



## Local Plan Legal Compliance Checklist (April 2013)

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

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

### Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

### Stage one: The early stages

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

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

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



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

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



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### Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
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"> <li>i. The adopted LDS at the time of commencement, publication and submission of the DPD</li> <li>ii. The relevant authority monitoring report (if changes need to be explained)</li> </ul>	<p>The DPD is identified in the adopted LDS and the timetable recorded. See document [C33] Local Development Scheme – January 2017.</p> <p>The document was also recorded in earlier versions of the LDS in April 2016 and November 2014.</p>
2. How will community engagement be programmed into the preparation of the DPD?	<p>The Act section 19(3)</p> <p>Regulation 18</p>	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"> <li>i. The SCI</li> <li>ii. The project plan for the DPD</li> </ul>	<p>The SCI was used as it underpins the process of consultation used during the preparation of the DPD. [E23] The Districts SCI was produced before the pre-2008 regulations, however its content is still considered to be consistent with the 2008 requirements. Where deviation occurred then it is explained in the Regulation 22 statement [C9]. This occurred on a couple of points where consultation</p>



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					<p>methods were not deemed successful and alternatives were used.</p> <p>Two stages of Regulation 18 consultation were undertaken – an options and draft stage. The Regulation 22 statement [C9] sets out the method of consultation in sections 2.3, 3.2 and 4.2.</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 -4.26</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<ul style="list-style-type: none"> <li>i. The SCI</li> <li>ii. Reports and decisions setting out the approach to specific and general consultation bodies</li> <li>iii. Consultation statement</li> </ul>	<p>Yes, the appropriate bodies have been consulted.</p> <p>The Regulation 22 Statement [C9 – C12] sets out the bodies that have been consulted.</p> <p>Consultation Statement Draft Local Plan Part 2 [LP 7 – LP9]</p>
<p>4. How you will co-operate with other local</p>	<p>The Act section 33A(1)(a) and (b), section</p>	<p>NPPF paras 178 to 181 (which comprise the</p>	<p>Section 33A(4) defines a "strategic matter".</p>	<ul style="list-style-type: none"> <li>i. Reports and decisions setting out the approach to be</li> </ul>	<p>Whilst it is not considered that this DPD identifies any strategic issues that will</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>33A(3)(d) (e) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>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>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>taken</p> <p>ii. Consultation statement</p>	<p>have a significant impact on at least two planning areas with the exception of allocation of a site for a new secondary school with the Council's area though this function is the statutory requirement of Derbyshire County Council. There has been continued cooperate with neighbouring local planning authorities and prescribed bodies.</p> <p>The Council's approach to duty to cooperate matters is set out in the following documents:</p> <p>South Derbyshire Duty to Co-operate Compliance Statement – October 2016 [E24] which has been superseded by</p> <p>South Derbyshire Duty to Co-operate Compliance Statement – January 2017 [E25]</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p>	<p>The Council's Leader sits on the Derby, Derbyshire, Nottingham and Nottinghamshire LEP Board (D2N2) as a District representative and the Chief Executive sits on the Joint Leaders Board.</p> <p>Officer's presence on working groups and prior to that extensive discussions took place particularly around data available. Policy INF7 on the Local Plan Part 1 sets out the Council's intention to work with the LNP on delivering the Trent Valley Vision.</p> <p>Both the LEP and LNP have been contacted at all stages of consultation.</p> <p>South Derbyshire Duty to Co-operate Compliance</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					Statement – January 2017 [E25]
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF paras 158 - 177		<ul style="list-style-type: none"> <li>i. Documents dealing with collection of baseline information</li> <li>ii. Relevant technical studies</li> <li>iii. The annual monitoring report</li> </ul>	<p>Evidence base and reports are available in the Examination Library. The most relevant to policies within this DPD are:</p> <p>SHLAA [E20]</p> <p>Settlement Boundary topic paper [E43]</p> <p>Swadlincote Town Centre Retail and Leisure Study [E44 &amp; E45]</p> <p>Local Green Spaces Topic Paper [LP 18]</p> <p>Level 1 Strategic Flood Risk Assessment [E28]</p> <p>The latest Annual Monitoring Report 2015/16</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					[E22] is included within the library which collates information on set targets.
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	NPPF paras 165 and 167  Strategic Environmental Assessment Guide, chapter 5		i. Sustainability report scoping document ii. Sustainability appraisal report	The Sustainability appraisal reports prepared to support the DPD set the framework for the Sustainability appraisal based on available evidence. Documents as follows: Local Plan Part 2: Sustainability Appraisal: Main Report [E1]  Local Plan Part 2: Sustainability Appraisal – Non Technical Summary [E2]  Local Plan Part 2: Sustainability Appraisal – Technical Appendices [E3 – E7]  Local Plan Part 2 Habitat Regulations Screening





