

# Places and Policies Local Plan - Submission Draft Local Plan Legal Compliance Checklist





## 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	Possible evidence	Evidence Provided
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>	<p>i. The adopted LDS at the time of commencement, publication and submission of the DPD            ii. The relevant authority monitoring report (if changes need to be explained)</p>	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Local Development Scheme</b> at commencement (SDC, June 2014)</li> <li>• <b>Shepway District Council Local Development Scheme</b> at publication (SDC, 2016)</li> <li>• <b>Shepway District Council Local Development Scheme</b> at submission (will be updated before Examination)</li> <li>• <b>Shepway District Council Authority Monitoring Report</b> (2015 – 2016)</li> <li>• <b>Shepway District Council Authority Monitoring Report</b> (2016 – 2017) – will be updated before Examination</li> </ul>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3)  Regulation 18</p>	<p>i. The SCI            ii. The project plan for the DPD</p>	<ul style="list-style-type: none"> <li>• <b>Statement of Community Involvement</b> (SDC, January 2015)</li> <li>• <b>Shepway District Council Local Development Schemes</b> – from 2014 – 2016 (and will be updated</li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
			before Examination)
3. Have you considered the appropriate bodies you should consult?	Regulation 18	i. The SCI ii. Reports and decisions setting out the approach to specific and general consultation bodies iii. Consultation statement	<ul style="list-style-type: none"> <li>• <b>Statement of Community Involvement</b> (SDC, January 2015)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Issues and Options – Regulation 18 consultation document</b> (Report to Cabinet, January 2015)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options – Regulation 18 consultation document</b> (Report to Cabinet, September 2016)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19</b></li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
			<p><b>consultation document</b> (Report to Cabinet, July 2017)</p> <ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Duty to Cooperate Statement</b> (F&amp;HDC, July 2018)</li> </ul>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p>	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Places and Policies Local Plan: Issues and Options – Regulation 18 consultation document</b> (Report to Cabinet, January 2015)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options – Regulation 18 consultation document</b> (Report to Cabinet, September 2016)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
			<ul style="list-style-type: none"> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19 consultation document</b> (Report to Cabinet, July 2017)</li> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Duty to Cooperate Statement</b> (F&amp;HDC, July 2018)</li> <li>• <b>Strategic Housing Market Assessment with Dover District Council</b> (2017)</li> </ul>
<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>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p>	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Places and Policies Local Plan: Issues and Options – Regulation 18 consultation document</b> (Report to Cabinet, January 2015)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options – Regulation 18</b></li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
			<p><b>consultation document</b> (Report to Cabinet, September 2016)</p> <ul style="list-style-type: none"> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19 consultation document</b> (Report to Cabinet, July 2017)</li> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Duty to Cooperate Statement</b> (F&amp;HDC, July 2018)</li> </ul>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section13</p>	<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>	<ul style="list-style-type: none"> <li>• All evidence base documents and technical studies have been published on the Council's webpage: <a href="https://www.folkestone-hythe.gov.uk/planning-policy/places-policies-local-plan-evidence-base-documents">https://www.folkestone-hythe.gov.uk/planning-policy/places-policies-local-plan-evidence-base-documents</a></li> <li>• <b>Shepway District Council Authority Monitoring Report</b> (2015 – 2016)</li> </ul>





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Activity	Legal requirement	Possible evidence	Evidence Provided
			<ul style="list-style-type: none"> <li>• <b>Shepway District Council Authority Monitoring Report (2016 – 2017)</b> – will be updated before Examination</li> </ul>
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section 19(5)</p>	<p>i. Sustainability report scoping document ii. Sustainability appraisal report</p>	<ul style="list-style-type: none"> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options version</b> (LUC, January 2015)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options version</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Shepway Places and Policies Plan 2016 – Habitat Regulations Assessment</b> (LUC, November 2016)</li> </ul>
<p>8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and</p>	<p>Copies of the consultation letters sent to and any responses from the bodies</p>	<ul style="list-style-type: none"> <li>• A copy of the notification letter / email sent are available in the <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> </ul>



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environmental information to be included in the sustainability appraisal report?	Programmes Regulations 2004 No 1633.		<ul style="list-style-type: none"><li>• Invitations to make representations at each round of consultation have been sent to each of the consultation bodies, including Natural England, Environment Agency and Marine Management Organisation (MMO) via Microsoft Outlook</li></ul>



