

Local Plan Legal Compliance Checklist

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

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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

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



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		<ul style="list-style-type: none"> i. The adopted LDS at the time of commencement, publication and submission of the DPD ii. The relevant authority monitoring report (if changes need to be explained) 	Local Development Scheme 2010-2013 and 2013-2016 (submitted as AAP 06):
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. The SCI ii. The project plan for the DPD 	<p>The Borough Council's Statement of Community Involvement (2006) sets out the range of consultation methods employed throughout all stages of formal and informal and consultation.</p> <p>Furthermore a 'Consultation Strategy' (Capita Lovejoy, 2009) set out the proposed approach regarding the Masterplanning process undertaken into 2009.</p>
3. Have you considered	Regulation 18	NPPF paras 4.25 -4.26	Regulation 2 defines the	<ul style="list-style-type: none"> i. The SCI ii. Reports and decisions 	The Borough Council's SCI sets out the list of 'specific'



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<p>the appropriate bodies you should consult?</p>			<p>general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>setting out the approach to specific and general consultation bodies</p> <p>iii. Consultation statement</p>	<p>consultation bodies and 'other' consultees.</p>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a</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</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p>	<p>Strategic matters and potential impacts upon neighbouring authorities considered, no joint-working considered necessary.</p> <p>No responses have been received from neighbouring authorities to the Preferred Options consultation identifying cross-boundary issues.</p>



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significant impact on at least two planning areas?		strategic priorities. Strategic priorities are listed at NPPF Para 156	preparatory activities) and considering whether to agree joint local development documents under section 28. The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).		
5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or	The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e) The Act section 20(5)(c). Regulation 4	NPPF paras 178 to 181	Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156. Regulation 4(2) prescribes LEPs	i. Reports and decisions setting out the approach to be taken. ii. Consultation statement	Strategic matters or issues and impacts upon the Leicester and Leicestershire Enterprise Partnership have been considered and no issues have been identified.



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strategic priorities that will have a significant impact on at least two planning areas?			<p>and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>		
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under	The Act section13	NPPF paras 158 - 177		<ul style="list-style-type: none"> i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report 	<p>HBBC Annual monitoring Report published at the end of each year.</p> <p>A number of evidence base documents have been prepared to inform the baseline information relating to social, economic and environmental factors within the Borough. The SA Scoping Report published in 2005 provided a summary of the</p>



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review?					baseline information. This was updated in 2012.
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<p>i. Sustainability report scoping document</p> <p>ii. Sustainability appraisal report</p>	<p>The Site Allocations and Development Management Policies DPD and the Earl Shilton and Barwell Area Action Plan Sustainability Appraisal Scoping Report sets out a comprehensive review of the baseline information with regard to social, economic and environmental factors within the Borough. This is an update to the 2005 Scoping Report.</p> <p>Appendix E of the Scoping Report sets out the relevant plans, programmes and sustainability objectives relating to the SA.</p> <p>The Sustainability Appraisal of the Earl Shilton and Barwell Area Action Plan (July 2011).</p> <p>Section 4 of the Publication</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					<p>(2013) SA provides a summary of the baseline information and context of the Borough.</p> <p>Appendix A2 of the SA provides the summary and update of the plans and programmes set out in the 2012 Scoping Report.</p> <p>Appendix A3 of the SA provides a summary of additional baseline information since the 2012 Scoping Report.</p>
<p>8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the</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</p>	<p>Copies of the consultation letters sent to and any responses from the bodies</p>	<p>Section 3.3 of the 2012 Scoping Report sets out the consultation process, the consultation methods used and lists the statutory and non-statutory consultees consulted to inform the 2005 Scoping Report and the revised 2012 Scoping Report.</p>



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environmental information to be included in the sustainability appraisal report?			Regulation 2).		The 2013 SA report is subject to consultation as part of the Pre-submission consultation.