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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					<p>Report [E19]</p> <p>Draft versions also included in the examination library [E8 – E16 &amp; E18]</p>
<p>8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>NPPF paras 165 and 167</p> <p>SEA Guide chapter 3</p>	<p>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</p>	<p>Copies of the consultation letters sent to and any responses from the bodies</p>	<p>This was completed as part of the Sustainability Appraisal Scoping Report [E17] in November 2015. Changes made due to the scoping report are set out in Appendix 1 of the report.</p> <p>Consultation documents were sent to the statutory bodies. Further comments in the Sustainability Appraisal – Technical Appendices 1 [E3] and also the Regulation 22 Statement [C9 – C12].</p>



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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	SDDC response
1. Have you notified: <ul style="list-style-type: none"> <li>the specific consultation bodies?</li> <li>the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	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	Regulation 22 Statement [C9]  Regulation 22 Statement - Appendix A [C10] sets out consultation documents for first consultation December to February 2016.  Regulation 22 Statement - Appendix B [C11] sets out consultation documents for Draft consultation June to August 2016  Regulation 22 Statement - Appendix C [C12] sets out consultation documents for Regulation 19 consultation.
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		i. Consultation statement ii. Copies of documents consulting these persons	The Council hold a database of contacts that has developed over the plan making process from 2008 which is used to invite residents and businesses to make comment on the DPD. Across the



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				iii. Record of discussions iv. Copies of representations made	<p>DPD's production several drop in events were held.</p> <p>Press articles, posters, leaflets, area forums also used and set out in:</p> <p>Regulation 22 Statement - Appendix A [C10] sets out consultation documents for first consultation December to February 2016.</p> <p>Regulation 22 Statement - Appendix B [C11] sets out consultation documents for Draft consultation June to August 2016</p> <p>Regulation 22 Statement - Appendix C [C12] sets out consultation documents for Regulation 19 consultation.</p> <p>Regulation 22 Statement [C9]</p>



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					<p>Representations received under regulation 20 [C14 – C24].</p> <p>Other representations received at the two earlier stages can be viewed at:  <a href="http://www.ldf.consultations.south-derbys.gov.uk/">http://www.ldf.consultations.south-derbys.gov.uk/</a></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>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Copies of documents consulting these people</li> <li>iii. Record of discussions</li> </ul>	<p>Yes. Extensive consultation and networking with stakeholders including housebuilders/agents and statutory bodies responsible for the delivering of the DPD.</p> <p>Regulation 22 Statement [C9] and appendices [C10 - 12]</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</p>	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Any reports on the selection of alternatives and options for the DPD</li> </ul>	<p>Yes. Regulation 22 Statement [C9] sets out how representations have been taken into account. Chapters 3.3 and 4.3 consider the issues raised and how they have been addressed.</p> <p>The Sustainability Appraisal</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
			into account.		considered alternatives for the DPD.
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5)  Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168  SEA Guide, chapter 3		i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report	The Sustainability Appraisal process was iterative and has included a re-appraisal of alternatives between Regulation 18 and Regulation 19 stages. Details are included in chapter 5 the Local Plan Part 2: Sustainability Appraisal: Main Report [E1].  Local Plan Part 2: Sustainability Appraisal – Non Technical Summary [E2]  Local Plan Part 2: Sustainability Appraisal – Technical Appendices [E3 – E7]
6. Is the participation: <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable</li> </ul>	The Act section 19(3)	NPPF para 155		i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies	The approach taken to participation and engagement on the DPD is consistent with the Adopted Statement of Community Involvement [E23] and the Sustainable Community Strategy for South Derbyshire 2009-2029