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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	Possible evidence	Evidence Provided
<p>1. Have you notified:</p> <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>	<p>Regulation 18(1) and (2)(a) (b)</p>	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Copies of documents consulting these bodies</li> <li>iii. Record of discussions</li> <li>iv. Copies of representations made</li> <li>v. A brief statement setting out the reasons why any bodies have been omitted from or included in consultation</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• Invitations to make representations under Regulation 18(1) have been sent to each of the general consultation bodies via Microsoft Outlook</li> <li>• A copy of the notification letter / email sent are available in the <b>Consultation Statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Objective (Content, Collaboration and Process Management software for the Public Sector)</b></li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan –</b></li> </ul>



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			<p><b>Submission version</b> (February 2018)</p> <ul style="list-style-type: none"> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options Consultation</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options Consultation</b> (LUC, January 2015)</li> <li>• <b>Duty to Cooperate Statement</b> (F&amp;HDC, July 2018)</li> </ul>
<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>	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. Copies of documents consulting these persons</li> <li>iii. Record of discussions</li> <li>iv. Copies of representations made</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• Invitations to make representations under Regulation 18(1) have been sent to each of the general consultation bodies via Microsoft Outlook</li> <li>• A copy of the notification letter / email sent are available in the <b>Consultation Statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Objective (Content, Collaboration and Process</b></li> </ul>



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			<p><b>Management software for the Public Sector)</b></p> <ul style="list-style-type: none"> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options Consultation</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options Consultation</b> (LUC, January 2015)</li> <li>• <b>Duty to Cooperate Statement</b> (F&amp;HDC, July 2018)</li> </ul>



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<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>i. Consultation statement            ii. Copies of documents consulting these people            iii. Record of discussions</p>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• Invitations to make representations under Regulation 18(1) have been sent to each of the general consultation bodies via Microsoft Outlook</li> <li>• A copy of the notification letter / email sent are available in the <b>Consultation Statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Objective (Content, Collaboration and Process Management software for the Public Sector)</b></li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> </ul>



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			<ul style="list-style-type: none"> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options Consultation</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options Consultation</b> (LUC, January 2015)</li> <li>• <b>Duty to Cooperate Statement</b> (F&amp;HDC, July 2018)</li> </ul>
4. Are you taking into account representations made?	Regulation 18(3)	<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>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• Invitations to make representations under Regulation 18(1) have been sent to each of the general consultation bodies via Microsoft Outlook</li> <li>• A copy of the notification letter / email sent are available in the <b>Consultation Statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Objective (Content, Collaboration and Process Management software for the Public Sector)</b></li> </ul>





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			<ul style="list-style-type: none"> <li>• <b>Forthcoming Publication of Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19 consultation document</b> (Report to Cabinet, July 2017)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Issues and Options – Regulation 18 consultation document</b> (Report to Cabinet, January 2015)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options version</b> (LUC, January 2015)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options – Regulation 18 consultation document</b> (Report to Cabinet, September 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options version</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District</b></li> </ul>



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			<p><b>Council's Places and Policies Local Plan – Submission version</b> (February 2018)</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>i. Consultation statement</p> <p>ii. Any reports on the selection of alternatives and options for the DPD</p> <p>iii. Sustainability appraisal report</p>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• Invitations to make representations under Regulation 18(1) have been sent to each of the general consultation bodies via Microsoft Outlook</li> <li>• A copy of the notification letter / email sent are available in the <b>Consultation Statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Objective (Content, Collaboration and Process Management software for the Public Sector)</b></li> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19 consultation document</b> (Report to Cabinet, July 2017)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Issues and Options – Regulation 18 consultation document</b> (Report to Cabinet, January 2015)</li> </ul>



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			<ul style="list-style-type: none"> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options version</b> (LUC, January 2015)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options – Regulation 18 consultation document</b> (Report to Cabinet, September 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options version</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> </ul>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable community strategy?</li> <li>• proportionate to the</li> </ul>	<p>The Act section19(3)</p>	<ol style="list-style-type: none"> <li>i. Consultation Statement</li> <li>ii. The SCI</li> <li>iii. The relevant sustainable community strategies</li> </ol>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Statement of Community Involvement</b> (SDC, January 2015)</li> <li>• <b>Dungeness Sustainable Access Strategy</b> (2017)</li> </ul>