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Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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



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Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>1. Have you notified:</p> <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these bodies iii. Record of discussions iv. Copies of representations made v. A brief statement setting out the reasons why any bodies have been omitted from or included in consultation 	<p>The ‘Consultation Strategy’ (Capita Symonds, November 2009) sets out approach to public and stakeholder engagement used to inform the masterplanning process.</p> <p>The ‘Consultation Summary’ (Capita Symonds, November 2010) summarises the outcomes of the public consultation event undertaken in December 2009; The design workshops held in March 2010; and the public consultation undertaken in October 2010 (Preferred Options consultation).</p> <p>All duly made consultation responses received to the 2010 Preferred Options consultation are available on the Council’s website:</p> <p>http://www.hinckley-bosworth.gov.uk/downloads/download/523/earlshiltonandbarwellareaactionplanpreferredoptions</p> <p>Earl Shilton and Barwell Area Action Plan ‘Preferred Options’ (2011) and ‘Pre-</p>



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					<p>submission' (July 2013) Consultation Statements set out the processes and methods used to engage and consult with the community and stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission' draft) and the Masterplans contained within it.</p> <p>Appendix 2 of the Consultation Statement summarises the matters and issues received in response to the 2010 Preferred Options consultation and a summary of how the Council has addressed these in preparing the Pre-submission draft AAP.</p>
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>		<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these persons iii. Record of discussions iv. Copies of representations made 	<p>The 'Consultation Strategy' (Capita Symonds, November 2009) sets out approach to public and stakeholder engagement used to inform the masterplanning process.</p> <p>The 'Consultation Summary' summarises the outcomes of the public consultation event undertaken in December 2009; The design workshops held in March 2010; and the public consultation undertaken in October 2010 (Preferred Options consultation).</p>



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					<p>All duly made consultation responses received to the 2010 Preferred Options consultation are available on the Council's website:</p> <p>http://www.hinckley-bosworth.gov.uk/downloads/download/523/earlshiltonandbarwellareaactionplan_aap_preferred_options</p> <p>Earl Shilton and Barwell Area Action Plan 'Preferred Options' (2011) and 'Pre-submission' (July 2013) Consultation Statements set out the processes and methods used to engage and consult with the community; businesses and other stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission' draft) and the Masterplans contained within it.</p> <p>Appendix 2 of the Consultation Statement summarises the matters and issues received in response to the 2010 Preferred Options consultation and a summary of how the Council has addressed these in preparing the Pre-submission draft AAP.</p>



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<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions 	<p>The 'Consultation Strategy' (Capita Symonds, November 2009) sets out approach to public and stakeholder engagement used to inform the masterplanning process.</p> <p>The 'Consultation Summary' (Capita Symonds, November 2010) summarises the outcomes of the public consultation event undertaken in December 2009; The design workshops held in March 2010; and the public consultation undertaken in October 2010 (Preferred Options consultation).</p> <p>All duly made consultation responses received to the 2010 Preferred Options consultation are available on the Council's website:</p> <p>http://www.hinckley-bosworth.gov.uk/downloads/download/523/earlshiltonandbarwellareaactionplanpreferredoptions</p> <p>Earl Shilton and Barwell Area Action Plan 'Preferred Options' (2011) and 'Pre-submission' (July 2013) Consultation Statements set out the processes and</p>



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					<p>methods used to engage and consult with the community and stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission' draft) and the Masterplans contained within it.</p> <p>Appendix 2 of the Consultation Statement summarises the matters and issues received in response to the 2010 Preferred Options consultation and a summary of how the Council has addressed these in preparing the Pre-submission draft AAP.</p>
<p>4. Are you taking into account representations made?</p>	<p>Regulation 18(3)</p>	<p>NPPF para 155</p>	<p>Evidence from participation is part of the justification. Show how you have taken representations into account.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD 	<p>The 'Consultation Strategy' (Capita Symonds, November 2009) sets out approach to public and stakeholder engagement used to inform the masterplanning process.</p> <p>The 'Consultation Summary' (Capita Symonds, November 2010) summarises the outcomes of the public consultation event undertaken in December 2009; the design workshops held in March 2010; and the public consultation exhibitions undertaken in October 2010 (Preferred Options consultation). It also refers as to how representations have been considered throughout the plan process to the</p>



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					<p>Preferred Options draft.</p> <p>All duly made consultation responses received to the 2010 Preferred Options consultation are available on the Council's website:</p> <p>http://www.hinckley-bosworth.gov.uk/downloads/download/523/earl_shilton_and_barwell_area_action_plan_aap_preferred_options</p> <p>Earl Shilton and Barwell Area Action Plan 'Preferred Options' (2011) and 'Pre-submission' (July 2013) Consultation Statements set out the processes and methods used to engage and consult with the community and stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission' draft) and the Masterplans contained within it.</p> <p>Appendix 2 of the Consultation Statement summarises the matters and issues received in response to the 2010 Preferred Options consultation and a summary of how the Council has addressed these in preparing the</p>



