

Stevenage Borough Local Plan 2011 – 2031

Legal Compliance Checklist



INTRODUCTION

This checklist has been prepared for the Stevenage Borough Local Plan 2011 – 2031 (SBLP), and the accompanying Policies Map. Its purpose is for the Council to satisfy itself that the plan is legally compliant for submission to the Secretary of State for Examination in Public by an independent planning inspector.

This concludes that the SBLP complies with relevant legislation set out in the checklist.

This checklist follows the structure template table prepared for the Planning Advisory Service (PAS) by SNR Denton. The checklist requirements are presented in *italic* and checklist evidence in plain.

Stage one: The early stages

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

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

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

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

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

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. <i>Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</i>	<i>The Act section 15(2) and section 19(1)</i>	<i>NPPF para 153</i>		<p>The SBLP 2011 – 2031 was included in the Stevenage LDS in 2012, revised in 2014 and again in January 2016. The most up-to-date Local Development Scheme was approved by Executive on 12 July 2016.</p> <p>Monitoring reports have been produced annually from the start of the plan period. These contain a record of progress against the Local Plan timetable. The most recent AMR is for 2014/15. A partial update has been carried out for 2015/16 containing key housing and employment data.</p>
2. <i>How will community engagement be programmed into the preparation of the DPD?</i>	<p><i>The Act section 19(3)</i></p> <p><i>Regulation 18</i></p>	<i>NPPF paras 150, 155 and 157</i>	<i>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.</i>	<p>The SCI was adopted in 2012 and has been used to guide public consultation on the SBLP.</p> <p>However it is recognised this is not up-to-date and new Regulations and Acts have since been published, particularly the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localism Act 2011.</p> <p>The Regulation 22 Consultation Statement provides further details on the consultation undertaken during plan preparation.</p>
3. <i>Have you considered the appropriate bodies</i>	<i>Regulation 18</i>	<i>NPPF paras</i>	<i>Regulation 2 defines the general and</i>	The SCI has been used to guide public

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<i>you should consult?</i>		4.25 -4.26	<p><i>specific consultation bodies.</i></p> <p><i>The possible evidence may duplicate each other. Only use what you need to.</i></p>	<p>consultation on the SBLP.</p> <p>However it is recognised this is not up-to-date and new Regulations and Acts have since been published, particularly the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localism Act 2011.</p> <p>Our consultation database has been regularly updated to ensure the specific and general consultation bodies identified in the updated regulations are consulted.</p> <p>The Regulation 22 Consultation Statement (Appendix 2) provides a comprehensive list of the specific and general bodies consulted during plan preparation, in accordance with Regulation 18 and 19. Local residents were also consulted, via various methods, also detailed in this Statement.</p>
<p>4. <i>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</i></p>	<p><i>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</i></p> <p><i>The Act Section 20(5)(c)</i></p>	<p><i>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</i></p>	<p><i>Section 33A(4) defines a "strategic matter".</i></p> <p><i>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities</i></p>	<p>As well as consultation under the formal Reg. 18 and 19 requirements, the Borough Council has been undertaking extensive discussions with neighbouring authorities, the County Council and other relevant stakeholders, throughout plan preparation. This has enabled a wide range of strategic and cross-boundary issues to be discussed, explored and where possible agreements reached.</p>