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<p>community strategy?</p> <ul style="list-style-type: none"> <li>proportionate to the scale of issues involved in the DPD?</li> </ul>					<p>[E53] is currently being updated and the adopted Local Plan Part 1 is being taken into account.</p> <p>The Regulation 22 Statement [C9] and appendices [C10 - 12] sets out the issues considered.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <li>the individuals or bodies invited to make representations?</li> <li>how this was done?</li> <li>the main issues raised?</li> </ul>	<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 availability of documents and the time of their removal.</p>	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Reports by the council on the consultation</li> <li>iii. Copies of representations and relevant correspondence</li> <li>iv. Technical reports on the engagement process</li> </ul>	<p>The Regulation 22 Statement [C9] and appendices [C10 - 12] sets out details of who was consulted, key issues raised and how they were addressed.</p> <p>Committee and Full Council reports have been taken before consultation and following consultation to update Elected Members on the DPD's process.</p> <p>The Council holds a database of contacts that has developed over the plan making process from 2008 which was used to contact interested parties regarding the DPD.</p>
<p>8. Are you inviting representations on</p>	<p>The Act section</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires</p>	<ul style="list-style-type: none"> <li>i. Consultation statement</li> </ul>	<p>Duty to Co-operate Compliance Statement – January 2017 [E25]</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>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) &amp; (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>		<p>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"> <li>ii. Reports by the council on the consultation</li> <li>iii. Copies of representations and relevant correspondence</li> <li>iv. Technical reports on the engagement process</li> </ul>	<p>sets out the relationship between the District Council and the relevant bodies. It is not considered that there are any significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c) considered by this DPD as these were considered through the Local Plan Part 1. The one issue which requires the County Council's attention is the allocation of a new site for a secondary school in the District.</p> <p>Derbyshire County Council has been involved in the evolution of the DPD through both formal responses and also meetings, discussions and information gathering.</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a</p>	<p>The Act section 33A(1)(c) and Section 33A(9).</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</p>	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Reports by the council on the consultation</li> <li>iii. Copies of</li> </ul>	<p>Whilst it is not considered that there are any significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c) considered by this DPD the LEP</p>





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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
local nature partnership (LNP)?	The Act section 20(5) (c).  Regulation 4		plan preparation.  Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	representations and relevant correspondence  iv. Technical reports on the engagement process	(D2N2) and the LNP have both been asked for their views. Policy INF7 on the Local Plan Part 1 sets out the Council's intention to work with the LNP on delivering the Trent Valley Vision.  A Council Officer continues to attend and be involved in working groups held by the LNP and The Council's Leader sits on the Derby, Derbyshire, Nottingham and Nottinghamshire LEP Board (D2N2) as a District representative and the Chief Executive sits on the Joint Leaders Board that reports into it.
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	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	i. Sustainability appraisal report ii. The authority monitoring report iii. Reports or documents setting out the appraisal and monitoring	Pre-Submission Local Plan Part 2 Implementation and Monitoring Table [C4]. These Indicators will be added to and monitored on an annual basis through the data collected for the Annual Monitoring Report [E22 is the 2015/16 report which already monitors some of the Indicators to be used].



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
	Plans and Programmes Regulations 2004 No1363		legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	framework	Table 4.1 of the Local Plan Part 2: Sustainability Appraisal: Main Report [E1] sets out the ‘The Sustainability Appraisal Framework’ which considers the indicators.



