



Local Plan Legal Compliance Checklist (June 2016)

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	Evidence provided
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153	<p>Report to Scrutiny Committee for Planning and Economic Development 14th October 2014 – revised timetable endorsed for the preparation of the District Plan.</p> <p>Revised Local Development Scheme brought into effect on 1st April 2015.</p> <p>Revised Local Development Scheme brought into effect on 1st February 2016: http://www.midsussex.gov.uk/planning/8277.htm.</p> <p>The Council website was kept up-to-date to ensure interested parties were aware of progress against the relevant milestones.</p>
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	<p>SCI (October 2011): http://www.midsussex.gov.uk/8279.htm.</p> <p>The Community Involvement Plan prepared at each stage of consultation.</p>
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	<p>SCI (October 2011): http://www.midsussex.gov.uk/8279.htm.</p> <p>Key Contacts List: http://www.midsussex.gov.uk/8279.htm.</p> <p>Community Involvement Plan</p>



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Activity	Legal requirement	Guidance reference	Evidence provided
			Consultation statement (regulation 18)
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>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>Draft Duty to Cooperate Framework (June 2014).</p> <p>Revised Duty to Cooperate Framework (November 2015)</p> <p>Memorandums of Understanding/Position Statements with neighbouring/nearby local authorities and Statements of Common Ground with certain prescribed bodies.</p>
5. How you will co-operate with any local enterprise partnerships (LEP) or	The Act section 33A(1)(c) and section 33A(9), section	NPPF paras 178 to 181	<p>Consultation Statement (regulation 18)</p> <p>The District Plan has had regard to the Sussex Local Nature</p>



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Activity	Legal requirement	Guidance reference	Evidence provided
local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	33A(3)(d) and (e) The Act section 20(5)(c). Regulation 4		Partnership's Local Plan Guidance (2014)
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	List of evidence base studies: http://www.midsussex.gov.uk/8301.htm . Annual Monitoring Reports: http://www.midsussex.gov.uk/8314.htm .
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	NPPF paras 165 and 167 Strategic Environmental Assessment Guide, chapter 5	District Plan Sustainability Appraisal Scoping Report (July 2014): http://www.midsussex.gov.uk/media/DP_ScopingReport2014.pdf



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Activity	Legal requirement	Guidance reference	Evidence provided
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?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167 SEA Guide chapter 3	Consultation on the Sustainability Appraisal Scoping Report took place over five weeks in July/August 2014.



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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	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>Statement of Consultation (Regulation 18) – Appendix 1: List of people invited to make representations (statutory consultees, key contacts, LDF alerts – organisations and individuals): http://www.midsussex.gov.uk/8264.htm.</p> <p>Letter sent to the key contacts on 19th November 2014 with a link to the website.</p> <p>LDF alert email sent on 21st November 2014.</p> <p>Letter sent to the town and parish councils on 19th November 2011 enclosing printed copies of the consultation draft documents.</p> <p>Full summary of responses received during the consultation: http://www.midsussex.gov.uk/8264.htm.</p>
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>	<p>Statement of Consultation (Regulation 18): http://www.midsussex.gov.uk/8264.htm.</p> <p>Letter sent to Key Contacts on 19th November 2014 with a link to the website.</p>



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Activity	Legal requirement	Guidance reference	Evidence Provided
			<p>Letter sent to the libraries and Help Points on 19th November 2014 enclosing printed copies of the consultation draft documents.</p> <p>LDF alert email sent on 21st November.</p> <p>Statement of Consultation – Appendix 3: How the consultation was undertaken in accordance with the Community Involvement Plan: http://www.midsussex.gov.uk/8264.htm.</p> <p>Full summary of responses received during the consultation: http://www.midsussex.gov.uk/8264.htm.</p>
<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>Statement of Consultation (Regulation 18) – June 2015 http://www.midsussex.gov.uk/8264.htm.</p> <p>Statement of Consultation – Appendix 3: How the consultation was undertaken in accordance with the Community Involvement Plan (e.g. neighbourhood planning meetings): http://www.midsussex.gov.uk/8264.htm.</p>
<p>4. Are you taking into account representations made?</p>	<p>Regulation 18(3)</p>	<p>NPPF para 155</p>	<p>Statement of Consultation: (Regulation 18) - June 2015 - Appendix 4: How issued raised during the consultation have been considered. http://www.midsussex.gov.uk/8264.htm.</p> <p>Scrutiny Committee for Planning and Economic Development</p>