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					<p>Pre-submission draft AAP.</p> <p>The 'Masterplan Options' (Capita Symonds, November 2009) paper sets out a number of spatial options for the masterplans which were subject to the consultations and consideration at the stakeholder workshops and exhibitions referred to above.</p> <p>Section 7 of the 'Report of the Deputy Chief Executive (Community Direction): Local Development Framework Earl Shilton and Barwell Area Action Plan Preferred Options Document' to Council 7 December 2010, acknowledges that the feedback and comments received to the workshops and exhibitions referred to above were considered to inform the.</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<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. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability 	<p>Earl Shilton and Barwell Area Action Plan 'Preferred Options' (2011) and 'Pre-submission' (July 2013) Consultation Statements set out the processes and methods used to engage and consult with the community and stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission'</p>



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	Programmes Regulations 2004 No 1633			appraisal report	<p>draft) and the Masterplans contained within it.</p> <p>The 'Masterplan Options' (Capita Symonds, November 2009) paper sets out a number of spatial options for the masterplans which were subject to the consultations and consideration at the stakeholder workshops and exhibitions referred to above.</p> <p>Section 7.2 of the 2013 SA sets out the background to the development of the AAP Options and acknowledges the relationship between consultation comments and the revisions made to the plan from Preferred Options to Pre-submission draft.</p>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community 	The Act section19(3)	NPPF para 155		<ul style="list-style-type: none"> i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies 	<p>Earl Shilton and Barwell Area Action Plan 'Preferred Options' (2011) and 'Pre-submission' (July 2013) Consultation Statements set out the processes and methods used to engage and consult with the community and stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission' draft) and the Masterplans contained within it.</p> <p>The methods used to undertake the</p>



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<p>strategy?</p> <ul style="list-style-type: none"> proportionate to the scale of issues involved in the DPD? 					<p>consultation on the Preferred Options and Pre-submission drafts of the AAP conform with the minimum consultation requirements set out in Table 1 of the Borough Council's Statement of Community Involvement (2006).</p> <p>The SCI had regard to the Borough's Community Plan (para.4.14, SCI) and the range of community groups (Section 5).</p> <p>The Borough Council employed a range of the appropriate 'optional' consultation methods throughout the masterplanning and formal AAP consultation processes. These are summarised in the Consultation Statement referred to above.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> the individuals or bodies invited to make representations? how this was 	<p>The Act section 20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the</p>	<ul style="list-style-type: none"> Consultation statement Reports by the council on the consultation Copies of representations and relevant correspondence Technical reports 	<p>Earl Shilton and Barwell Pre-masterplanning Engagement Report (Lanarca, January 2009) summarises the early informal consultation, the methods used and the stakeholders and members of the public invited to submit initial comments and views to inform and shape the brief for the Masterplan.</p> <p>The 'Consultation Strategy' (Capita Symonds, November 2009) sets out approach to public</p>



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<p>done?</p> <ul style="list-style-type: none"> the main issues raised? 			<p>availability of documents and the time of their removal.</p>	<p>on the engagement process</p>	<p>and stakeholder engagement used to inform the masterplanning process.</p> <p>The 'Consultation Summary' (Capita Symonds, November 2010) summarises the outcomes of the public consultation event undertaken in December 2009; The design workshops held in March 2010; and the public consultation undertaken in October 2010 (Preferred Options consultation). It also sets out how</p> <p>All duly made consultation responses received to the 2010 Preferred Options consultation are available on the Council's website:</p> <p>http://www.hinckley-bosworth.gov.uk/downloads/download/523/earlshiltonandbarwellareaactionplanpreferredoptions</p> <p>Earl Shilton and Barwell Area Action Plan 'Preferred Options' (2011) and 'Pre-submission' (July 2013) Consultation Statements set out the processes and methods used to engage and consult with the</p>



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					<p>community and stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission' draft) and the Masterplans contained within it.</p> <p>Appendix 2 of the Consultation Statement summarises the matters and issues received in response to the 2010 Preferred Options consultation and a summary of how the Council has addressed these in preparing the Pre-submission draft AAP.</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or</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>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>The 'Consultation Strategy' (Capita Symonds, November 2009) sets out approach to public and stakeholder engagement used to inform the masterplanning process.</p> <p>The 'Consultation Summary' (Capita Symonds, November 2010) summarises the outcomes of the public consultation event undertaken in December 2009; The design workshops held in March 2010; and the public consultation undertaken in October 2010 (Preferred Options consultation).</p> <p>All duly made consultation responses received to the 2010 Preferred Options consultation are</p>