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<p>scale of issues involved in the DPD?</p>			<ul style="list-style-type: none"> <li>• <b>East Kent Local Investment Plan 2011 – 2026</b> (EKLSP, 2010)</li> <li>• <b>Lighting the Way to Success The EKLSP Sustainable Community Strategy</b> (EKLSP, 2009)</li> <li>• <b>Romney Marsh Delivery Plan</b> (Regeneris Consulting, 2014)</li> <li>• <b>Sandgate Village Design Statement</b> (2013)</li> </ul>
<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 section20(3)</p> <p>Regulation 17</p>	<ol 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> </ol>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> </ul>



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			<ul style="list-style-type: none"> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options Consultation</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options Consultation</b> (LUC, January 2015)</li> <li>• <b>Objective (Content, Collaboration and Process Management software for the Public Sector)</b></li> <li>• <b>Statement of Community Involvement</b> (SDC, January 2015)</li> </ul>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) &amp; (e) section 33A(4) section 33A(9)</p> <p>The Act section</p>	<p>i. Consultation statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues</b></li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
<p>issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>20 (5)(c)</p>	<p>iv. Technical reports on the engagement process</p>	<p><b>and Options</b> (Report to Cabinet, September 2015)</p> <ul style="list-style-type: none"> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options Consultation</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options Consultation</b> (LUC, January 2015)</li> <li>• <b>Objective (Content, Collaboration and Process Management software for the Public Sector)</b></li> <li>• <b>Statement of Community Involvement</b> (SDC, January 2015)</li> <li>• <b>Duty to Cooperate Statement</b> (F&amp;HDC, July 2018)</li> </ul>
<p>9. Are you inviting</p>	<p>The Act section</p>	<p>i. Consultation</p>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
<p>representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>33A(1)(c) and Section 33A(9).  The Act section 20(5) (c).  Regulation 4</p>	<p>statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process</p>	<ul style="list-style-type: none"> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options Consultation</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options Consultation</b> (LUC, January 2015)</li> <li>• <b>Objective (Content, Collaboration and Process Management software for the Public Sector)</b></li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
			<ul style="list-style-type: none"> <li>• <b>Statement of Community Involvement</b> (SDC, January 2015)</li> <li>• <b>Duty to Cooperate Statement</b> (F&amp;HDC, July 2018)</li> </ul>
<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>i. Sustainability appraisal report</p> <p>ii. The authority monitoring report</p> <p>iii. Reports or documents setting out the appraisal and monitoring framework</p>	<ul style="list-style-type: none"> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options version</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options version</b> (LUC, January 2015)</li> <li>• <b>Shepway District Council Authority Monitoring Report</b> (2015 – 2016)</li> <li>• <b>Shepway District Council Core Strategy</b> (SDC, 2013). Appendix 3 – Monitoring and Risk.</li> </ul>