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Activity	Legal requirement	Guidance reference	Evidence Provided
			<p>Report and Minutes 3rd March 2015 - District Plan: Pre-Submission Draft for Public Consultation</p> <p>Council Meeting Report and Minutes 18th March 2015 - District Plan: Pre-Submission Draft for Public Consultation</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 Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>	<p>Statement of Consultation: (Regulation 18) Appendix 4: How issued raised during the consultation have been considered. http://www.midsussex.gov.uk/8264.htm.</p> <p>District Plan Sustainability Appraisal – Pre-Submission Report June 2015: http://www.midsussex.gov.uk/8264.htm</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 	<p>The Act section 19(3)</p>	<p>NPPF para 155</p>	<p>SCI (October 2011): http://www.midsussex.gov.uk/8279.htm</p> <p>Statement of Consultation June 2015: (Regulation 18) http://www.midsussex.gov.uk/8264.htm</p> <p>Mid Sussex Sustainable Communities Strategy 2008-2018: http://www.midsussex.gov.uk/7583.htm</p>



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Activity	Legal requirement	Guidance reference	Evidence Provided
community strategy? <ul style="list-style-type: none"> • proportionate to the scale of issues involved in the DPD? 			
7. Are you keeping a record of: <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	The Act section 20(3) Regulation 17	NPPF paras 158 - 171	Statement of Consultation (Regulation 18): Appendix 1: Statutory Consultees, Key Contacts, LDF alerts - organisations and individuals; Appendix 3: How the consultation was undertaken in accordance with the Community Involvement Plan; Appendix 4: How issues raised have been considered. http://www.midsussex.gov.uk/8264.htm . Full summary of responses received during the consultation: http://www.midsussex.gov.uk/8264.htm .
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	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9) The Act section 20 (5)(c)	NPPF paras 178 to 181	Statement of Consultation: (Regulation 18) http://www.midsussex.gov.uk/8264.htm . Full summary of responses received during the consultation: http://www.midsussex.gov.uk/8264.htm . Duty to Cooperate Statement (July 2013) Duty to Cooperate Statement Update (February 2016)



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Activity	Legal requirement	Guidance reference	Evidence Provided
Section 33A(1)(c)?			
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Duty to Cooperate Statement (July 2013).</p> <p>Duty to Cooperate Statement Update (February 2016)</p> <p>Community Involvement Plan</p> <p>The LEP and LNP were consulted at every stage of plan preparation – see Statement of Consultation: (Regulation18) http://www.midsussex.gov.uk/8264.htm.</p>
10. Are you developing a framework for monitoring the effects of the DPD?	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p>	<p>Mid Sussex District Plan 2014 – 2031 – Consultation Draft, Chapter 5: Monitoring Schedule</p> <p>Mid Sussex District Plan Sustainability Appraisal – Consultation Draft Report (November 2014)</p> <p>Local authority Monitoring Reports: http://www.midsussex.gov.uk/8314.htm.</p>



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	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	District Plan Sustainability Appraisal – Pre-Submission Report June 2015: http://www.midsussex.gov.uk/8264.htm Statement of Consultation: (Regulation18) http://www.midsussex.gov.uk/8264.htm .
2. Have you assessed alternatives against: <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where still in force? 	The Act section19 (2), section 24	NPPF para 151	The Plan has been assessed for compliance against the NPPF.
3. Are you having regard to (where	The Act sections19 (2)		Not applicable.



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Activity	Statutory requirement	Guidance reference	Evidence provided
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? 	and 24 (1) and (4) Regulation 10 and 21		
4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?	The Act section 33A(2)(a) Section 33A(6)(a)(b) Section 20(5)(c)	NPPF paras 181 and 185	Duty to Cooperate Framework (2015) Duty to Cooperate Statement (2013) and Duty to Cooperate Update Statement (2016) Memorandums of Understanding/Position Statements with neighbouring/nearby local authorities.