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<i>areas?</i>	<i>Regulation 4</i>	<p><i>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</i></p> <p><i>Strategic priorities are listed at NPPF Para 156</i></p>	<p><i>(including the preparatory activities) and considering whether to agree joint local development documents under section 28.</i></p> <p><i>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</i></p>	<p>Various joint evidence studies have been produced (including the SHMA, HMA and FEMA), and results of independent work have been proactively shared across borders, with input from relevant stakeholders being sought where appropriate.</p> <p>The Duty to Co-operate Statement provides further details around the outcomes of plan making activities with the prescribed Duty to Cooperate bodies. It provides evidence of continuous ongoing positive co-operation.</p>
<p>5. <i>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?</i></p>	<p><i>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</i></p> <p><i>The Act section 20(5)(c).</i></p> <p><i>Regulation 4</i></p>	<p><i>NPPF paras 178 to 181</i></p>	<p><i>Section 33A(4) defines a "strategic matter".</i></p> <p><i>Strategic priorities are listed at NPPF Para 156.</i></p> <p><i>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</i></p> <p><i>Under section 33A(6) the required engagement includes</i></p>	<p>The Borough Council is working in partnership with the LEP, and a number of other organisations (as part of Stevenage First) to create the Stevenage Central Framework and deliver the regeneration of the town centre. This is reflected in the SBLP and forms a key part of the overall strategy. This close working relationship also extends to other identified issues, particularly our approach to employment and housing, which is supported by the LEP.</p> <p>The LNP Statement of Accordance (found in the Duty to Co-operate Statement) demonstrates how the SBLP accords with the LNP's Guiding Principles (this is the approach</p>

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			<i>consulting on joint approaches to relevant activities.</i>	to Duty to Co-operate preferred by the LNP). The LNP have confirmed that the SBLP accords with all six principles (at least in part, if not in full) and that the plan will provide a firm basis for delivering biodiversity. Their response recommended some amendments to the Statement, which have been implemented. The LNP have been asked if they wish to approve the new statement. Liaison is ongoing.
6. <i>Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</i>	<i>The Act section13</i>	<i>NPPF paras 158 - 177</i>		Data detailed in both the SA (Section 11) and the Local Plan (Section15 – Delivery and Monitoring), is collected on an annual basis, and the Annual Monitoring Report provides a summary of some of this data. The plan is based around a wide range of evidence studies and background information, which have been updated as the plan has evolved, to ensure an up-to-date baseline is used. All evidence studies are listed on the Local Plan webpages and in the document library.
7. <i>Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</i>	<i>The Act section19(5)</i>	<i>NPPF paras 165 and 167</i> <i>Strategic Environmental Assessment Guide,</i>		Collection of baseline information is confirmed in the Sustainability Appraisal Scoping Report . This identifies the sustainability framework used to assess the options and policies found in previous versions of the Plan (via the SA). An SA has been prepared alongside the Local

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		<i>chapter 5</i>		<p>Plan, to inform the options selected and consider the likely impacts of the Plan.</p> <p>Section 11 of the SA details the data required to monitor the effects of implementing the SBLP. Data is collected annually, some of which is reported in the Annual Monitoring Report.</p>
8. <i>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?</i>	<i>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</i>	<i>NPPF paras 165 and 167</i> <i>SEA Guide chapter 3</i>	<i>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</i>	Statutory Consultation of the environment consultation bodies was carried out at SA scoping stage and repeated at the same time as Reg.18 consultation on the draft SBLP.

Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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

Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Have you notified:</p> <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<p>The Regulation 22 Consultation Statement provides a record of communications with specific and general consultation bodies, representations received, and how comments were taken into account.</p> <p>Consultation documents and Statements of Consultation (including summaries of representations made) for each version of the plan can be found on the Council’s Emerging Local Plan web page.</p> <p>All consultation has been carried out in accordance with and as required by the Regulation.</p>
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>		<p>Representations from residents and businesses have been invited at all stages of the plan-making process. The Regulation 22 Consultation Statement provides a full record of the consultation process undertaken at both Reg.18 and Reg.19 stage, including representations made.</p> <p>Our consultation database now contains just fewer than 900 individuals, and many local organisations.</p>