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



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### Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>NPPF paras 152 - 182  SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>Documents supporting decisions on alternatives and any preferred strategy</p>	<p>Reasonable alternatives were considered in the draft version of the Sustainability Appraisal and re-appraised in the October 2016 version. Alternatives are documented in chapter 5 of the Local Plan Part 2: Sustainability Appraisal: Main Report [E1]. The alternatives considered for policies (where appropriate) as set out in table 5.3 of the Local Plan Part 2: Sustainability Appraisal: Main Report [E1]. Assessment of all housing sites and broad distribution options are also undertaken included within the same document.</p> <p>Local Plan Part 2: Sustainability Appraisal – Non Technical Summary</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					<p>[E2]</p> <p>Local Plan Part 2: Sustainability Appraisal – Technical Appendices [E3 – E7]</p> <p>Local Plan Part 2 Habitat Regulations Screening Report [E19]</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> <li>• consistency with national policy?</li> <li>• general conformity with the regional spatial strategy where still in force?</li> </ul>	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>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.</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)</p>	<p>Alternatives were identified and appraised at an early stage against national policy and can be seen at table 5.1 of the Local Plan Part 2: Sustainability Appraisal: Main Report [E1].</p> <p>The SA framework is based on an analysis of national, regional and local policy objectives and therefore the policies have been tested against those requirements.</p>
<p>3. Are you having regard to (where</p>	<p>The Act sections 19 (2)</p>		<p>Where the regional strategy has been</p>	<p>i. Supporting documents</p>	<p>Not applicable.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
relevant): <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development strategy for London?</li> <li>• Planning Policy for Wales?</li> <li>• the National Planning Framework for Scotland?</li> </ul>	and 24 (1) and (4)  Regulation 10 and 21		revoked you should record that fact.	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	
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	.	i. Supporting documents  ii. Correspondence with LPA/County Council	Duty to Co-operate Compliance Statement – January 2017 [E25] sets out the relationship between the District Council and the relevant bodies. It is not considered that there are any significant cross-boundary issues and strategic priorities of a body



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<p>Have you discussed doing joint local development documents?</p>					<p>prescribed under Section 33A(1)(c).</p> <p>SDDC undertook aligned Local Plan processes with Housing Market Area (HMA) partners Derby City and Amber Valley and a considerable amount of evidence base was collected at a HMA level particularly concerned with housing and employment. The consideration of joint plan making was considered though the examination of SDDC's Local Plan Part 1 and the process was suspended for a period of time to undertake a joint sustainability appraisal piece of work to consider Derby City's unmet housing need. Separate plans were accepted by SDDC's Inspector and also Derby City's. AVBC's Inspector did accept that principal but</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					AVBC withdrew their Plan during the examination process had concluded.
5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 33A(2)(a), section 33A(6)(a)  The Act section 20 (5) (c)  Regulation 4	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	i. Supporting documents ii. Correspondence with prescribed bodies	It is not considered that there are any significant cross-boundary issues prescribed under Section 33A(1)(c).  Duty to Co-operate Compliance Statement – January 2017 [E25]
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	Consultation with the LNP and LEP undertaken.  Officer attends LNP working group. Policy INF7 on the Local Plan Part 1 sets out the Council's intention to work with the LNP on delivering the Trent Valley Vision.