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Activity	Statutory requirement	Guidance reference	Evidence provided
Have you discussed doing joint local development documents?			
5. Are you cooperating with a person prescribed for the purposes of section 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	Statements of Common Ground with prescribed bodies. (Amendments have been made to the Plan in response to input from the Environment Agency, Natural England and Thames Water Utilities Ltd.)
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	Not applicable
7. Are you having regard to:	The Act section 19(2)		Mid Sussex Sustainable Communities Strategy 2008-2018: http://www.midsussex.gov.uk/7583.htm . (The District Plan is based on the vision set out in



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Activity	Statutory requirement	Guidance reference	Evidence provided
<ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area comprises part of the area of the council? • any other local development documents adopted by the council? 			<p>the SCS).</p> <p>Economic Development Strategy (June 2013) http://www.midsussex.gov.uk/media/2205/economic_development_strategy_june_2013.pdf</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 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>Gatwick Diamond Local Strategic Statement and Memorandum of Understanding</p> <p>Coastal West Sussex and Greater Brighton Local Strategic Statement</p> <p>West Sussex Transport Plan 2011-2026</p>



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Activity	Statutory requirement	Guidance reference	Evidence provided
<p>and transport facilities and services</p> <ul style="list-style-type: none"> • waste strategies • hazardous substances 			
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section 19(1A)</p>	<p>NPPF paras 93 - 108</p>	<p>Pre-Submission Draft District Plan:</p> <ul style="list-style-type: none"> • Policy DP1: Sustainable Development in Mid Sussex • Policy DP39: Sustainable Design and Construction • Policy DP40: Renewable Energy Schemes. • Policy DP41: Flood Risk and Drainage. • Policy DP42: Water Infrastructure and the Water Environment.
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Act section 19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>District Plan Sustainability Appraisal – Consultation Draft Report (November 2014)</p> <p>Pre-Submission Sustainability Appraisal Report (June 2015) http://www.midsussex.gov.uk/media/DP_ScopingReport2014.pdf</p> <p>Focused Amendments to the District Plan Sustainability Appraisal Report (November 2015): http://www.midsussex.gov.uk/media/Pre-Submission_SA_Report(Council)_November2015.pdf</p>



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Activity	Statutory requirement	Guidance reference	Evidence provided
	2004 No 1633		
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	District Plan Sustainability Appraisal – Consultation Draft Report (November 2014)
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	Statement of Consultation (Regulation 22) and Statement of Consultation (Regulation 18). District Plan Sustainability Appraisal – Consultation Draft Report (November 2014) District Plan Consultation Draft consultation summary reports
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative	Regulations 5 (1)(b) and 9	NPPF para 157	District Plan Consultation Draft (November 2014) Site allocation maps included within the Plan.



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Activity	Statutory requirement	Guidance reference	Evidence provided
material to: <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 			
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155	SCI (October 2011): http://www.midsussex.gov.uk/8279.htm Community Involvement Plan – November 2014 Statement of Consultation (Regulation 18): http://www.midsussex.gov.uk/8264.htm



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	Evidence provided
1. Have you prepared the sustainability appraisal report?	<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>Pre-Submission Sustainability Appraisal Report (June 2015) http://www.midsussex.gov.uk/8264.htm</p> <p>Focused Amendments Sustainability Appraisal – Main Report (November 2016) (http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/district-plan/)</p>
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		<p>Pre-Submission Draft District Plan: http://www.midsussex.gov.uk/8264.htm.</p> <p>12th June to 24th July 2015</p> <ul style="list-style-type: none"> • Statement of Representations Procedure • Statement of Consultation • Guidance Note to making representations • Community Involvement Plan • Equalities Impact Assessment