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<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<p>Infrastructure providers and developers are among those formally consulted at both Reg.18 and Reg.19 stage.</p> <p>Our IDP has also been produced in consultation with relevant stakeholders and infrastructure providers. This aims to ensure key infrastructure to support the plan is delivered.</p>
<p>4. Are you taking into account representations made?</p>	<p>Regulation 18(3)</p>	<p>NPPF para 155</p>	<p>Evidence from participation is part of the justification. Show how you have taken representations into account.</p>	<p>Statements of Consultation have been prepared for the Reg.18 consultation and for the focussed consultation on housing targets (Reg.18, part 2).</p> <p>A comprehensive schedule of responses made, and how these have been taken into account, is provided by these statements. Representations have been taken into account, alongside recommendations and conclusions within the evidence base and of the Sustainability Appraisal, through adjustment of the SBLP before Reg.19 publication.</p> <p>The Regulation 22 Consultation Statement provides further details on all consultations carried out for the SBLP.</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section 19(5) Regulations 12 and 13 of The Environmental Assessment of</p>	<p>NPPF paras 165 – 168 SEA Guide, chapter 3</p>		<p>Representations have been taken into account, alongside recommendations and conclusions of the evidence base and the Sustainability Appraisal, through adjustment of the SBLP before Reg.19 publication.</p>

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	<i>Plans and Programmes Regulations 2004 No 1633</i>			<p>The Regulation 22 Consultation Statement provides further details on all consultations carried out for the SBLP.</p> <p>The SA provides further details on the alternative options assessed.</p>
<p>6. <i>Is the participation:</i></p> <ul style="list-style-type: none"> • <i>following the principles set out in your SCI?</i> • <i>integrating involvement with the sustainable community strategy?</i> • <i>proportionate to the scale of issues involved in the DPD?</i> 	<i>The Act section19(3)</i>	<i>NPPF para 155</i>		<p>Participation has followed the principles of the SCI (and any updated Regulations).</p> <p>Consultations on the Stevenage Sustainable Communities Strategy and the SBLP were not aligned because the respective timetables did not coincide. However, the objectives of the Sustainable Community Strategy have been taken into account when producing the SBLP.</p> <p>Participation has been wide ranging and extensive throughout plan preparation. We have attempted to gain as many responses as we can in developing the SBLP.</p>
<p>7. <i>Are you keeping a record of:</i></p> <ul style="list-style-type: none"> • <i>the individuals or bodies invited to make representations?</i> • <i>how this was done?</i> • <i>the main issues</i> 	<p><i>The Act section20(3)</i></p> <p><i>Regulation 17</i></p>	<i>NPPF paras 158 - 171</i>	<p><i>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</i></p> <p><i>Regulation 35</i></p>	<p>Information is set out in the Consultation Statements for Reg.18 and in the Duty to Cooperate Statement.</p> <p>The Regulation 22 Consultation Statement collates and accounts for the process as a whole and provides a summary of responses made to the Reg.19 consultation.</p>

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<i>raised?</i>			<i>deals with the availability of documents and the time of their removal.</i>	Full records of all representations received are held electronically and are available to view in hard copy format at the Council offices.
8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9) The Act section 20 (5)(c)	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	The Duty to Co-operate Statement provides extensive details on how we have worked with our neighbours, and other Duty to Co-operate bodies, in preparing the SBLP. Significant strategic issues are also reviewed in joint evidence study work on e.g. population, employment and housing markets.
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	The Act section 33A(1)(c) and Section 33A(9). The Act section 20(5) (c). Regulation 4	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on	The Borough Council is working in partnership with the LEP to deliver the regeneration of the town centre. This is reflected in the SBLP (Section 7) and forms a key part of the overall strategy. This close working relationship also extends to other identified issues, particularly our approach to employment and housing, which is supported by the LEP. The LEP have made formal representations to the Local Plan. The Duty to Cooperate Statement provides

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			<i>an ongoing basis.</i>	<p>further details of discussions undertaken with the LEP.</p> <p>The LNP Statement of Accordance (found in the Duty to Co-operate Statement) submitted to the LNP demonstrates how the SBLP accords with their Guiding Principles (this is the approach preferred by the LNP).</p>
<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<p><i>The Act section 35</i></p> <p><i>Regulation 34</i></p> <p><i>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</i></p>	<p><i>NPPF paras 165 - 1687</i></p> <p><i>SEA Guide, Chapter 5</i></p>	<p><i>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation”</i></p> <p><i>Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.</i></p>	<p>A monitoring framework is set out in Section 15 of the SBLP. The SA also sets out a framework for monitoring the impacts of implementing the Plan.</p> <p>Key indicators are published on an annual basis in the AMR, which aims to measure the delivery of local planning policy objectives.</p>

Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

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

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>1. <i>Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</i></p>	<p><i>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</i></p>	<p><i>NPPF paras 152 - 182</i></p> <p><i>SEA Guide, Chapter 5</i></p>	<p><i>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</i></p>	<p>The SA sets out (and assesses) the various alternative options considered throughout the Plan preparation stages.</p> <p>Consultation materials also asked for feedback on alternatives options. Feedback on these options is analysed in the Statements of Consultation.</p>
<p>2. <i>Have you assessed alternatives against:</i></p> <ul style="list-style-type: none"> • <i>consistency with national policy?</i> • <i>general conformity with the regional spatial strategy where still in force?</i> 	<p><i>The Act section 19 (2), section 24</i></p>	<p><i>NPPF para 151</i></p>	<p><i>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.</i></p>	<p>The SA assessed alternatives against consistency with national policy, specifically requirements to deliver a realistic and sustainable plan.</p> <p>The RSS is no longer in force.</p>
<p>3. <i>Are you having regard to (where relevant):</i></p> <ul style="list-style-type: none"> • <i>adjoining regional spatial strategies?</i> • <i>the spatial development strategy for London?</i> 	<p><i>The Act sections 19 (2) and 24 (1) and (4)</i></p> <p><i>Regulation 10 and 21</i></p>		<p><i>Where the regional strategy has been revoked you should record that fact.</i></p>	<p>N/A. The RSS is no longer in force.</p>

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<ul style="list-style-type: none"> • <i>Planning Policy for Wales?</i> • <i>the National Planning Framework for Scotland?</i> 				
<p>4. <i>Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</i></p> <p><i>Have you discussed doing joint local development documents?</i></p>	<p><i>The Act section 33A(2)(a)</i></p> <p><i>Section 33A(6)(a)(b)</i></p> <p><i>Section 20(5)(c)</i></p>	<p><i>NPPF paras 181 and 185</i></p>	<p>.</p>	<p>The Duty to Co-operate Statement sets out this history of co-operation and joint planning.</p> <p>Joint evidence studies have been produced, but it was considered joint local development documents would not be appropriate due to differing political backgrounds and attitudes towards growth.</p>
<p>5. <i>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?</i></p>	<p><i>The Act section 33A(2)(a), section 33A(6)(a)</i></p> <p><i>The Act section 20 (5) (c)</i></p> <p><i>Regulation 4</i></p>	<p><i>NPPF paras 181 and 182</i></p>	<p><i>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</i></p>	<p>The Duty to Co-operate Statement sets out this history of co-operation and joint planning with the prescribed bodies.</p> <p>The Regulation 22 Consultation Statement also details any formal response from these organisations.</p>

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<p>6. <i>Are you cooperating with having regard to the activities of the LEP and LNP?</i></p>	<p><i>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</i></p>	<p><i>NPPF para 181 and 182</i></p>		<p>The Borough Council is working in partnership with the LEP to deliver the regeneration of the town centre. This is reflected in the SBLP (Section 7) and forms a key part of the overall strategy. This close working relationship also extends to other identified issues, particularly our approach to employment and housing, which is supported by the LEP. The LEP have made formal representations to the Local Plan.</p> <p>The Duty to Cooperate Statement provides further details of discussions undertaken with the LEP.</p> <p>The Statement of Accordance submitted to the LNP demonstrates how the SBLP accords with their Guiding Principles (this is the approach preferred by the LNP).</p>
<p>7. <i>Are you having regard to:</i></p> <ul style="list-style-type: none"> • <i>your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</i> • <i>any other local development documents adopted by the council?</i> 	<p><i>The Act section 19(2)</i></p>			<p>Section 3 of the SBLP identifies how the plan has taken into account the Stevenage Sustainable Communities Strategy and other relevant plans and programmes.</p>