### **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	Possible evidence	Evidence Provided
<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>Documents supporting decisions on alternatives and any preferred strategy</p>	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Places and Policies Local Plan: Issues and Options – Regulation 18 consultation document</b> (SDC, January 2015)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options version</b> (LUC, January 2015)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options – Regulation 18 consultation document</b> (SDC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options version</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Shepway Strategic Development Requirements Study</b> (April, 2011)</li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
<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>	<ul style="list-style-type: none"> <li>i. Supporting documents</li> <li>ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>National Planning Policy Framework (CLG, 2012)</b></li> <li>• <b>Planning Practice Guidance (2014)</b></li> <li>• <b>Shepway District Council Places and Policies Local Plan: Issues and Options – Regulation 18 consultation document (SDC, January 2015)</b></li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options version (LUC, January 2015)</b></li> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options – Regulation 18 consultation document (SDC, October 2016)</b></li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options version (LUC, October 2016)</b></li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version (February 2018)</b></li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
			<ul style="list-style-type: none"> <li>• <b>Shepway Strategic Development Requirements Study</b> (April, 2011)</li> </ul>
<p>3. Are you having regard to (where relevant):</p> <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>	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate)</p> <p>iii. CLG notice of revocation of the regional strategy</p>	<ul style="list-style-type: none"> <li>• <b>Not applicable</b></li> </ul>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)(c)</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with LPA/County Council</p>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Duty to Cooperate Statement</b> - (F&amp;HDC, July 2018)</li> <li>• <b>Strategic Housing Market Assessment with Dover District Council</b> (2017)</li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
			<ul style="list-style-type: none"> <li>• <b>Dungeness Sustainable Access Strategy (2017)</b></li> <li>• <b>Gypsy and Traveller Accommodation Assessment (2014)</b> – to be updated before submission to SoS</li> </ul>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with prescribed bodies</p>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Duty to Cooperate Statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Strategic Housing Market Assessment with Dover District Council (2017)</b></li> <li>• <b>Dungeness Sustainable Access Strategy (2017)</b></li> <li>• <b>Gypsy and Traveller Accommodation Assessment (2014)</b></li> </ul>
<p>6. Are you cooperating with having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with LEP/LNP</p>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Duty to Cooperate Statement</b> – (F&amp;HDC, July 2018)</li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
<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>	<ul style="list-style-type: none"> <li>• <b>Dungeness Sustainable Access Strategy (2017)</b></li> <li>• <b>East Kent Local Investment Plan 2011 – 2026 (EKLSP, 2010)</b></li> <li>• <b>Lighting the Way to Success The EKLSP Sustainable Community Strategy (EKLSP, 2009)</b></li> <li>• <b>Romney Marsh Delivery Plan (Regeneris Consulting, 2014)</b></li> <li>• <b>Sandgate Village Design Statement (2013)</b></li> </ul>
<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> </ul>	<p>The Act section19(2)  Regulation 10</p>	<ul style="list-style-type: none"> <li>i. Supporting documents</li> <li>ii. Correspondence with the relevant bodies</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Employment Land Review (Lichfields, 2017)</b></li> <li>• <b>Shepway Town Centres Study (Peter Brett Associates, 2015)</b></li> <li>• <b>Shepway District Council – Update to Transport Strategy Highway Impact Report (URS, 2012)</b></li> <li>• <b>The Kent Minerals and Waste Local Plan 2013 – 2030</b></li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
<ul style="list-style-type: none"> <li>hazardous substances</li> </ul>			<ul style="list-style-type: none"> <li><b>SHLAA Site Assessment Forms (SDC)</b></li> </ul>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section19(1A)</p>	<p>Supporting documents</p>	<ul style="list-style-type: none"> <li><b>Shepway District Council Places and Policies Local Plan: Submission Draft (SDC, 2017).</b> Chapter 15 – Climate Change.</li> </ul>
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Act section19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>i. Reports on the sustainability of alternatives</p> <p>ii. Record of work undertaken on sustainability appraisal</p> <p>iii. Supporting documents</p>	<ul style="list-style-type: none"> <li><b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version (February 2018)</b></li> <li><b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options Consultation (LUC, October 2016)</b></li> <li><b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options Consultation (LUC, January 2015)</b></li> </ul>
<p>11. Are you setting out reasons for any preferences between alternatives?</p>	<p>Regulation 8(2)</p>	<p>i. Any reports setting out alternatives and choices considered</p> <p>ii. Supporting</p>	<ul style="list-style-type: none"> <li><b>Shepway District Council Places and Policies Local Plan: Issues and Options document (SDC, January 2015)</b></li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
		documents	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options (SDC, October 2016).</b> Appendix 1 – Alternative Options Considered for Residential</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options (SDC, October 2016).</b> Appendix 2 – Options for Local Green Spaces</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options version</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options version</b> (LUC, January 2015)</li> <li>• <b>SHLAA Site Assessment Forms</b> (SDC)</li> </ul>
12. Have you taken into account any	Regulations 17, 18(3) and 22 (1)	i. Correspondence from those making	<ul style="list-style-type: none"> <li>• <b>Objective (Content, Collaboration and Process Management software for the Public Sector)</b></li> </ul>