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<p>significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>					<p>available on the Council's website:</p> <p>http://www.hinckley-bosworth.gov.uk/downloads/download/523/earlshiltonandbarwellareaactionplan_aap_preferred_options</p> <p>Earl Shilton and Barwell Area Action Plan 'Preferred Options' (2011) and 'Pre-submission' (July 2013) Consultation Statements set out the processes and methods used to engage and consult with the community and stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission draft) and the Masterplans contained within it.</p> <p>Strategic matters and potential impacts upon neighbouring authorities considered, no joint-working considered necessary.</p> <p>No responses have been received from neighbouring authorities to the Preferred Options consultation identifying cross-boundary issues.</p>
<p>9. Are you inviting</p>	<p>The Act section</p>	<p>NPPF</p>	<p>Section 33A(3)(d)</p>	<p>i. Consultation</p>	<p>Strategic matters of relevance to the Leicester</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	33A(1)(c) and Section 33A(9). The Act section 20(5) (c). Regulation 4	paras 178 to 181	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.	statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process	and Leicestershire Enterprise Partnership have been considered and no issues have been identified.
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	NPPF paras 165 - 1687 SEA Guide, Chapter 5	It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing	i. Sustainability appraisal report ii. The authority monitoring report iii. Reports or documents setting out the appraisal and monitoring framework	The Monitoring Framework (Section 11) of the AAP contains targets, output indicators and where the information is to be sourced. The indicators and information will be published at the end of each year through the HBBC Annual monitoring Report. The SA sets out a number of indicators and targets (Section 6.1 of the SA) to monitor the effectiveness of the AAP against the Sustainability Objectives. If the AMR identifies any changes that should be made to the



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			ODPM guidance.		policies, such changes will be reviewed and a further SA undertaken if it is considered necessary.



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Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

The council should tell all parties that this is the main participation opportunity on the emerging plan. The publication stage will not be a participation or consultation process. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.



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Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182 SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	Documents supporting decisions on alternatives and any preferred strategy	The 'Masterplan Options' (Capita Symonds, November 2009) paper sets out a number of spatial options for the masterplans which were subject to the consultation and consideration at the stakeholder workshops and exhibitions referred to above. Section 7.2 of the 2013 SA report sets out the background to the development of the AAP options and how they have been considered throughout the SA process.
2. Have you assessed alternatives against: <ul style="list-style-type: none"> consistency with national policy? general conformity with the regional 	The Act section 19 (2), section 24	NPPF para 151	For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.	i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)	Paragraphs 2.3 and 2.4 of the AAP confirm how the AAP is consistent and has regard to the NPPF. Paragraph 3.2 of the 2013 SA acknowledges the role of the NPPF in preparing local plans and paragraph 3.3 acknowledges that the SA has been carried out in accordance with the NPPF as well as relevant national and European guidance and Regulations.



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spatial strategy where still in force?					
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	The Act sections 19 (2) and 24 (1) and (4) Regulation 10 and 21		Where the regional strategy has been revoked you should record that fact.	i. Supporting documents ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate) iii. CLG notice of revocation of the regional strategy	The Regional Spatial Strategy for the East Midlands was revoked in April 2013 and the West Midlands Regional Spatial Strategy was revoked in May 2013. The two strategies are therefore not applicable in the preparation of the AAP.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<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>	<p>i. Supporting documents ii. Correspondence with LPA/County Council</p>	<p>Strategic matters and potential impacts upon neighbouring authorities considered, no joint-working considered necessary. No responses have been received from neighbouring authorities to the Preferred Options consultation identifying cross-boundary issues.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant</p>	<p>The Act section 33A(2)(a), section 33A(6)(a) The Act section 20 (5)</p>	<p>NPPF paras 181 and 182</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>i. Supporting documents ii. Correspondence with prescribed bodies</p>	<p>Strategic matters and potential impacts upon adjacent areas have been considered and joint-working with relevant bodies prescribed by the act is not considered necessary. No responses have been received from relevant bodies to the Preferred Options</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
cross boundary issues including preparing joint approaches?	(c) Regulation 4				consultation in relation to cross-boundary issues.
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182		i. Supporting documents ii. Correspondence with LEP/LNP	Strategic matters of relevance to the Leicester and Leicestershire Enterprise Partnership have been considered and no issues have been identified.
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?	The Act section 19(2)			i. Supporting documents ii. The sustainable community strategies iii. Relevant local development documents iv. Correspondence with the local strategic partners	The AAP is being prepared to contribute towards the successful delivery of the Council's Core Strategy. The AAP builds upon Policies 2 (Development in Earl Shilton) and 3 (Development in Barwell) of the Core Strategy. The preparation of the AAP has had regard to the Leicestershire Sustainable Community Strategy (2008) and the Hinckley and Bosworth Community Plan (2010-2015).