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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances 	<p>The Act section 19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>These matters are taken into account, principally in the development of strategic objectives, broad land use allocations and consideration of land use constraints.</p> <p>Transport schemes identified by the Plan and the IDP have been informed by the local transport plan and discussions with HCC as Highways Authority.</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section 19(1A)</p>	<p>NPPF paras 93 -108</p>		<p>Our Sustainability Appraisal assesses options for their impacts on climate change.</p> <p>The SFRA includes measures for mitigating the effects of climate change.</p> <p>Policies are set out in Section 13 of the SBLP.</p>
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Act section 19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<p>A full Sustainability Appraisal has been carried out alongside the production of the Local Plan. This assessed options and alternatives at various stages of plan production, informing the decisions made within the plan.</p> <p>Consultation on the SA has been carried out</p>

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	<i>Programmes Regulations 2004 No 1633</i>			alongside Local Plan consultations.
11. <i>Are you setting out reasons for any preferences between alternatives?</i>	<i>Regulation 8(2)</i>	<i>NPPF para 182</i>	<i>This will include Information from the sustainability appraisal.</i>	<p>The SA and the strategic policies of the SBLP (including previous Local Plan versions), detail why options have been selected over others.</p> <p>The Housing, Employment and Green Belt Technical Papers provide further details on this, pulling together evidence studies, outcomes of consultation activities, and the results of the SA.</p>
12. <i>Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</i>	<p><i>Regulations 17, 18(3) and 22 (1) (c) (iv)</i></p> <p><i>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</i></p>	<i>NPPF paras 150, 155, 157 and 159-171</i>	<i>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</i>	<p>The Statements of Consultation for the Reg.18 version of the plan, and the subsequent Revised Housing Targets consultation, provide an overview of the comments made and our response to these (how they have been taken into account).</p> <p>The Regulation 22 Consultation Statement collates and accounts for the SBLP consultation process as a whole and provides a summary of responses made to the Reg.19 consultation.</p>

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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>13. <i>Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</i></p> <ul style="list-style-type: none"> • <i>enable you to amend the currently adopted policies map?</i> • <i>inform the community about the location of proposals?</i> 	<p><i>Regulations 5 (1)(b) and 9</i></p>	<p><i>NPPF para 157</i></p>	<p><i>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</i></p> <p><i>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</i></p>	<p>A Proposals Map, on an OS base, has been produced and consulted on alongside the SBLP. This illustrates the effect of the policy revisions if the published draft plan is adopted.</p> <p>In addition, a key diagram on p24 of the SBLP shows the broad land use allocations proposed.</p>
<p>14. <i>Are the participation arrangements compliant with the SCI?</i></p>	<p><i>The Act, section 19(3)</i></p> <p><i>Regulation 18</i></p>	<p><i>NPPF paras 150 and 155</i></p>		<p>The Regulation 22 Consultation statement demonstrates that public participation followed the arrangements set out in the Statement of Community Involvement and any subsequent amendments to relevant Acts and Regulations.</p>

Stage four: Publication

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

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

- *do so and progress directly to publication*

OR

- *produce and consult on a revised preferred strategy.*

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

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

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

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

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

Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Have you prepared the sustainability appraisal report?</p>	<p><i>The Act section 19(5)</i></p> <p><i>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</i></p>	<p><i>NPPF paras 165 - 168</i></p> <p><i>SEA Guide Chapter 5</i></p>		<p>A full Sustainability Appraisal has been carried out alongside the production of the Local Plan. This assessed options and alternatives at various stages of plan production, informing the decisions made within the plan.</p>
<p>2. Have you made clear where and within what period representations must be made?</p>	<p><i>Regulation 17, 19, 20 and 35</i></p>		<p><i>The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).</i></p>	<p>At all stages of consultation, documents were made available for at least the statutory 6 week period. These were published on the website and made available to view at the Council offices and local libraries (in accordance with the Regulations), as well as being publicised via various other means. Arrangements for making representations, including the 6 week timescale, were made clear on these publications.</p> <p>The Regulation 22 Consultation Statement provides evidence to demonstrate that the publication consultation was undertaken in accordance with the Regulations.</p>
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> • the proposed 	<p><i>Regulation 19(a)</i></p>		<p><i>Regulation 17 gives definitions.</i></p>	<p>The Regulation 22 Consultation Statement provides evidence to demonstrate, that the publication consultation was undertaken in accordance with Regulation 19.</p>

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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p><i>submission documents?</i></p> <ul style="list-style-type: none"> <i>the statement of representations procedure?</i> 				
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> <i>the proposed submission documents?</i> <i>the statement of the representations procedure?</i> <i>statement and details of where and when documents can be inspected?</i> 	<p><i>Regulations 19 and 35</i></p>		<p><i>Regulations 2 and 17 give definitions.</i></p>	<p>The Regulation 22 Consultation Statement provides details on the consultation undertaken and its accordance with Regulations 19 and 35. All documents were published on the Council's website.</p>

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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>The Regulation 22 Consultation Statement provides details on the consultation undertaken and its accordance with Regulations 19 and 35. Communication was sent to each of the specific consultation bodies listed.</p>
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>The Regulation 22 Consultation Statement provides details on the consultation undertaken and its accordance with Regulations 19 and 35. Communication was sent to each of the general consultation bodies listed.</p>

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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p><i>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?</i></p>	<p><i>The Act section 24</i></p> <p><i>Regulation 21</i></p>		<p><i>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).</i></p>	<p>N/A</p>

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
<p><i>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?</i></p>	<p><i>The Act section 19(1)</i></p>		<p><i>The Act section 15(2) sets out the matters specified in the LDS.</i></p> <p><i>As at January 2013, no further matters are prescribed in the Regulations.</i></p>	<p>The SBLP 2011 – 2031 was included in the Stevenage LDS in 2012, revised in 2014 and again in January 2016. The most up-to-date LDS was approved by Executive on 12 July 2016.</p> <p>The SBLP accords with the listing and description within the LDS.</p> <p>Monitoring reports have been produced annually from the start of the plan period. These contain a record of progress against the Local Plan</p>

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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				timetable. The most recent AMR is for 2014/15. A partial update has been produced for 2015/16 containing key housing and employment data.
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		Section 3 of the SBLP identifies how the plan has taken into account the Stevenage Sustainable Communities Strategy and other relevant plans and programmes.
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>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>	<p>The SCI was adopted in 2012 and has been used to guide public consultation on the SBLP.</p> <p>However it is recognised this is not up-to-date and new Regulations and Acts have since been published, particularly the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Localism Act 2011.</p> <p>The Regulation 22 Consultation Statement provides further details on the consultation undertaken during plan preparation.</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	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	<i>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</i>	<p>Cross-boundary issues have been particularly relevant to housing, employment and Green Belt issues, where some joint evidence work has also been produced.</p> <p>Although we are meeting our objectively assessed housing need within the boundary, it is recognised that some of our sites have the potential to unlock development in other areas. SBLP policies require</p>

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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p><i>authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</i></p> <p><i>If you have not agreed on the approach is there a justification?</i></p>				<p>masterplans on the urban extensions to consider the implications of wider, cross-boundary schemes. Land is also safeguarded for access to development outside of the boundary (Policy IT2). The SBLP employment sites identified do not meet our OAN. As such, discussions under the Duty to Co-operate have been key to enabling provision to be made by other authorities within the FEMA. Discussions will be ongoing.</p> <p>The Plan also recognises the strategic nature of Green Belt boundaries. The Green Belt Review (Part 1 and 2 and Additional parcels technical note) identified a number of areas, outside of the Borough, considered suitable for addition to the Green Belt, to complement release within the Borough. Recommendations have been shared and discussed with neighbouring authorities and discussions will be ongoing to ensure a coherent boundary.</p> <p>The Housing, Employment and Green Belt Technical Papers provide further details on these issues.</p> <p>The Duty to Co-operate Statement demonstrates how we have worked with our neighbours, and other Duty to Co-operate bodies, on cross-boundary issues, to ensure a strategic approach is taken.</p>
<p>5. Has the DPD been subject to sustainability</p>	<p>The Act</p>	<p>NPPF para</p>		<p>A full Sustainability Appraisal has been carried out alongside the production of the Local Plan. This</p>