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Activity	Statutory requirement	Possible evidence	Evidence Provided
<p>representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>(c) (iv)  Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report</p>	<ul style="list-style-type: none"> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Preferred Options Consultation</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council’s Places and Policies Local Plan – Issues and Options Consultation</b> (LUC, January 2015)</li> </ul>
<p>13. Where sites are to be</p>	<p>Regulations 5</p>	<p>i. Adopted policies</p>	<ul style="list-style-type: none"> <li>• <b>Shepway Local Plan Policies Map</b> (September,</li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
<p>identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> <li>• enable you to amend the currently adopted policies map?</li> <li>• inform the community about the location of proposals?</li> </ul>	<p>(1)(b) and 9</p>	<p>map</p> <ul style="list-style-type: none"> <li>ii. Any reports on proposals to amend the policies map</li> <li>iii. Illustrative material that shows how the policies map will be amended or replaced</li> </ul>	<p>2013) available to view online</p> <ul style="list-style-type: none"> <li>• <b>Updated Shepway Local Plan Policies Map</b> – Available to view online following adoption of Local Plan</li> <li>• <b>‘Proposals Map 2006’ Sheets for 2013 Policies Map</b> (September, 2013)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft</b> (SDC, 2018). Appendix 2 – Schedule of Policies to be deleted</li> </ul>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	<ul style="list-style-type: none"> <li>i. The SCI</li> <li>ii. Consultation statement</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Statement of Community Involvement</b> (SDC, January 2015)</li> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> </ul>



#### **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	Possible evidence	Evidence Provided
1. Have you prepared the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	Sustainability appraisal report	<ul style="list-style-type: none"> <li>• <b>Sustainability Appraisal of Shepway District Council's Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Sustainability Appraisal of Shepway District Council's Places and Policies Local Plan – Preferred Options version</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council's Places and Policies Local Plan – Issues and Options version</b> (LUC, January 2015)</li> </ul>
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35	<ul style="list-style-type: none"> <li>i. Report or record of decisions</li> <li>ii. The statement of community interest</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Places and Policies Local Plan: Issues and Options – Regulation 18 consultation document</b> (Report to Cabinet, January 2015)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Preferred Options – Regulation 18 consultation document</b> (Report to Cabinet, September 2016)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19</b></li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
			<p><b>consultation document</b> (Report to Cabinet, July 2017)</p> <ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – Notification Letter and Public Notice – (F&amp;HDC, July 2018)</li> <li>• <b>Statement of Community Involvement</b> (SDC, January 2015)</li> </ul>
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> <li>• the proposed submission documents?</li> <li>• the statement of the representations procedure?</li> </ul>	<p>Regulation 19(a)</p>	<ul style="list-style-type: none"> <li>i. Copies of the relevant statements</li> <li>ii. Report on where and when made available</li> <li>iii. Record of where and when made available</li> </ul>	<ul style="list-style-type: none"> <li>• The relevant submission documents and representations procedure have been published and made available online to view via the District Council's website; or at the District Council offices and public libraries throughout the District.</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19 consultation document</b> (Report to Cabinet, July 2017)</li> <li>• <b>Statement of Community Involvement</b> (SDC, January 2015)</li> <li>• <b>Consultation statement</b> – Notification Letter and Public Notice – (F&amp;HDC, July 2018)</li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
<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>Record of publication</p>	<ul style="list-style-type: none"> <li>The proposed submission documents and representations procedure, together with any updates on the plan progress, have been published on the webpage: <a href="https://www.folkestone-hythe.gov.uk/planning-policy/places-policies-local-plan-evidence-base-documents">https://www.folkestone-hythe.gov.uk/planning-policy/places-policies-local-plan-evidence-base-documents</a></li> </ul>
<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"> <li>A copy of each of the proposed submission documents</li> <li>The statement of the representations procedure?</li> </ul>	<p>Regulation 19(b)</p>	<ol style="list-style-type: none"> <li>Copies of correspondence</li> <li>Record of sending</li> </ol>	<ul style="list-style-type: none"> <li>A copy of the submission documents and the representations procedure has been sent to the specific consultation bodies invited to make representations under Regulation 18(1) via Microsoft Outlook</li> <li>A copy of the notification letter / email sent are available in the <b>Consultation Statement</b> – (F&amp;HDC, July 2018)</li> </ul>
<p>6. Have you sent to each of the general consultation</p>	<p>Regulation 19(b)</p>	<ol style="list-style-type: none"> <li>Copies of correspondence</li> </ol>	<ul style="list-style-type: none"> <li>Invitations to make representations under Regulation 18(1) have been sent to each of the general</li> </ul>