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<ul style="list-style-type: none"> any other local development documents adopted by the council? 					<p>Paragraphs 2.5 to 2.11 of the AAP acknowledges the relationship of the relevant development plan documents and other supporting strategies to the AAP.</p> <p>Appendix E of the 2012 Scoping Report sets out the list of policies, plans and programmes relevant to the preparation of the Hinckley and Bosworth Borough Local Plan and the implications of each. This is supplemented by the revised list provided in Appendix A2 of the July 2013 SA.</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 	<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</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with the relevant bodies 	<p>Appendix E of the 2012 Scoping Report sets out the list of policies, plans and programmes relevant to the preparation of the Hinckley and Bosworth Borough Local Plan and the implications of each. This is supplemented by the revised list provided in Appendix A2 of the July 2013 SA.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
facilities and services <ul style="list-style-type: none"> • waste strategies • hazardous substances 			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		Supporting documents	<p>Policy 24 of the Core Strategy requires all residential development within Earl Shilton and Barwell to meet the Code for Sustainable Homes and schools, hospitals and office developments to meet specified BREEAM standards.</p> <p>Policy 22 (Development and Design) of the Pre-submission AAP also seeks to maximise the opportunities for conservation of energy and resources through design, layout, orientation and construction in line with Policy 24 of the Core Strategy.</p>
10. Have you undertaken the sustainability appraisal of alternatives,	The Act section 19(5) Regulation 12	NPPF para 182 SEA Guide,	Regulation 13 of The Environmental Assessment of Plans and	i. Reports on the sustainability of alternatives ii. Record of work undertaken on	Section 7.2 of the 2013 SA report sets out the background to the development of the AAP options and how they have been considered throughout the SA process.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
including consultation on the sustainability appraisal report?	and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	Chapter 5	Programmes Regulations 2004 No 1633 sets out the consultation procedures.	sustainability appraisal iii. Supporting documents	
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.	i. Any reports setting out alternatives and choices considered ii. Supporting documents	The Masterplans Options (Capita Symonds, November 2009) report documents the preparation and appraisal of a number of spatial options for the SUEs and the regeneration of the settlement centres, the difference between them and the reasons for selecting the preferred masterplans.
12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a	Regulations 17, 18(3) and 22 (1) (c) (iv) Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report	The 'Consultation Summary' (Capita Symonds, November 2010) summarises the outcomes of the public consultation event undertaken in December 2009; The design workshops held in March 2010; and the public consultation undertaken in October 2010 (Preferred Options consultation). Earl Shilton and Barwell Area Action Plan 'Preferred Options' (2011) and 'Pre-



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
record?	2004 No 1633				submission' (July 2013) Consultation Statements set out the processes and methods used to engage and consult with the community and stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission' draft) and the Masterplans contained within it.
<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 	Regulations 5 (1)(b) and 9	NPPF para 157	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<ul style="list-style-type: none"> i. Adopted policies map ii. Any reports on proposals to amend the policies map iii. Illustrative material that shows how the policies map will be amended or replaced 	<p>A number of plans and figures are provided in the Preferred Options draft of the AAP to illustrate the proposals within the SUEs and settlements centres:</p> <p>Figure 1: Area Action Plan Boundary</p> <p>Figure 3: Context Plan illustrating the location of Earl Shilton and Barwell in the wider area.</p> <p>Figure 4: Masterplan Context illustrates the relationship between the SUEs with the existing settlements and the contribution towards regeneration of the existing centres.</p> <p>Figure 5: Proposals Map sets out the range of allocations and designations within the existing settlements; the allocation boundaries of the SUEs.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
community about the location of proposals?					<p>Figure 6: Existing Settlements including some land use designations and main transport and access routes.</p> <p>Figure 7: Future Settlements inclusive of the SUE boundaries and proposed transport and access links.</p> <p>Figure 8: Earl Shilton District Centre Issues</p> <p>Figure 9: Barwell District Centre Issues</p> <p>Figure 10: Earl Shilton District Centre Opportunities</p> <p>Figure 11: Earl Shilton District Centre Public Realm Strategy</p> <p>Figure 12: Barwell District Centre Opportunities</p> <p>Figure 13: Barwell District Centre Public Realm Strategy</p> <p>Figure 14: Earl Shilton Urban Extension Issues</p> <p>Figure 15(a): Earl Shilton Urban Extension Development Framework</p> <p>Figure 15(b): Earl Shilton Urban Extension Development Framework</p> <p>Figure 16: Barwell Urban Extension Issues</p> <p>Figure 17: Barwell Urban Extension</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					<p>Development Framework</p> <p>Further illustrations and diagrams are included within the AAP Appendices in relation to examples of the layout of the SUEs and strategies for the public realm improvements.</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>i. The SCI</p> <p>ii. Consultation statement</p>	<p>The Borough Council's Statement of Community Involvement (2006) sets out the range of consultation methods to be employed at both formal and informal and different stages of consultation.</p> <p>Earl Shilton and Barwell Area Action Plan 'Preferred Options' Consultation Statement set out the processes and methods used to engage and consult with the community and stakeholders during the preparation of the Earl Shilton and Barwell AAP (up to and including the Pre-submission' draft) and the Masterplans contained within it.</p>



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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.

You should make it clear that publication of a DPD is not public participation, nor a consultation. 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.

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



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Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
1. Have you prepared the sustainability appraisal report?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168 SEA Guide Chapter 5		Sustainability appraisal report	Sustainability Appraisal – Submission draft (Jam consult ltd, July 2013)
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"> i. Report or record of decisions ii. The statement of community interest 	<p>Report of the Deputy Chief Executive Hinckley and Bosworth Local Plan (2006-2026): Earl Shilton and Barwell Area Action Plan Pre-submission Document – Council 16 July 2013.</p> <p>Statements of this fact were publicised using the following methods: Press notices within local newspapers; letters sent to all residents of Earl Shilton and Barwell via the Borough Bulletin; all respondents to the Preferred Options consultation; letters to all statutory</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					<p>consultees and relevant non-statutory consultees.</p> <p>A press notice was published in the Hinckley Times and Leicester Mercury week commencing 26 August 2013, setting out the following: Subject matter; geographical coverage; accompanying documents published; consultation period; and the availability of documents and written responses.</p> <p>An article advertising the publication period and statement of the representations procedure was published in the Borough Bulletin which is distributed to every household throughout the Borough. Furthermore, letters were included with the Borough Bulletin, distributed to all households in Earl Shilton, Barwell and Stapleton. Letters inclusive of the same information were sent to all specific and general consultees.</p>
3. Have you made copies of the	Regulation 19(a)		Regulation 17 gives definitions.	i. Copies of the relevant statements	A press notice was published in the Hinckley Times and Leicester Mercury week commencing 26 August 2013, setting



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>following available for inspection:</p> <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? 				<ul style="list-style-type: none"> ii. Report on where and when made available iii. Record of where and when made available 	<p>out the following: Subject matter; geographical coverage; accompanying documents published; consultation period; and the availability of documents and written responses.</p> <p>The Pre-submission AAP and a covering letter setting out the procedure for submitting representations was made available on the Borough Council's website, at all Libraries throughout the Borough and at the Council Offices (Hinckley Hub).</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> the proposed submission documents? 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	Record of publication	All consultation documents, information on how to comment and submit representations and where hard copies of the documents were made available for inspection was made available on the Borough Council's website throughout the Pre-submission consultation period. A 'headline' link to the publication webpage was made available on the Council's homepage over the first 4 weeks of the publication period.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<ul style="list-style-type: none"> • the statement of the representations procedure ? • statement and details of where and when documents can be inspected ? 					
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation</p>	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	<p>Letters notifying the specific consultation bodies of the publication period and how to submit representations and a CD containing all of the publication documents were sent to all specific consultation bodies.</p> <p>A list of all the specific consultation bodies is provided in the Submission Consultation Statement (November 2013).</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
18(1): <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 					
6. Have you sent to each of the general consultation bodies invited to make representations under Regulation	Regulation 19(b)		Regulations 2 and 17 give definitions.	i. Copies of correspondence ii. Record of sending	<p>A letter setting out the statement of the representations procedure and where and when the documents can be provided was sent to all general consultation bodies.</p> <p>An article advertising the publication period and statement of the representations procedure was published in the Borough Bulletin which is distributed to every household throughout the Borough. Furthermore, letters were included with the</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
18(1): <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 					<p>Borough Bulletin, distributed to all households in Earl Shilton, Barwell and Stapleton. Letters inclusive of the same information were sent to all specific and general consultees.</p> <p>A list of all the general consultation bodies is provided in the Submission Consultation Statement (November 2013).</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	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).	Copies of correspondence	Not applicable.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
spatial development strategy?					



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Stage five: Submission

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

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

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

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

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

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the	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	i. The LDS ii. Explanation of any changes from the milestones set out in the LDS	Local Development Scheme 2013-2016 is available on the Borough Council's website at: http://www.hinckley-bosworth.gov.uk/info/856/local_development_framework/832/local_devel



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
LDS match the document? Have the timescales set out in the LDS been met?			are prescribed in the Regulations.	iii. Relevant authority monitoring reports	opment scheme lds
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"> i. The sustainable community strategy(ies) ii. Reference to sections of the DPD showing how regard has been had to them 	<p>Appendix E of the 2012 Scoping Report sets out the list of policies, plans and programmes relevant to the preparation of the Hinckley and Bosworth Borough Local Plan and the implications of each. This is supplemented by the revised list provided in Appendix A2 of the July 2013 SA.</p> <p>The preparation of the AAP has had regard to the Leicestershire Sustainable Community Strategy (2008) and the Hinckley and Bosworth Community Plan (2010-2015).</p> <p>Paragraphs 2.5 to 2.11 of the AAP acknowledges the relationship of the relevant development plan documents and other supporting</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					strategies to the AAP.
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. The SCI ii. The Regulation 22(1)(c) statement	The methods used to undertake the consultation on the Preferred Options and Pre-submission drafts of the AAP conform with the minimum consultation requirements set out in Table 1 of the Borough Council's Statement of Community Involvement (2006). The Borough Council employed a number of the appropriate optional consultation methods throughout the masterplanning and formal AAP consultation processes. These are summarised in the Consultation Statement referred above.
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	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	Statement identifying any strategic cross-boundary issues or impacts on county matters addressed in the document and explaining the approach taken to co-operate with the	The Borough Council has been effectively engaging with Leicestershire County Council regarding the impacts upon the Strategic Transport Network and identifying a package of measures to mitigate the impacts of the SUEs. The Borough Council has ongoing dialogue with the neighbouring authorities (Warwickshire County