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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p><i>appraisal?</i> <i>Has the council provided a final report of the findings of the appraisal?</i></p>	<p><i>section 19(5)</i> <i>Regulation 22(1)(a)</i></p>	<p><i>165</i> <i>SEA Practical Guide, chapter 5</i></p>		<p>assessed options and alternatives at various stages of plan production, informing the decisions made within the plan.</p>
<p><i>6. Is the DPD to be submitted consistent with national policy?</i></p>	<p><i>The Act section 19(2) and Schedule 8</i></p>	<p><i>NPPF para 151</i></p>		<p>The Soundness self-assessment checklist provides evidence to confirm consistency with national policy.</p>
<p><i>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists?</i> <i>If yes, is there local justification?</i> <i>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?</i></p>	<p><i>The Act section 24(1)(a) and 24(4)</i> <i>Regulation 21</i></p>	<p><i>NPPF para 218 footnote 41</i></p>	<p><i>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</i></p>	<p>N/A. The RSS has been revoked.</p>
<p><i>8. Has the council published the prescribed documents, and made them available at their</i></p>	<p><i>The Act section 20(2), 20(3) and 20(5)(b)</i></p>	<p><i>NPPF para 182</i></p>	<p><i>Requirements relating to publication of the prescribed</i></p>	<p>All submission documents will be made available on deposit as per Reg. 22(3) in the same locations as applied to Reg.18 and Reg.19 consultations and publications and notification will be sent to the</p>

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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p><i>principal offices and their website?</i></p> <p><i>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</i></p> <p><i>Does the DPD contain a list of superseded saved policies?</i></p>	<p><i>Regulations 8 and 19</i></p>		<p><i>documents are listed later in this table.</i></p>	<p>statutory and general consultation bodies, as well as other consultees.</p> <p>Details of previous publication and notification are provided in the Regulation 22 Consultation Statement.</p> <p>Pages 185 to 194 (Appendix A) of the SBLP contain a list of saved policies to be replaced upon its adoption.</p>
<p><i>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</i></p> <p><i>If yes, have you prepared a submission policies map?</i></p>	<p><i>Regulations 5(1) (b), 9 (1), 17 & 22(1)</i></p>			<p>An OS based map showing the effect of the SBLP policies is included in the submission package as per Reg. 22(1) (b).</p>
<p><i>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?</i></p>	<p><i>Regulation 8(3) and (4)</i></p> <p><i>Regulation 8(5)</i></p>		<p><i>Development Plan is defined in Section 38 of the Act.</i></p>	<p>Pages 185 to 194 (Appendix A) of the SBLP contain a list of saved policies to be replaced upon its adoption.</p> <p>There are no other DPD's adopted for the Stevenage area.</p>
<p><i>11. Have you prepared a statement setting out:</i></p> <ul style="list-style-type: none"> <i>• Which bodies and</i> 	<p><i>The Act section 20 (3)</i></p>		<p><i>This will bring forward material from the</i></p>	<p>A Regulation 22 Consultation Statement has been produced for submission and contains comprehensive detail on the consultation process</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p><i>persons were invited to make representations under Regulation 18?</i></p> <ul style="list-style-type: none"> • <i>How they were invited?</i> • <i>A summary of the main issues raised?</i> • <i>How the representations have been taken into account?</i> 	<p><i>Regulation 22(1)(c)</i></p>		<p><i>Consultation statement (see Stage 2 above).</i></p>	<p>undertaken at each stage of plan preparation and how representations have been taken into account.</p>
<p>12. <i>Have you prepared a statement giving:</i></p> <ul style="list-style-type: none"> • <i>the number of representations made under Regulation 22?</i> • <i>a summary of the main issues raised?</i> <p>OR</p> <ul style="list-style-type: none"> • <i>that no representations were made?</i> 	<p><i>The Act section 20(3)</i></p> <p><i>Regulation 22(1)(c)</i></p>			<p>The Regulation 22 Consultation Statement sets out the number of representations made and summarises the main issues raised, as required.</p>
<p>13. <i>Have you collected together all the representations made under Regulation 28?</i></p>	<p><i>The Act section 20(3)</i></p> <p><i>Regulation 22(1)(e)</i></p>			<p>Copies of the representations are available in hard copy format at the Borough Council offices and are available to view electronically via our consultation portal: http://stevenage-consult.limehouse.co.uk/portal.</p>
<p>14. <i>Have you assembled the relevant supporting</i></p>	<p><i>The Act section 20(3)</i></p>			<p>All necessary evidence and records of decisions relevant to the DPD are assembled in a supporting</p>