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Activity	Statutory requirement	Guidance reference	Evidence provided
			<p>Focused Amendments to the Pre-Submission Draft (http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/district-plan/)</p> <p>19th November 2015 to 15th January 2016</p> <ul style="list-style-type: none"> • Statement of Representations Procedure • Statement of Consultation • Guidance Note to making representations • Community Involvement Plan
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? 	<p>Regulation 19(a)</p>		<p>Pre-Submission Draft District Plan</p> <ul style="list-style-type: none"> • Draft Policies Maps • Pre-Submission Sustainability Appraisal main report and non-technical summary • Pre-Submission Habitats Regulations Assessment • Notice of Publication and Statement of Representations Procedure <p>Focused Amendments to the Pre-Submission Draft</p> <ul style="list-style-type: none"> • Schedule of Modifications • Sustainability Appraisal main report and non-technical summary



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Activity	Statutory requirement	Guidance reference	Evidence provided
			<ul style="list-style-type: none"> • Habitats Regulations Assessment • Statement of Representations Procedure
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	<p>Regulations 19 and 35</p>		<p>District Plan webpage: www.midsussex.gov.uk/districtplan</p> <ul style="list-style-type: none"> • Pre-Submission Draft District Plan • Draft Policies Maps • Pre-Submission Sustainability Appraisal main report and non-technical summary • Pre-Submission Habitats Regulations Assessment • Notice of Publication and Statement of Representations Procedure <p>Focused Amendments to the Pre-Submission Draft</p> <ul style="list-style-type: none"> • Schedule of Modifications • Sustainability Appraisal main report and non-technical summary • Habitats Regulations Assessment • Statement of Representations Procedure
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p>	<p>Regulation 19(b)</p>		<p>Letter dated 11th June 2015 providing a link to the website. Sent by e-mail to the specific consultation bodies.</p> <p>Letter dated 12th June 2015 together with Pre-Submission documents sent to the town and parish councils.</p>



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Activity	Statutory requirement	Guidance reference	Evidence provided
<ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 			<p>LDF alert email sent on 12th June 2015.</p> <p>LDF alert email sent on 19th November regarding Focused Amendments.</p> <p>LDF alert email sent on 10th December 2015 to advise subscribers to the extension of the consultation period from 31st December 2015 to 15th January 2016.</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 procedure? • where and when the documents can be inspected? 	Regulation 19(b)		<p>Printed copies of the publication letter and Pre-Submission documents sent to the deposit points, Mid Sussex District Council Members and local MPs.</p> <p>LDF alert email sent on 12th June 2015.</p> <p>Printed copies of the Focused Amendments documents sent to the deposit points and Mid Sussex District Council Members.</p> <p>LDF alert email sent on 19th November regarding Focused Amendments.</p>
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity</p>	The Act section 24		Not applicable.



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Activity	Statutory requirement	Guidance reference	Evidence provided
of the DPD spatial development strategy?	Regulation 21		



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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.



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Stage five: Submission

Activity	Legal requirement	Guidance reference	Evidence provided
<p>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?</p>	<p>The Act section 19(1)</p>		<p>Cabinet report and minutes – 8th April 2013: Local Development Scheme to come into effect on 1st May 2013. http://mid-sussex.cmis.uk.com/mid-sussex/Home.aspx http://www.midsussex.gov.uk/8277.htm.</p> <p>Cabinet report and minutes 1st February 2016: Local Development Scheme to come into effect on 1st February 2016. http://mid-sussex.cmis.uk.com/mid-sussex/Home.aspx http://www.midsussex.gov.uk/planning-licensing-building-control/planning-policy/local-development-framework/local-development-scheme/</p> <p>The Council website is kept up-to-date to keep interested parties informed of progress.</p>
<p>2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?</p>	<p>The Act section 19(2)</p>	<p>NPPF para 182</p>	<p>Mid Sussex Sustainable Communities Strategy 2008-2018: http://www.midsussex.gov.uk/7583.htm.</p> <p>The District Plan is based on the vision set out in the SCS. The vision is underpinned by four priority themes that promote the development of sustainable communities and these have been taken forward in the strategic objectives for the District Plan.</p>