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Activity	Statutory requirement	Possible evidence	Evidence Provided
<p>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 the documents can be inspected?</li> </ul>		<p>ii. Record of sending</p>	<p>consultation bodies via Microsoft Outlook</p> <ul style="list-style-type: none"> <li>A copy of the notification letter / email sent are available in the <b>Consultation Statement</b> – (F&amp;HDC, July 2018)</li> <li>The documents prescribed under Regulation 22(1) have been published and made available online to view via the District Council's website; or at the District Council offices and public libraries throughout the District.</li> </ul>
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24 Regulation 21</p>	<p>Copies of correspondence</p>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>



## 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	Possible evidence	Evidence Provided
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document?	The Act section 19(1)	<ul style="list-style-type: none"> <li>i. The LDS</li> <li>ii. Explanation of any changes from the milestones set out in the LDS</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Local Development Scheme</b> at commencement (SDC, June 2014)</li> <li>• <b>Shepway District Council Local Development Scheme</b> at publication (SDC, 2016)</li> </ul>





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Activity	Legal requirement	Possible evidence	Evidence Provided
Have the timescales set out in the LDS been met?		iii. Relevant authority monitoring reports	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Local Development Scheme</b> at submission (will be updated before Examination)</li> <li>• <b>Shepway District Council Authority Monitoring Report (2014 – 2015)</b></li> <li>• <b>Shepway District Council Authority Monitoring Report (2015 – 2016)</b></li> <li>• <b>Shepway District Council Authority Monitoring Report (2016 – 2017)</b> – will be updated before Examination</li> </ul>
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	<ul style="list-style-type: none"> <li>i. The sustainable community strategy(ies)</li> <li>ii. Reference to sections of the DPD showing how regard has been had to them</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Dungeness Sustainable Access Strategy (2017)</b></li> <li>• <b>East Kent Local Investment Plan 2011 – 2026 (EKLSP, 2010)</b></li> <li>• <b>Lighting the Way to Success The EKLSP Sustainable Community Strategy (EKLSP, 2009)</b></li> <li>• <b>Romney Marsh Delivery Plan (Regeneris</b></li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
			Consulting, 2014) <ul style="list-style-type: none"> <li>• <b>Sandgate Village Design Statement (2013)</b></li> </ul>
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3)  Regulation 22(1)(c)	i. The SCI ii. The Regulation 22(1)(c) statement	<ul style="list-style-type: none"> <li>• <b>Statement of Community Involvement (SDC, January 2015)</b></li> <li>• <b>Consultation statement – (F&amp;HDC, July 2018)</b></li> </ul>
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues If you have not agreed on	The Act section 33A(1) and section 20(5)	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	<ul style="list-style-type: none"> <li>• <b>Duty to Cooperate Statement - (F&amp;HDC, July 2018)</b></li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
the approach is there a justification?			
5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5)  Regulation 22(1)(a)	Sustainability appraisal report	<ul style="list-style-type: none"> <li>• <b>Sustainability Appraisal of Shepway District Council's Places and Policies Local Plan – Submission version</b> (February 2018)</li> <li>• <b>Sustainability Appraisal of Shepway District Council's Places and Policies Local Plan – Preferred Options version</b> (LUC, October 2016)</li> <li>• <b>Sustainability Appraisal of Shepway District Council's Places and Policies Local Plan – Issues and Options version</b> (LUC, January 2015)</li> </ul>
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	<ul style="list-style-type: none"> <li>i. Correspondence with PINS?</li> <li>ii. PAS Soundness self assessment checklist</li> </ul>	<ul style="list-style-type: none"> <li>• <b>PAS Soundness Self-Assessment Checklist</b> (SDC, 2018)</li> </ul>
7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists?	The Act section 24(1)(a) and 24(4)  Regulation 21	<ul style="list-style-type: none"> <li>i. Correspondence with or representations from Mayor of London (where appropriate)</li> </ul>	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
<p>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>ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place</p>	
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>i. The documents prescribed at Regulation 22(1)</p> <p>ii. Relevant authority monitoring reports</p> <p>iii. Records of the actions undertaken (see below)</p>	<ul style="list-style-type: none"> <li>• The documents prescribed under Regulation 22(1) have been published and made available online to view via the District Council’s website; or at the District Council offices and public libraries throughout the District.</li> <li>• <b>Shepway District Council Authority Monitoring Report (2015 – 2016)</b></li> <li>• <b>Shepway District Council Authority Monitoring Report (2016 – 2017) – will be updated before Examination</b></li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
