (particularly section 10) (October 2015) vii. (F200) Initial Consultation Feedback Report (with reference to representations from the Borough Council of King's Lynn and West Norfolk) (June 2015) viii. (F205) Preferred Options Consultation Feedback Report (with reference to representations from the Borough Council of King's Lynn and West Norfolk) (January 2106) ix. (A95) Pre-Submission Feedback Report (with reference to representations from the Borough Council of King's Lynn and West Norfolk) (August 2016)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				x. (A97) Modifications Feedback Report (with reference to representations from the Borough Council of King's Lynn and West Norfolk) (November 2016) xi. The DPD is not intended to supersede any adopted development plan policies.
11. Have you prepared a statement setting out: <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? 	The Act section 20 (3) Regulation 22(1)(c)		This will bring forward material from the Consultation statement (see Stage 2 above).	i. (A90) Statement of Consultation - Part 1 ii. (F200) Initial consultation feedback report (June 2015) iii. (F205) Preferred Options consultation Feedback report (January 2016)
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? 	The Act section 20(3) Regulation 22(1)(c)			(A92) Statement of Consultation - Part 2 (A95) Silica Sand Review Pre-Submission Representations Feedback Report (August 2016) (A97) Silica Sand Review pre-submission Modifications

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
OR <ul style="list-style-type: none"> that no representations were made? 				Representations Feedback Report (November 2016)
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 22(1)(e)			Yes – copies of the representations provided to the Planning Inspectorate on submission
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			Yes - Examination Library
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.	(A120) Minutes of the Environment, Development and Transport Committee Meeting of 11 March 2016 (item 14) (A122) Minutes of the Full Council Meeting of 11 April 2016 (item 6.4) (A130) Pre-Submission Modifications Delegated Decision Report (August 2016) (A145) Submission of Silica Sand Review Delegated decision Report (November 2016)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? 	<p>The Act section 20(1) and 20(3)</p> <p>Regulations 22(1) and 22(2)</p>		<p>Regulation 35 deals with the availability of documents and the time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>i. Record of sending</p> <p>ii.</p>
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Record of where and when made available</p>
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? 	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Record of publication</p>

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

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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 representations on the published DPD which have not been withdrawn of these details? 	<p>The Act section 20 Regulations 24 and 35</p>			<ul style="list-style-type: none"> i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement