



Local Plan Legal Compliance Checklist (April 2013)

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

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

- planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- identifying significant cross boundary and inter-authority issues



- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

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

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

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence Provided
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>		<p>i. The adopted LDS at the time of commencement, publication and submission of the DPD</p> <p>ii. The relevant authority monitoring report (if changes need to be explained)</p>	<p>The preparation of the Sites DPD was first identified in the previously adopted LDS (October 2017) at the time of commencement of the DPD preparation.</p> <p>The current LDS sets out a revised timetable for the preparation of the Sites DPD.</p> <p>The Council website was kept up to date to ensure interested parties were aware of progress against the relevant milestones.</p>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3)</p> <p>Regulation 18</p>	<p>NPPF</p>	<p>i. The SCI</p> <p>ii. The project plan for the DPD</p>	<p>The latest version of the SCI was adopted in March 2019.</p> <p>A Community Involvement Plan has been prepared to accompany each stage of the plan-making process and is available to view on the MSDC website, and at Libraries and Help Points in Mid Sussex.</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18 / 19</p>	<p>NPPF paras 16, 24 to 27</p>	<p>i. The SCI</p> <p>ii. Reports and decisions setting out the approach to specific and</p>	<p>The Specific and General Consultation Bodies are identified within a 'Key Contacts List' which accompanies the SCI on the MSDC website.</p>

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence Provided
			general consultation bodies iii. Consultation statement	MSDC Planning Policy also maintain a 'Planning Policy email alerts' database which stakeholders can sign up to receive news and updates on policy documents being prepared. All were consulted.
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?	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4) The Act Section 20(5)(c) Regulation 4	NPPF paras 24 to 27 Under NPPF Para 35, to be 'Effective' a plan should be based on effective joint working on crossboundary strategic matters that have been dealt with rather than deferred. Strategic	i. Reports and decisions setting out the approach to be taken ii. Consultation statement	A Duty to Cooperate Statement (August 2020) has been produced alongside the submission of the draft Sites DPD. Memorandums of Understanding/Position Statements with neighbouring/nearby local authorities and Statements of Common Ground with certain prescribed bodies produced for District Plan have been updated for the draft Sites DPD.



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Activity	Legal requirement	Guidance reference	Possible evidence	Evidence Provided
		priorities are listed at NPPF Para 20		
5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e) The Act section 20(5)(c). Regulation 4	NPPF paras 24 – 27 Under NPPF Para 35, to be 'Effective' a plan should be based on effective joint working on cross boundary strategic matters.	i. Reports and decisions setting out the approach to be taken. ii. Consultation statement	The Council has engaged with both the LEP and LNP as appropriate. Both were invited to comment during formal consultations.
6. Is baseline information being collected and evidence being gathered to keep the matters which	The Act section 13	NPPF para 31 – 33	i. Documents dealing with collection of baseline information ii. Relevant	The draft Sites DPD is supported by a comprehensive and proportionate body of evidence. The Council website has an 'Evidence Library' webpage for the Sites DPD.



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Activity	Legal requirement	Guidance reference	Possible evidence	Evidence Provided
affect the development of the area under review?			technical studies iii. The annual monitoring report	The Council monitors the performance of DPDs in the Annual Monitoring Report. Baseline information is also collected within the Sustainability Appraisal.
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	NPPF para 32 Strategic Environmental Assessment Guide, chapter 5	i. Sustainability report scoping document ii. Sustainability appraisal report	A SA Scoping Report was published in May 2019. The scoping report informed the preparation of the Sustainability Appraisal for the Regulation 18 consultation in September 2019. Updated baseline information was included in the SA report which informed the draft Sites DPD and the SA.
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 32 SEA Guide chapter 3	Copies of the consultation letters sent to and any responses from the bodies	The Council consulted the statutory consultation bodies as required by the Regulations for the SA Scoping Report between 6 May to 10 June 2019.



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	Possible evidence	Evidence provided
1. Have you notified: <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF para 16, 24 – 173	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>At each stage, the Specific and General consultation bodies were consulted according to Regulation 18 and the Council's SCI.</p> <p>A Statement of Consultation for Regulation 18 has been prepared.</p> <p>Planning Policy email alert sent on 9 October 2019.</p> <p>Letter sent to the town and parish councils on 8 October 2019 enclosing printed copies of the consultation draft documents.</p> <p>Copies of the consultation documents were made available on the Council's website, and at libraries, help points, District, Town and Parish Councils.</p> <p>A full summary of responses received during the consultation was published.</p>
2. Are you inviting	Regulation	NPPF para	i. Consultation	A Statement of Consultation for Regulation

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
representations from people resident or carrying out business in your area about the content of the DPD?	18(1) and (2)(c)	16	statement ii. Copies of documents consulting these persons iii. Record of discussions iv. Copies of representations made	18 has been prepared. The Community Involvement Plan published alongside the draft Sites DPD (Reg 18) details how community engagement has been undertaken for each stage of the DPD. Planning Policy email alert sent to all subscribers on 9 October 2019. Letter sent to the town and parish councils on 8 October 2019 enclosing printed copies of the consultation draft documents. Copies of the consultation documents were made available on the Council's website, and at libraries, help points, District, Town and Parish Councils. A full summary of responses received during the consultation was published.
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 16, 24 – 173	i. Consultation statement ii. Copies of documents	A Statement of Consultation for Regulation 18 has been prepared.



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Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
			consulting these people iii. Record of discussions	<p>Key stakeholders including utilities companies, Horsham and Mid Sussex NHS Clinical Commissioning Group (CCG) and West Sussex County Council (WSCC) as highways authority, education authority, waste authority and Lead Local Flood Authority (LLFA) were consulted between April and June 2019.</p> <p>Infrastructure providers were consulted on the capacity of existing infrastructure to support growth from sites on the refined shortlist, including whether there could be a need to deliver new infrastructure. The Council has worked with providers and prepared an Infrastructure Delivery Plan (IDP) to support the Regulation 18 consultation document.</p> <p>Developer Liaison Group briefings.</p> <p>Meeting notes from site proponent engagement.</p>
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 16	i. Consultation statement ii. Any reports on the	A Statement of Consultation for Regulation 18 has been prepared.

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
			<p>selection of alternatives and options for the DPD</p>	<p>Series of Site Selection Paper's detail the site selection process.</p> <p>A full summary of responses received during the consultation was published. Report to Scrutiny Committee (22/1/2020) set out "Actions to Address Issues" based on representations received.</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 32, 35</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 appraisal report 	<p>A Statement of Consultation for Regulation 18 has been prepared.</p> <p>The Sustainability Appraisal Report (September 2019) which informed the Draft DPD for Regulation 18 Consultation document set out and appraised a range of growth options and spatial development options and considered site allocation alternatives. These options were supported by a range of evidence base documents and technical papers.</p> <p>The growth options were also set out in the Site Selection Paper series.</p> <p>For each stage, formal SA reports and evidence base documents were subject to</p>

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
				consultation alongside the DPD consultation documents.
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	The Act section19(3)	NPPF para 16	<ul style="list-style-type: none"> i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies 	<p>The Consultation Statement for Regulation 18 demonstrates that the participation was aligned to the principles of the SCI and was proportionate to the stage of the plan at that point.</p> <p>At each stage, the Council has widely advertised the consultation, and provided opportunities for members of the public to discuss the emerging plan, its supporting evidence and other documents. A range of measures were undertaken including:</p> <ul style="list-style-type: none"> • Send out a press release, an email alert and utilise social media; • Put all the details and documentation on the Council’s website including an on-line response form. All on-line material will be compatible with ‘BrowseAloud’ for people who find it difficult to read on-line; • Utilise electronic methods wherever possible in addition to traditional methods to make it as easy as possible to respond to the consultation; • A translation service is available to those

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
				<p>for whom English is a second language;</p> <ul style="list-style-type: none"> • Provide hardcopies of the Site Allocations DPD to view at the District's libraries (including the mobile library); District Council, Town and Parish Council offices; help points; • Send letters or emails to all the 'specific consultation bodies' (statutory consultees); • Static exhibitions will be stationed at libraries in the District, as well as at Mid Sussex District Council Offices.
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p>The Act section 20(3)</p> <p>Regulation 17</p>	<p>NPPF para 16</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>A Statement of Consultation for Regulation 18 has been prepared.</p> <p>A full summary of responses received during the consultation was published.</p> <p>The Scrutiny Committee for Housing, Planning and Economic Growth considered the representations made during the Regulation 18 consultation on the 22nd January 2020.</p> <p>A Regulation 22 Statement has been prepared.</p>
<p>8. Are you inviting</p>	<p>The Act section</p>	<p>NPPF para</p>	<ul style="list-style-type: none"> i. Consultation 	<p>A Statement of Consultation for Regulation</p>

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
<p>representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>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>24 – 27</p>	<p>statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</p>	<p>18 has been prepared.</p> <p>A full summary of responses received during the consultation was published.</p> <p>A Duty to Cooperate Statement (August 2020) has been prepared.</p>
<p>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>	<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 para 24 – 27</p>	<p>i. Consultation statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</p>	<p>A Statement of Consultation for Regulation 18 has been prepared.</p> <p>A full summary of responses received during the consultation was published.</p> <p>A Duty to Cooperate Statement (August 2020) has been prepared.</p>
<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<p>The Act section 35</p>	<p>NPPF para 31 – 33</p>	<p>i. Sustainability appraisal report</p> <p>ii. The authority</p>	<p>The monitoring framework is set out in Appendix B of the Draft DPD.</p>



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Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
	Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	SEA Guide, Chapter 5	monitoring report iii. Reports or documents setting out the appraisal and monitoring framework	



Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

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

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	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 32, 35 SEA Guide, Chapter 5	Documents supporting decisions on alternatives and any preferred strategy	<p>The Sustainability Appraisal Report (September 2019) which informed the Draft DPD for Regulation 18 Consultation document set out and appraised a range of growth options and spatial development options and considered site allocation alternatives. These options were supported by a range of evidence base documents and technical papers. This was updated at Regulation 19 stage (August 2020).</p> <p>The growth options were also set out in the Site Selection Paper series.</p>
2. Have you assessed alternatives against: <ul style="list-style-type: none"> consistency with national policy? general conformity with the regional spatial strategy where still in force? 	The Act section 19 (2), section 24	NPPF para 35	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only) 	Sustainability Appraisal Habitats Regulations Assessment
3. Are you having regard to (where relevant):	The Act sections 19 (2)	n/a	i. Supporting documents	N/A

Activity	Statutory requirement	Guidance reference	Possible evidence	Evidence provided
<ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<p>and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<ul style="list-style-type: none"> 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 	
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)(c)</p>	<p>NPPF para 24 – 27</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with LPA/County Council 	<p>A Duty to Cooperate Statement (August 2020) has been produced alongside the submission of the draft Sites DPD.</p> <p>Memorandums of Understanding/Position Statements with neighbouring/nearby local authorities and Statements of Common Ground with certain prescribed bodies produced for District Plan have been updated for the draft Sites DPD.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p>	<p>NPPF para 24 – 27</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with prescribed bodies 	<p>A Duty to Cooperate Statement (August 2020) has been produced alongside the submission of the draft Sites DPD.</p> <p>Memorandums of Understanding/Position Statements with neighbouring/nearby local</p>

Activity	Statutory requirement	Guidance reference	Possible evidence	Evidence provided
joint approaches?	The Act section 20 (5) (c) Regulation 4			authorities and Statements of Common Ground with certain prescribed bodies produced for District Plan have been updated for the draft Sites DPD.
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 24 – 27	i. Supporting documents ii. Correspondence with LEP/LNP	The Council has engaged with both the LEP and LNP as appropriate.
7. Are you having regard to: <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area comprises part of the area of the council? • any other local development documents adopted by the council? 	The Act section 19(2)	n/a	i. Supporting documents ii. The sustainable community strategies iii. Relevant local development documents iv. Correspondence with the local strategic partners	The Sites DPD is a daughter document of the Mid Sussex District Plan 2014-2031.
8. Do you have regard to other matters and relevant strategies relating to:	The Act section 19(2)	n/a	i. Supporting documents ii. Correspondence with	Ongoing work with West Sussex County Council, LEP, infrastructure providers.

Activity	Statutory requirement	Guidance reference	Possible evidence	Evidence provided
<ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances 	Regulation 10		the relevant bodies	
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	NPPF para 8, 20, 148 to 169.	Supporting documents	Mid Sussex District Plan 2014-2031. Policy SA GEN in the Sites DPD.
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 32 SEA Guide, Chapter 5	<ul style="list-style-type: none"> i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents 	<p>The Sustainability Appraisal Report (September 2019) which informed the Draft DPD for Regulation 18 Consultation document set out and appraised a range of growth options and spatial development options and considered site allocation alternatives. These options were supported by a range of evidence base documents and technical papers. This was updated at Regulation 19 stage (August 2020).</p> <p>The growth options were also set out in the Site Selection Paper series.</p>

Activity	Statutory requirement	Guidance reference	Possible evidence	Evidence provided
				<p>For each stage, formal SA reports and evidence base documents were subject to consultation alongside the DPD consultation documents.</p>
<p>11. Are you setting out reasons for any preferences between alternatives?</p>	<p>Regulation 8(2)</p>	<p>NPPF para 32, 35</p>	<ul style="list-style-type: none"> i. Any reports setting out alternatives and choices considered ii. Supporting documents 	<p>The Sustainability Appraisal Report (September 2019) which informed the Draft DPD for Regulation 18 Consultation document set out and appraised a range of growth options and spatial development options and considered site allocation alternatives. These options were supported by a range of evidence base documents and technical papers. This was updated at Regulation 19 stage (August 2020).</p> <p>The growth options were also set out in the Site Selection Paper series.</p>
<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental Assessment of</p>	<p>NPPF para 16, 32</p>	<ul style="list-style-type: none"> i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability 	<p>A full summary of responses received during the consultation was published (January 2020).</p>

Activity	Statutory requirement	Guidance reference	Possible evidence	Evidence provided
	Plans and Programmes Regulations 2004 No 1633		appraisal report	
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	Regulations 5 (1)(b) and 9	NPPF para 23	<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>Each policy is supported by a detailed site map within the DPD itself.</p> <p>Draft Policies Maps have been prepared that amend the adopted Policies Maps.</p> <p>Built Up Area Boundary and Policies Map Topic Paper.</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	NPPF para 16	<ul style="list-style-type: none"> i. The SCI ii. Consultation statement 	<p>The latest version of the SCI was adopted in March 2019.</p> <p>A Community Involvement Plan has been prepared to accompany each stage of the plan-making process and is available to view on the MSDC website, and at Libraries and Help Points in Mid Sussex.</p> <p>Statement of Consultation (Regulation 18)</p>



Stage four: Publication

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

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

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

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

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

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

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

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

Stage four: Publication

Activity	Statutory requirement	Guidance reference	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 para 32 SEA Guide Chapter 5	Sustainability appraisal report	Sustainability Appraisal (February 2020)
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		i. Report or record of decisions ii. The statement of community interest	Statement of Representations Procedure MSDC website Planning Policy e-mail alert Press release Community Involvement Plan
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none">• the proposed submission documents?• the statement of the	Regulation 19(a)		i. Copies of the relevant statements ii. Report on where and when made available iii. Record of where and when made available	Statement of Representations Procedure Availability of Consultation Documents Proposed submission documents available on the MSDC website

Activity	Statutory requirement	Guidance reference	Possible evidence	Evidence provided
representations procedure?				and in Libraries and Help Points
4. Have you published on your website: <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	Regulations 19 and 35		Record of publication	All published on the MSDC website
5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 19(b)		i. Copies of correspondence ii. Record of sending	E-mail alert send on the 3 rd August 2020 with links to the proposed submission documents and the Statement of Representations Procedure.
6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):	Regulation 19(b)		i. Copies of correspondence ii. Record of sending	E-mail alert send on the 3 rd August 2020 with links to the proposed submission documents and the Statement of Representations Procedure.