list of superseded saved policies?			<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft</b> (SDC, 2018). Appendix 2 – Schedule of Policies to be deleted</li> </ul>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 &amp; 22(1)</p>	<p>i. Submission policies map</p> <p>ii. Brief statement if a submission policies map is not required</p>	<ul style="list-style-type: none"> <li>• <b>Shepway Local Plan Policies Map</b> – Available to view online following adoption of Local Plan</li> </ul>
<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>i. The core strategy</p> <p>ii. Documents or reports demonstrating conformity</p>	<ul style="list-style-type: none"> <li>• <b>The Places and Policies Local Plan is consistent with the Adopted Core Strategy</b> (SDC, 2013). The DPD will replace the ‘saved’ Shepway District Local Plan Review (2006) policies.</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft</b> (SDC, 2018). Appendix 2 – Schedule of Policies to be deleted</li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
			<ul style="list-style-type: none"> <li>• <b>Shepway Local Plan Policies Map</b> – Available to view online following adoption of Local Plan</li> </ul>
<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 representations under Regulation 18?</li> <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>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>	<p>i. Consultation statement</p> <p>ii. The Statement as required in Regulation 22(1)(c)</p>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</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</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>	<ul style="list-style-type: none"> <li>• <b>Consultation statement</b> – (F&amp;HDC, July 2018)</li> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19 consultation document</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred</b></li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
were made?			<p><b>Options</b> (Report to Cabinet, July 2017)</p> <ul style="list-style-type: none"> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> </ul>
13. Have you collected together all the representations made under Regulation 28?	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>	Copies of the representations	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19 consultation document</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Preferred Options</b> (Report to Cabinet, July 2017)</li> <li>• <b>Summary of responses to Shepway District Council Places and Policies Local Plan: Issues and Options</b> (Report to Cabinet, September 2015)</li> </ul>
14. Have you assembled the relevant supporting documents?	<p>The Act section 20(3)</p> <p>Regulation 22(1)(g)</p>	All necessary evidence and records of decisions relevant to the DPD	<ul style="list-style-type: none"> <li>• The documents prescribed under Regulation 22(1) have been published and made available online to view via the District Council's website; or at the District Council offices and public libraries throughout the District.</li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
15. Has your council approved the DPD for submission?		Report and resolution of the appropriate council body	<ul style="list-style-type: none"> <li>• <b>Shepway District Council Places and Policies Local Plan: Submission Draft - Regulation 19 consultation document</b> (Report to Cabinet, July 2017)</li> </ul>
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> <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>	The Act section 20(1) and 20(3)  Regulations 22(1) and 22(2)	i. Record of sending  ii. Reasons why documents cannot be sent electronically	<ul style="list-style-type: none"> <li>• <i>To be completed for Submission to SoS</i></li> </ul>
17. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> <li>• The DPD?</li> </ul>	Regulation 22(3)	Record of where and when made available	<ul style="list-style-type: none"> <li>• The documents prescribed under Regulation 22(1) have been published and made available online to view via the District Council's website; or at the District Council offices and public libraries throughout the District.</li> </ul>





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<ul style="list-style-type: none"> <li>The documents prescribed in Regulation 22(1)?</li> </ul>			
<p>18. On your website, have you published the:</p> <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 documents are available?</li> </ul>	<p>Regulation 22(3) and 35(1)(b)</p>	<p>Record of publication</p>	<ul style="list-style-type: none"> <li><i>To be completed for Submission to SoS</i></li> </ul>
<p>19. For each general consultation body invited to make representations under Regulation 18(1),</p>	<p>Regulation 22(3)(b)</p>	<ol style="list-style-type: none"> <li>Copies of correspondence</li> <li>Record of sending</li> </ol>	<ul style="list-style-type: none"> <li><i>To be completed for Submission to SoS</i></li> </ul>



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<p>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>			
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>	<ul style="list-style-type: none"> <li>i. Copies of correspondence</li> <li>ii. Record of sending</li> </ul>	<ul style="list-style-type: none"> <li>• <i>To be completed for Submission to SoS</i></li> </ul>
<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</li> </ul>	<p>The Act section 20 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>	<ul style="list-style-type: none"> <li>• <i>To be completed for Submission to SoS</i></li> </ul>



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Activity	Legal requirement	Possible evidence	Evidence Provided
on the published DPD which have not been withdrawn of these details?			