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Activity	Legal requirement	Guidance reference	Evidence provided
<p>3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?</p>	<p>The Act section 19(3)</p> <p>Regulation 22(1)(c)</p>		<p>Statement of Consultation: http://www.midsussex.gov.uk/8264.htm.</p> <p>Community Involvement Plan for the District Plan.</p> <p>Statement of Consultation (Regulation 22).</p>
<p>4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, 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>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 181 and 182</p>	<p>Duty to Cooperate Statement (July 2013)</p> <p>Duty to Cooperate Statement Update (February 2016)</p>



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Activity	Legal requirement	Guidance reference	Evidence provided
<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) Regulation 22(1)(a)</p>	<p>NPPF para 165 SEA Practical Guide, chapter 5</p>	<p>Pre-Submission Sustainability Appraisal Report (June 2015) http://www.midsussex.gov.uk/8264.htm</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>Soundness Self-Assessment Checklist completed.</p>
<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? 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</p>	<p>The Act section 24(1)(a) and 24(4) Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>Not applicable.</p>



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Activity	Legal requirement	Guidance reference	Evidence provided
the spatial development strategy?			
<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>Documents published as set out in Notice of Submission.</p> <p>The Pre-Submission Draft District Plan and the Schedule of Focused Amendments include a schedule (in Appendix C) of Mid Sussex Local Plan policies that will continue to be saved post adoption of the District Plan. All other policies will be superseded.</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</p>	<p>Regulations 5(1)(b), 9 (1), 17 & 22(1)</p>		<p>Pre-Submission District Plan – Draft Policies Maps: http://www.midsussex.gov.uk/planning/8458.htm</p>



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Activity	Legal requirement	Guidance reference	Evidence provided
map?			
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?	Regulation 8(3) and (4) Regulation 8(5)		The Pre-Submission Draft District Plan and the Schedule of Focused Amendments include a schedule (in Appendix C) of Mid Sussex Local Plan policies that will continue to be saved post adoption of the District Plan. All other policies will be superseded.
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)		Statement of Consultation Regulation 22 (February 2016).
12. Have you prepared a statement giving: <ul style="list-style-type: none"> • the number of 	The Act section 20(3)		Statement of Consultation Regulation 22 (February 2016).



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Activity	Legal requirement	Guidance reference	Evidence provided
representations made under Regulation 22? <ul style="list-style-type: none"> • a summary of the main issues raised? OR <ul style="list-style-type: none"> • that no representations were made? 	Regulation 22(1)(c)		
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 22(1)(e)		Not applicable.
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)		All documents were available at deposit points as set out in Notice of Submission. All evidence base documents are listed in Appendix B of the Pre-Submission Draft District Plan and Schedule of Focused Amendments and are available on the District Council website: http://www.midsussex.gov.uk/planning/8301.htm .
15. Has your council approved the DPD for submission?	The Act section 20		Council Reports and Minutes – 18 th March 2015 and 11 th November 2015: http://mid-sussex.cmis.uk.com/mid-sussex/Home.aspx .
16. Have you sent the	The Act section		All required documents have been sent in paper form and on



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<p>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>20(1) and 20(3)</p> <p>Regulations 22(1) and 22(2)</p>		<p>CD (at the request of the Planning Inspectorate).</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>Documents have been made available as set out in the Notice of Submission.</p>
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> • DPD? 	<p>Regulation 22(3) and 35(1)(b)</p>		<p>The documents have been placed on the website on the day of submission. A screen print of this record is available.</p>



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Activity	Legal requirement	Guidance reference	Evidence provided
<ul style="list-style-type: none"> • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable)? • representations made under Regulation 20 (where practicable)? • statement as to where and when the DPD and the documents are available? 			
<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 	Regulation 22(3)(b)		Copies of emails/ letters sent are available.



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Activity	Legal requirement	Guidance reference	Evidence provided
<ul style="list-style-type: none"> • where and when they can be inspected? 			
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>		<p>Copies of emails/ letters sent are available.</p>
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> • published the time and place of the examination and the name of the person appointed to carry out the examination on your website? • notified those who have made representations on the published DPD which have not been withdrawn of these details? 	<p>The Act section 20</p> <p>Regulations 24 and 35</p>		<p>LJD Associates have been appointed as Programme Officer for the examination.</p>