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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					<p>The Council's Leader sits on the Derby, Derbyshire, Nottingham and Nottinghamshire LEP Board (D2N2) as a District representative and the Chief Executive sits on the joint leaders Board.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>• any other local development documents adopted by the council?</li> </ul>	<p>The Act section19(2)</p>			<ul style="list-style-type: none"> <li>i. Supporting documents</li> <li>ii. The sustainable community strategies</li> <li>iii. Relevant local development documents</li> <li>iv. Correspondence with the local strategic partners</li> </ul>	<p>An Officer attends the Local Strategic Partnership which draws together organisations working in South Derbyshire from the voluntary, statutory and business sectors. The current SCS is being updated and the Sustainable Development Group is considering the Local Plan Part 1.</p> <p>The Sustainability Appraisal takes account of the District's and the County's Sustainable Community Strategy.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					Sustainable Community Strategy for South Derbyshire 2009-2029 [E 53]
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> <li>• the local transport plan and transport facilities and services</li> <li>• waste strategies</li> <li>• hazardous substances</li> </ul>	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<ul style="list-style-type: none"> <li>i. Supporting documents</li> <li>ii. Correspondence with the relevant bodies</li> </ul>	<p>The Sustainability Appraisal reviews all of the relevant strategies including transport and waste which have been considered by the Local Plan Part 1.</p> <p>This DPD has regard in particular to:</p> <p>South Derbyshire Economic Development Strategy 2016-2020 [E 51]</p> <p>Derbyshire Economic Strategy Statement [E 50]</p> <p>Derby Housing Market Area Water Cycle Study 2010 [OD 1 &amp; OD 2]</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					Landscape Character of Derbyshire [OD 4]
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	Not within this DPD as the matter has been considered by Local Plan Part 1 and policies S2, S3, SD1 and SD6.
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182  SEA Guide, Chapter 5	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	<ul style="list-style-type: none"> <li>i. Reports on the sustainability of alternatives</li> <li>ii. Record of work undertaken on sustainability appraisal</li> <li>iii. Supporting documents</li> </ul>	<p>The alternatives considered can be seen at chapter 5 of the Local Plan Part 2: Sustainability Appraisal: Main Report [E1].</p> <p>Local Plan Part 2: Sustainability Appraisal – Non Technical Summary [E2]</p> <p>Local Plan Part 2: Sustainability Appraisal – Technical Appendices [E3 – E7]</p> <p>Local Plan Part 2 Habitat Regulations Screening</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					<p>Report [E19]</p> <p>Draft versions also included in the examination library [E8 – E16 &amp; E18]</p> <p>All versions of the Sustainability Appraisal have been consulted upon alongside the Local Plan Part 2 consultation documentation.</p>
<p>11. Are you setting out reasons for any preferences between alternatives?</p>	<p>Regulation 8(2)</p>	<p>NPPF para 182</p>	<p>This will include Information from the sustainability appraisal.</p>	<ul style="list-style-type: none"> <li>i. Any reports setting out alternatives and choices considered</li> <li>ii. Supporting documents</li> </ul>	<p>The Sustainability Appraisal has considered reasonable alternatives (where appropriate) and assessed them against the SA Framework. Further details of this can be seen in chapter 5 of the Local Plan Part 2: Sustainability Appraisal: Main Report [E1].</p>
<p>12. Have you taken into account any representations made on the</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p>	<p>NPPF paras 150, 155, 157 and 159-171</p>	<p>Records on the sustainability appraisal should also include recording any</p>	<ul style="list-style-type: none"> <li>i. Correspondence from those making representations</li> <li>ii. Reports on issues</li> </ul>	<p>Regulation 22 Statement [C9] sets out how representations have been taken into account.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>		<p>assessment made under the Habitats Directive.</p>	<p>raised iii. Consultation statement iv. Sustainability appraisal report</p>	<p>Chapters 3.3 and 4.3 consider the issues raised and how they have been addressed. Chapter 2.3 sets out the main issues raised at the Regulation 19 stage. The Schedule of proposed Minor and Main Modifications to South Derbyshire Pre-Submission Local Plan Part 2 [C8] addresses some issues raised through the Regulation 19 consultation.</p> <p>A record of comments made throughout the process are held on a database.</p>
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p>	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map</p>	<p>i. Adopted policies map ii. Any reports on proposals to amend the policies map iii. Illustrative material that shows how the</p>	<p>The DPD includes detailed housing site allocation maps and areas for the application of policy such as SDT1 - settlement boundaries.</p> <p>The following documents show the allocation and policies maps for Part 1 and</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<ul style="list-style-type: none"> <li>enable you to amend the currently adopted policies map?</li> <li>inform the community about the location of proposals?</li> </ul>			is part of the proposed submission documents defined in Regulation 17.	policies map will be amended or replaced	this DPD: Proposals Maps 1-4 [C 5] Proposals Maps 5-8 [C 6] Proposals Maps 9-11 [C 7]
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3)  Regulation 18	NPPF paras 150 and 155		i. The SCI ii. Consultation statement	Consultation has been undertaken in accordance with the SCI and relevant regulations.  Regulation 22 Statement [C9] sets out the consultation against the SCI in section 1.2



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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.

