



**NEWARK & SHERWOOD LOCAL DEVELOPMENT FRAMEWORK**

**Amended Core Strategy**

**Legal Compliance Checklist**

**September 2017**

## **Publication Amended Core Strategy Legal Compliance Checklist (September 2017)**

This legal compliance self-assessment checklist was produced by the Planning Advisory Service (PAS) in April 2013. Newark & Sherwood District Council has completed this checklist to demonstrate that the Local Plan meets the requirements of the relevant legislation.

### **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**

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; and
- 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 early stages

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		Yes, the Amended Core Strategy is identified in the LDS. The LDS was last updated in July 2017 to ensure that it reflects the correct timetable for the production and submission of the Amended Core Strategy.
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3)  Regulation 18	NPPF paras 150, 155 and 157	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.	Community engagement has been programmed into the preparation of the Local Plan through the Statement of Community Involvement (SCI). The SCI was adopted in March 2015.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 -4.26	Regulation 2 defines the general and specific consultation bodies.  The possible evidence may duplicate each other. Only use what you need to.	Yes, the SCI sets out the range of bodies, stakeholders and interested parties that are consulted at each stage of the plan preparation process. Details of the how the consultation on the Amended Core Strategy was carried out are

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				set out in the Statement of Consultation under Regulation 18 and the Regulation 22 Statement of Consultation.
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	The District Council has worked with other local planning authorities and prescribed bodies to ensure that Duty to Co-operate requirements are met. Evidence to demonstrate this can be found within the Statement of Compliance with the Duty to Co-operate, the Statement of Consultation under Regulation 18 and the Regulation 22 Statement of Consultation.
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	The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)	NPPF paras 178 to 181	<p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes</p>	The Council is working closely with the D2N2 Local Enterprise Partnership, to deliver growth particularly on strategic sites around Newark. The Council is also

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
that will have a significant impact on at least two planning areas?	<p>The Act section 20(5)(c).</p> <p>Regulation 4</p>		<p>LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>engaging with the Lowland Derbyshire and Nottinghamshire Local Nature Partnership as they develop their various strategies. It is not anticipated that the Amended Core Strategy review will have any significant impact on the LEP or the LNP but appropriate consultation has been undertaken.</p>
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF paras 158 - 177		<p>Yes. The Integrated Impact Assessment contains detailed baseline information which has been updated as the Local Plan Review has progressed.</p> <p>The Plan Review is supported by a robust and credible evidence base, and various studies and research was commissioned specifically to support the Local Plan Review.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				The Annual Monitoring Report shows the progress towards achieving the policies and targets of the Local Plan.
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	NPPF paras 165 and 167  Strategic Environmental Assessment Guide, chapter 5		Yes, the Integrated Impact Assessment (which incorporates the Sustainability Appraisal) contains detailed baseline information which has been updated as the Local Plan Review has progressed. This has been subject to public consultation as the Local Plan Review has progressed.
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167  SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	Yes, a consultation was held between 5th October 2015 and 16th November 2015 on the Integrated Impact Assessment Scoping Report (which incorporates the Sustainability Appraisal). The statutory environment consultation bodies were included, as they were with later stages.

## 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	Evidence
1. Have you notified: <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	Yes, details of the how the consultation on the Amended Core Strategy was carried out are set out in the Statement of Consultation under Regulation 18 and the Regulation 22 Statement of Consultation. The SCI also explains how the District Council approaches consultation.
2. Are you inviting representations from people resident or carrying out business in your area about	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		Yes, the Council's consultation database includes details of both residents and businesses,

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
the content of the DPD?				in addition to details of specific and general consultation bodies.
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	Yes, details of the how the consultation on the Amended Core Strategy was carried out are set out in the Statement of Consultation under Regulation 18 and the Regulation 22 Statement of Consultation. The stakeholders responsible for the delivery of the strategy have been included in this consultation.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	Yes, the Regulation 22 Statement of Consultation explains how the representations made through the consultation process have been taken into account during the preparation of the Local Plan.
5. Does the consultation contribute to the development and sustainability appraisal of	The Act section19(5)  Regulations 12	NPPF paras 165 – 168  SEA Guide, chapter 3		The Consultation Statement sets out the representations received and how they have contributed to the

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
alternatives?	and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633			development of the Local Plan. The IIA includes the assessment of various alternative approaches. All IIA documentation has been published and made available for consultation alongside the relevant stage of the Local Plan Review.
<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 scale of issues involved in the DPD?</li> </ul>	The Act section19(3)	NPPF para 155		<p>The participation has followed the principles set out in the SCI and has been proportionate to the scale of issues involved.</p> <p>Although there is no current sustainable community strategy in place, the Amended Core Strategy has been produced within the District Council's Strategic Framework, based around the themes of People, Place, Prosperity and Public Service.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <li>• the individuals or bodies invited to make</li> </ul>	The Act section20(3)	NPPF paras 158 - 171	You will need to submit a statement of representations under	Yes, all this information is set out in the Regulation 22 Statement of Consultation.

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>representations?</p> <ul style="list-style-type: none"> <li>• how this was done?</li> <li>• the main issues raised?</li> </ul>	Regulation 17		<p>Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	
<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 issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</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 20 (5)(c)</p>	NPPF paras 178 to 181	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>The Statement of Compliance with the Duty to Cooperate sets out the details of how the District Council has worked together with other public bodies, including neighbouring authorities and the County Council, to ensure that strategic, cross boundary matters have been adequately addressed.</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p>	NPPF paras 178 to 181	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you</p>	<p>The Council is working closely with the D2N2 Local Enterprise Partnership, to deliver growth particularly on strategic sites around Newark. The Council is also engaging with the Lowland Derbyshire</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
	Regulation 4		to engage constructively, actively and on an ongoing basis.	and Nottinghamshire Local Nature Partnership as they develop their various strategies. Both the LEP and the LNP have been consulted throughout the Local Plan Review.
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35  Regulation 34  Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	NPPF paras 165 - 1687  SEA Guide, Chapter 5	It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	Yes, Appendix F of the Amended Core Strategy provides details about this. The formal monitoring of the Core Strategy and other Development Plan Documents takes the form of an Annual Monitoring Report (AMR) which gives an overview of the progress being made in all areas. Separate, more detailed monitoring reports are produced for housing, employment and retail.  Targets have been developed to measure the direct effects of the policies, including national and local indicators.