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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<i>documents?</i>	<i>Regulation 22(1)(g)</i>			Examination Library available in hard copy format for inspection and on CD on request. Relevant supporting documents will be included within the submission package.
15. <i>Has your council approved the DPD for submission?</i>			<i>Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.</i>	The submission of the SBLP was approved by the Council's Executive on 12 th July 2016 and by the Council on 20 th July 2016.
16. <i>Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following:</i> <ul style="list-style-type: none"> • <i>the DPD?</i> • <i>the submission policies map (unless there are no site allocation policies)?</i> • <i>the documents prescribed in Regulation 22(1)?</i> 	<i>The Act section 20(1) and 20(3)</i> <i>Regulations 22(1) and 22(2)</i>		<i>Regulation 35 deals with the availability of documents and the time of their removal.</i> <i>Electronic copies of some of the representations and supporting documents may not be practicable.</i> <i>Regulation 35 deals with the availability of documents and the time of their removal.</i>	The submission package will be delivered to the Planning Inspectorate in hard copy format and provided electronically on a CD.
17. <i>Have you made the</i>	<i>Regulation</i>		<i>You should do this</i>	The submission documents will be made available

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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p><i>following available at the same places where the proposed submission documents were to be seen:</i></p> <ul style="list-style-type: none"> • <i>The DPD?</i> • <i>The documents prescribed in Regulation 22(1)?</i> 	<p>22(3)</p>		<p><i>as soon as reasonably practicable after submission.</i></p>	<p>on the Planning Policy web pages and in hard copy format, as required.</p>
<p>18. <i>On your website, have you published the:</i></p> <ul style="list-style-type: none"> • <i>DPD?</i> • <i>submission policies map?</i> • <i>sustainability appraisal report?</i> • <i>Regulation 22(1)(c) statement?</i> • <i>supporting documents (where practicable) ?</i> • <i>representations made under Regulation 20 (where practicable) ?</i> • <i>statement as to where and when the DPD and the documents are available?</i> 	<p>Regulation 22(3) and 35(1)(b)</p>		<p><i>You should do this as soon as reasonably practicable after submission.</i></p>	<p>The submission documents will be made available on the Planning Policy web pages, as required.</p>
<p>19. <i>For each general</i></p>	<p>Regulation</p>		<p><i>You should do this</i></p>	<p>Prescribed notices will be emailed to the relevant</p>

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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p><i>consultation body invited to make representations under Regulation 18(1), have you sent:</i></p> <ul style="list-style-type: none"> <i>notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</i> <i>where and when they can be inspected?</i> 	<p>22(3)(b)</p>		<p><i>as soon as reasonably practicable after submitting to the Secretary of State.</i></p>	<p>consultation bodies that were invited to make representations under Regulation 18, and all consultees.</p>
<p>20. <i>Have you given notice to persons who have requested to be notified that submission has taken place?</i></p>	<p>Regulation 22(3)(c)</p>		<p><i>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</i></p>	<p>The prescribed notices will be sent by the Council under the supervision of the EiP programme officer.</p>
<p>21. <i>If an examination is being held, at least six weeks before its opening has the Programme Officer:</i></p> <ul style="list-style-type: none"> <i>published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</i> <i>notified those who have made</i> 	<p>The Act section 20</p> <p>Regulations 24 and 35</p>			<p>The EiP programme officer will oversee appropriate notices and advertisements in line with Regulations.</p>

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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<i>representations on the published DPD which have not been withdrawn of these details?</i>				

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