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

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



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### Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
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	Copies of the Sustainability appraisal report are available in the examination library [E1 to E7]
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).	i. Report or record of decisions ii. The statement of community interest	Statement of Representation Procedure [E 27] sets out the relevant information for the publication stage.  Regulation 22 Statement - Appendix C [C12]
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"><li>the proposed submission</li></ul>	Regulation 19(a)		Regulation 17 gives definitions.	i. Copies of the relevant statements ii. Report on where and when made available	The proposed submission documents and the statement of the representations were available on the Council's website.





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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>documents?</p> <ul style="list-style-type: none"> <li>the statement of the representations procedure?</li> </ul>				<p>iii. Record of where and when made available</p>	<p>Hard copies of the proposed submission DPD and the statement of the representations were available for inspection at the District Council Offices and libraries with South Derbyshire and four outside the District in neighbouring authorities.</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> <li>statement and details of where and when documents can be inspected?</li> </ul>	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>Record of publication</p>	<p>Details were published at the following web address:</p> <p><a href="http://www.south-derbys.gov.uk/localplanpart2">http://www.south-derbys.gov.uk/localplanpart2</a></p>
<p>5. Have you sent to</p>	<p>Regulation 19(b)</p>		<p>Regulations 2 and</p>	<p>i. Copies of</p>	<p>The Council contacted all</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• A copy of each of the proposed submission documents</li> <li>• The statement of the representations procedure?</li> </ul>			17 give definitions.	<p>correspondence</p> <p>ii. Record of sending</p>	<p>relevant bodies to advertise the availability of the Regulation 19 documentation. A copy of the letter and email sent out can be in Appendix C of the Regulation 22 statement [C 12].</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"> <li>• the statement of the representations procedure?</li> <li>• where and when</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>i. Copies of correspondence</p> <p>ii. Record of sending</p>	<p>The Council contacted all relevant bodies to advertise the availability of the Regulation 19 documentation on the Council's website. A copy of the letter and email sent out can be in Appendix C of the Regulation 22 statement [C 12].</p> <p>Hard copies of the proposed submission DPD and the</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
the documents can be inspected?					statement of the representations were available for inspection at the District Council Offices and libraries with South Derbyshire and four outside the District in neighbouring authorities.
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	The Act section 24  Regulation 21		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	Copies of correspondence	Not applicable



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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	SDDC response
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 are prescribed in the	i. The LDS ii. Explanation of any changes from the milestones set	The DPD has been prepared in accordance with the updated Local Development Scheme [C33]



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
LDS match the document? Have the timescales set out in the LDS been met?			Regulations.	out in the LDS iii. Relevant authority monitoring reports	Timescales have been met as far as submission of the document.
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		i. The sustainable community strategy(ies) ii. Reference to sections of the DPD showing how regard has been had to them	The DPD has had regard to the Sustainable Community Strategy for South Derbyshire 2009-2029 [E 53] and also the County Council's Sustainable Community Strategy through the Sustainability Appraisal process which reviewed all relevant strategies.
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	Regulation 22 Statement [C9] and appendices [C10 – Appendix A, C11- Appendix B and C12 – Appendix C]  Adopted Statement of Community Involvement [E23]. The Districts SCI was produced before the pre-2008 regulations, however its content is still considered to be



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					<p>consistent with the 2008 requirements. Where deviation occurred then it is explained in the Regulation 22 statement [C9]. This occurred on a couple of points where consultation methods were not deemed successful and alternatives were used.</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-</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 181 and 182</p>	<p>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>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 of Understanding, shared and agreed evidence</p>	<p>South Derbyshire Duty to Co-operate Compliance Statement [E 25] demonstrates the continued cooperation with other local planning authorities and prescribed bodies.</p> <p>The one area that requires input from both the District and the County Council is the allocation of a site for a new secondary school within the District. This process has been considered jointly and been agreed upon.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>boundary issues If you have not agreed on the approach is there a justification?</p>					
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)  Regulation 22(1)(a)</p>	<p>NPPF para 165  SEA Practical Guide, chapter 5</p>		<p>Sustainability appraisal report</p>	<p>Sustainability Appraisal: Main Report [E1].  Local Plan Part 2: Sustainability Appraisal – Non Technical Summary [E2]  Local Plan Part 2: Sustainability Appraisal – Technical Appendices [E3 – E7]  Local Plan Part 2 Habitat Regulations Screening Report [E19]</p>
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<p>i. Correspondence with PINS? ii. PAS Soundness self assessment</p>	<p>The Council consider the DPD to be consistent with national policy.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
				checklist	
<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?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>i. Correspondence with or representations from Mayor of London (where appropriate)</p> <p>ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place</p>	<p>Not applicable</p>
<p>8. Has the council published the</p>	<p>The Act section 20(2), 20(3) and</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the</p>	<p>i. The documents prescribed at</p>	<p>Submission documents available from the Council's</p>





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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>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>20(5)(b)</p> <p>Regulations 8 and 19</p>		<p>prescribed documents are listed later in this table.</p>	<p>Regulation 22(1)</p> <p>ii. Relevant authority monitoring reports</p> <p>iii. Records of the actions undertaken (see below)</p>	<p>website and hard copies are available at the Council Offices.</p> <p>Submission notification sent by letter and email to all contacts on the Local Plan database.</p> <p>All of the remaining 1998 Local Plan policies will be superseded by this DPD as referenced in paragraph 1.4 of the DPD. This list of saved policies to be superseded can be seen in the Local Plan Part 1.</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</p>	<p>Regulations 5(1)(b), 9 (1), 17 &amp; 22(1)</p>			<p>i. Submission policies map</p> <p>ii. Brief statement if a submission policies map is not required</p>	<p>It is intended to amend the Local Plan Part 1 adopted policies map with the additional DPD policies and allocations.</p> <p>The following documents show</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>map?</p> <p>If yes, have you prepared a submission policies map?</p>					<p>the allocation and policies maps for Part 1 and this DPD: Proposals Maps 1-4 [C 5] Proposals Maps 5-8 [C 6] Proposals Maps 9-11 [C 7]</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>i. The core strategy</p> <p>ii. Documents or reports demonstrating conformity</p>	<p>This DPD is consistent with the adopted Local Plan Part 1 – June 2016.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> <li>Which bodies and persons were invited to make</li> </ul>	<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</p> <p>ii. The Statement as required in Regulation 22(1)(c)</p>	<p>Regulation 22 Statement [C9] and appendices: Appendix A, [C10] Appendix B [C11] Appendix C [C12]</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>representations under Regulation 18?</p> <ul style="list-style-type: none"> <li>• How they were invited?</li> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>					
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> <li>• the number of representations made under Regulation 22?</li> <li>• a summary of the main issues raised?</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• that no representations were made?</li> </ul>	<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>Regulation 22 Statement [C9] and appendices:  Appendix A, [C10]  Appendix B [C11]  Appendix C [C12]</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3)  Regulation 22(1)(e)			Copies of the representations	Not applicable
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	All the relevant supporting evidence is available from the Council's webpage regarding the Local Plan Part 2.  Hard copies of the documentation are available at the Council Offices.
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Report and resolution of the appropriate council body	Submission of the DPD was approved at Full Council on the 5 <sup>th</sup> January 2017.
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the	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	i. Record of sending  ii. Reasons why documents cannot be	All documents sent electronically. Hard copies were sent with the exception of the superseded documents: Draft Sustainability Appraisal and appendices [E8 – E16]