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Activity	Statutory requirement	Guidance reference	Possible evidence	Evidence provided
<ul style="list-style-type: none">• the statement of the representations procedure?• where and when the documents can be inspected?				
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	The Act section 24 Regulation 21		Copies of correspondence	N/A



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	Possible evidence	Evidence provided
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met?	The Act section 19(1)		i. The LDS ii. Explanation of any changes from the milestones set out in the LDS	Adopted LDS (December 2020)

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
			iii. Relevant authority monitoring reports	
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)		i. The sustainable community strategy(ies) ii. Reference to sections of the DPD showing how regard has been had to them	The Sites DPD is a daughter document of the Mid Sussex District Plan 2014-2031.
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)		i. The SCI ii. The Regulation 22(1)(c) statement	Statement of Community Involvement (2019) and Community Involvement Plan Statement of Consultation (Regulation 22)
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	The Act section 33A(1) and section 20(5)	NPPF para 24 – 27, 35	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 relevant bodies. Supporting correspondence and reports e.g. Memorandum	Duty to Cooperate Statement (August 2020) and associated Statements of Common Ground.

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
<p>cross-boundary issues If you have not agreed on the approach is there a justification?</p>			of Understanding, shared and agreed evidence	
<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 32 SEA Practical Guide, chapter 5</p>	Sustainability appraisal report	Sustainability Appraisal (February 2020)
<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 35</p>	<p>i. Correspondence with PINS? ii. PAS Soundness self assessment checklist</p>	Sustainability Appraisal Habitats Regulations Assessment
<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</p>	<p>The Act section 24(1)(a) and 24(4) Regulation 21</p>	<p>n/a</p>	<p>i. Correspondence with or representations from Mayor of London (where appropriate) ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place</p>	N/A

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
London on the general conformity of the plan with 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>i. The documents prescribed at Regulation 22(1)</p> <p>ii. Relevant authority monitoring reports</p> <p>iii. Records of the actions undertaken (see below)</p>	<p>Statement of Consultation Regulation 20</p> <p>Availability of Consultation Documents</p> <p>Statement of Representations Procedure</p> <ul style="list-style-type: none"> • MSDC website • Copies sent to libraries and Help Points • E-mail alert sent
<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>Draft Policies Maps</p>
<p>10. Is the DPD consistent with any</p>	<p>Regulation</p>		<p>i. The core strategy</p>	<p>Mid Sussex District Plan 2014-</p>

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
<p>other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>ii. Documents or reports demonstrating conformity</p>	<p>2031</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? • How the representations have been taken into account? 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>i. Consultation statement</p> <p>ii. The Statement as required in Regulation 22(1)(c)</p>	<p>Statement of Consultation (Regulation 22)</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were 	<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>Statement of Consultation (Regulation 22)</p>

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
made?				
13. Have you collected together all the representations made under Regulation 22?	The Act section 20(3) Regulation 22(1)(e)		Copies of the representations	Representations submitted during the Regulation 19 consultation.
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)		All necessary evidence and records of decisions relevant to the DPD	Available on the MSDC website.
15. Has your council approved the DPD for submission?			Report and resolution of the appropriate council body	Council report 22 nd July 2020
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none">• the DPD?• the submission policies map (unless there are no site allocation policies)?• the documents prescribed in Regulation 22(1)?	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)		i. Record of sending ii. Reasons why documents cannot be sent electronically	Yes – only electronic copies were required by PINS

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
17. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		Record of where and when made available	Available on the MSDC website. Due to the ongoing COVID-19 situation, Regulation 35 has been amended to no longer require paper copies at the deposit points however this will be reviewed.
18. On your website, have you published the: <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable)? • representations made under Regulation 20 (where practicable)? • statement as to where and when the DPD and the documents are available? 	Regulation 22(3) and 35(1)(b)		Record of publication	Yes – www.midsussex.gov.uk/SitesDPD
19. For each general consultation body invited to make	Regulation 22(3)(b)		i. Copies of correspondence	Yes – e-mail sent

Activity	Legal requirement	Guidance reference	Possible evidence	Evidence provided
<p>representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 			<ul style="list-style-type: none"> ii. Record of sending 	
<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>		<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	<p>Yes – e-mail and letters sent</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>		<ul style="list-style-type: none"> i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement 	<p>This will be undertaken once these details are known and available.</p>