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>authorities, county councils where they are not a 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>relevant bodies.</p> <p>Supporting correspondence and reports e.g. Memorandum of Understanding, shared and agreed evidence</p>	<p>Council and Nuneaton & Bedworth Borough Council) to discuss similar matters, in conjunction with the Highways Agency through the A5 Strategy Partnership.</p> <p>The Borough Council has also worked with a range of infrastructure and service providers to identify the likely infrastructure required to support the successful delivery of the SUEs. How this was done is explained further in Topic Papers 1-3 (TP 01-03).</p> <p>The Borough Council consults the neighbouring authorities and relevant stakeholders throughout the Plan preparation process. No matters requiring the duty-to-cooperate have been identified.</p>
<p>5. Has the DPD been subject to sustainability appraisal? Has the council</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical</p>		<p>Sustainability appraisal report</p>	<p>The AAP was subject to SA in preparing the Preferred Options draft (SA January 2011) and Pre-submission draft (SA July 2013).</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
provided a final report of the findings of the appraisal?		Guide, chapter 5			
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		<ul style="list-style-type: none"> i. Correspondence with PINS? ii. PAS Soundness self assessment checklist 	<p>Paragraphs 2.3 and 2.4 of the AAP confirm how the AAP is consistent with and has regard to the NPPF.</p> <p>Paragraph 3.2 of the 2013 SA acknowledges the role of the NPPF in preparing local plans and paragraph 3.3 acknowledges that the SA has been carried out in accordance with the NPPF as well as relevant national and European guidance and Regulations.</p>
7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification?	The Act section 24(1)(a) and 24(4) Regulation 21	NPPF para 218 footnote 41	In London the requirement is for general conformity with the spatial development strategy (The London Plan).	<ul style="list-style-type: none"> i. Correspondence with or representations from Mayor of London (where appropriate) ii. Confirmation of (where appropriate) conformity from 	The East Midlands Regional Spatial Strategy was revoked in April 2013.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<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>the Mayor or that no Regional Strategy is in place</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,</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<ul style="list-style-type: none"> i. The documents prescribed at Regulation 22(1) ii. Relevant authority monitoring reports iii. Records of the actions undertaken (see below) 	<p>At Publication the Council undertook the following:</p> <p>Made the publication documents available on the Borough Council's website; hard copies were made available at the Borough Council offices (Hinckley Hub) and at all libraries throughout the Borough.</p> <p>The Borough Council has notified all of the relevant statutory and non-statutory bodies and all those invited</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>					<p>to make representation at the Publication stage.</p> <p>A list of superseded policies is not applicable for inclusion in the AAP. All remaining saved policies of the HBBC Local Plan 2001 will be replaced by the Site allocations & Development Management Policies DPD.</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>i. Submission policies map</p> <p>ii. Brief statement if a submission policies map is not required</p>	<p>Presented in Figure 3: Proposals Map of the AAP.</p>
<p>10. Is the DPD consistent with any other adopted</p>	<p>Regulation 8(3) and (4)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>i. The core strategy</p> <p>ii. Documents or reports</p>	<p>The AAP is consistent with and prepared under the HBBC Core Strategy (2009).</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>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(5)</p>			<p>demonstrating conformity</p>	<p>A list of superseded policies is not applicable for inclusion in the AAP. All remaining saved policies of the HBBC Local Plan 2001 will be replaced by the Site allocations & Development Management Policies DPD.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>i. Consultation statement ii. The Statement as required in Regulation 22(1)(c)</p>	<p>The Council has Published the Consultation Statement containing the requirements (July 2013) under point 11 and an addendum (December 2013) to include the Publication stage.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<ul style="list-style-type: none"> How the representations have been taken into account? 					
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> the number of representations made under Regulation 22? a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> that no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>The Statement as required in Regulation 22(1)(c)</p>	<p>The Council as published an addendum (December 2013) to the July 2013 Consultation Statement as part of the Submission material.</p>
<p>13. Have you collected together all the representations made under Regulation 22?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>Copies of the representations</p>	<p>Representations have been collated and submitted (Ref: RESP13-01 to RESP 13-51 inclusive).</p>
<p>14. Have you</p>	<p>The Act</p>			<p>All necessary</p>	<p>All relevant documents submitted in</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
assembled the relevant supporting documents?	section 20(3) Regulation 22(1)(g)			evidence and records of decisions relevant to the DPD	accordance with Regulation 22 as set out in the Index of Submission Document and Evidence Base.
15. Has your council approved the DPD for submission?	The Act section 20		Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Report and resolution of the appropriate council body	The Council was approved for Publication and Submission at full Council on 16 July 2013. Report of the Deputy Chief Executive Hinckley and Bosworth Local Plan (2006-2026): Earl Shilton and Barwell Area Action Plan Pre-submission Document – Council 16 July 2013.
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 	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)		Regulation 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and supporting documents may not be practicable.	<ul style="list-style-type: none"> i. Record of sending ii. Reasons why documents cannot be sent electronically 	Hard copies of all the required documents and a CD containing the Submission documents sent to the Planning Inspectorate on Submission.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>(unless there are no site allocation policies)?</p> <ul style="list-style-type: none"> the documents prescribed in Regulation 22(1)? 			<p>Regulation 35 deals with the availability of documents and the time of their removal.</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>The Submission Area Action Plan; The Sustainability Appraisal; Consultation Statement and addendum are to be deposited at all libraries throughout the Borough and made available at the Council Offices. The dates and times are to be made available on the borough Council's webpage post-submission.</p>
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> DPD? submission 	<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>	<p>All Submission documents including the schedule of responses, and a statement as to where and when the documents are available to view, is to be made available on the Borough Council's AAP webpages.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>policies map?</p> <ul style="list-style-type: none"> • 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? 					
<p>19. For each general consultation body invited to make representations</p>	<p>Regulation 22(3)(b)</p>		<p>You should do this as soon as reasonably practicable after</p>	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	<p>Letters or emails to be sent to those invited to make representation under Regulation 18 and notification of the Submission date included within the</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>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? 			submitting to the Secretary of State.		Winter edition of the 'Borough Bulletin' published in earl December.
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"> i. Copies of correspondence ii. Record of sending 	Letters or emails to be sent to those who have requested to be notified that Submission has taken place.
21. If an examination is being held, at least six weeks before its opening has the Programme Officer:	<p>The Act section 20</p> <p>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 	To Be Confirmed Post Submission.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<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?				iv. Copy of advertisement	