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<p>following:</p> <ul style="list-style-type: none"> <li>• the DPD?</li> <li>• the submission policies map (unless there are no site allocation policies)?</li> <li>• the documents prescribed in Regulation 22(1)?</li> </ul>			<p>representations and supporting documents may not be practicable. Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>sent electronically</p>	<p>Duty to Cooperate Compliance statement [E24] Statement of Representation Procedure [E 26 ]</p> <p>The SHLAA is a web based document so cannot be sent in hard copy.</p> <p>None of the 'Other Documents' were sent in hard copy as were either draft versions or of main relevance to the LP1 . All can be provided if required.</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"> <li>• The DPD?</li> <li>• The documents prescribed in Regulation</li> </ul>	<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>Documents to be made available from the Council's website and also in hard copy at the Council Offices.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
22(1)?					
18. On your website, have you published the: <ul style="list-style-type: none"> <li>• DPD?</li> <li>• submission policies map?</li> <li>• sustainability appraisal report?</li> <li>• Regulation 22(1)(c) statement?</li> <li>• supporting documents (where practicable) ?</li> <li>• representations made under Regulation 20 (where practicable) ?</li> <li>• statement as to where and when the DPD and the</li> </ul>	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Record of publication	Information to be made available from the following webpage: <a href="http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/local_plan_part2_examination/default.asp">http://www.south-derbys.gov.uk/planning_and_building_control/planning_policy/local_plan/local_plan_part2_examination/default.asp</a>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
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"> <li>• notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</li> <li>• where and when they can be inspected?</li> </ul>	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	<ul style="list-style-type: none"> <li>i. Copies of correspondence</li> <li>ii. Record of sending</li> </ul>	Yes. Submission notice sent by letter or email.
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"> <li>i. Copies of correspondence</li> <li>ii. Record of sending</li> </ul>	Yes. Submission notice sent by letter or email.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
<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"> <li>• published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> <li>• notified those who have made representations on the published DPD which have not been withdrawn of these details?</li> </ul>	<p>The Act section 20</p> <p>Regulations 24 and 35</p>			<ul style="list-style-type: none"> <li>i. Record of publication of information</li> <li>ii. Record of sending</li> <li>iii. Copies of correspondence</li> <li>iv. Copy of advertisement</li> </ul>	<p>Yes – information part of submission notice.</p>
<p>Habitat Regulations Assessment and Natural England consideration.</p>	<p>Habitat Regulations 2010</p>				<p>A Habitat Regulations Assessment (HRA) Screening Assessment was undertaken to support the Local Plan Part</p>





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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	SDDC response
					<p>2 and reviewed the likely effects of the policies and sites proposed in the Plan. Natural England were consulted on this screening assessment and agreed that Local Plan “would not be likely to have a significant effect on a European Site, either alone or in combination with other Plans or projects”. On this basis there is not a requirement to undertake an ‘appropriate assessment’.</p> <p>Natural England have supported the Council’s approach to the HRA and its conclusion. Natural England made the following comment at the Regulation 19 stage: “Natural England welcomes the HRA for the Local Plan part 2 which concerns the impact of the proposed development sites on the River Mease Special Area of Conservation (SAC). We note that the</p>



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					<p>Adopted Local Plan Part 1 HRA screening assessment ruled out likely significant effects on any European sites, other than the Mease SAC.</p> <p>We are satisfied that the potential impacts of the three housing sites that fall within the River Mease catchment (23F Valley Road, Overseal; 23E Acresford Road, Overseal; and 23M Montracon, Woodville) have been fully considered.</p> <p>We therefore agree with the Screening Report’s conclusion that the Local Plan Part 2 would not be likely to have a significant effect on a European Site either alone or in combination with other plans or projects.”</p>