### **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; and
- 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	Evidence
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182  SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	Yes, different options were considered in the Preferred Approach – Strategy.  The IIA, which incorporates the SA and the SEA, assessed different options at each stage of the Plan-making process. Each of these options was considered against the Integrated Impact Assessment Framework which provided opportunity to evaluate all reasonable policy alternatives.
2. Have you assessed alternatives against: <ul style="list-style-type: none"> <li>• consistency with national</li> </ul>	The Act section19 (2), section 24	NPPF para 151	For London boroughs and local authorities where regional strategies are still in force general conformity is	Ensuring conformity with the National Planning Policy Framework (NPPF) is a key reason for revising and

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
<p>policy?</p> <ul style="list-style-type: none"> <li>• general conformity with the regional spatial strategy where still in force?</li> </ul>			<p>tested formally later but you need to consider it during preparation of the DPD.</p>	<p>amending the Core Strategy.</p> <p>At an early stage of the Local Plan Review the District Council sought advice from the Planning Advisory Service about which aspects of the Core Strategy would need to be amended to ensure compliance with the NPPF. This advice informed the production of the Amended Core Strategy.</p> <p>A Soundness Self-Assessment has been carried out to help ensure that the Amended Core Strategy complies with the NPPF.</p> <p>No Regional Spatial Strategy is currently in place.</p>
<p>3. Are you having regard to (where relevant):</p>	<p>The Act sections 19 (2)</p>		<p>Where the regional strategy has been revoked you should</p>	<p>None of these are relevant.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
<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>and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		record that fact.	
<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>	NPPF paras 181 and 185	.	As described in the Statement of Compliance with the Duty to Cooperate, Newark & Sherwood has a long history of joint working with neighbouring authorities and statutory consultees on strategic planning matters, including work on Structure Plans, presenting evidence at the Regional Plan Examination and more recently working together to ensure that the development needs of the

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>Nottingham Outer Housing Market Area are appropriately identified and met. A close working relationship between neighbouring authorities has been maintained to ensure strategic issues are appropriately addressed. This has resulted in the production of some key evidence documents for the wider area including:</p> <p>Nottingham Outer Joint Strategic Housing Land Availability Assessment Methodology (2008);</p> <p>Nottingham and Nottinghamshire Traveller Accommodation Needs Assessment Methodology (2014);</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>Nottingham Outer Strategic Housing Market Assessment (2015);</p> <p>Nottingham Core and Nottingham Outer Employment Land Forecast Study (2015); and</p> <p>Nottingham Outer Self-Build Register (ongoing).</p> <p>The central element of Newark &amp; Sherwood's joint working relates to its partner authorities in the Nottingham Outer HMA. However the District Council has also been in regular contact with all neighbouring planning authorities and had regular meetings with those who we share joint issues, particularly Bassetlaw District Council and</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				the Nottingham Core.
5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 33A(2)(a), section 33A(6)(a)  The Act section 20 (5) (c)  Regulation 4	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	Yes, as described in the Statement of Compliance with the Duty to Cooperate, and above.
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9).  Regulation 4 (2)	NPPF para 181 and 182		The Council is working closely with the D2N2 Local Enterprise Partnership, to deliver growth particularly on strategic sites around Newark. The Council is also engaging with the Lowland Derbyshire and Nottinghamshire Local Nature Partnership as they develop their various strategies. Both the LEP and

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>the LNP have been consulted throughout the Local Plan Review. The District Council has regard to their activities in line with paragraph 180 of the NPPF.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>• any other local development documents adopted by the council?</li> </ul>	<p>The Act section19(2)</p>			<p>The Amended Core Strategy has been prepared with regard to other strategies and adopted development documents of the District Council.</p> <p>Although there is no current sustainable community strategy in place, the Amended Core Strategy has been produced within the District Council's Strategic Framework, based around the themes of People, Place, Prosperity and Public Service.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> <li>• the local transport plan and transport facilities and services</li> <li>• waste strategies</li> <li>• hazardous substances</li> </ul>	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>The Council maintains regular communication and partnership working with various stakeholders such as Nottingham County Council on issues such as minerals, waste and transport. Co-operation with utilities providers and the Highways Agency ensures that the Council has regard to a wide range of other matters and strategies which have an impact on the District. Each of these stakeholders is notified of the consultation periods and has responded as considered appropriate.</p>
<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>NPPF paras 93 -108</p>		<p>Yes, the Amended Core Strategy addresses climate change in Core Policy 10. Additionally, Policy DM4 of the Allocations &amp; Development Management</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				DPD, and the Wind Energy SPD, deal with related issues.
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182  SEA Guide, Chapter 5	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	Yes, each stage of the Local Plan Review has been accompanied by an Integrated Impact Assessment (IIA) which incorporates the Sustainability Appraisal and also the Strategic Environmental Assessment. These have been put out for consultation, and responses have been taken into account when further stages of the IIA are produced.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include information from the sustainability appraisal.	The Preferred Approach – Strategy sets out why certain alternatives were chosen rather than others. Additionally, the IIA examines alternatives in detail and weighs up their comparative

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				merits against a number of objectives.
<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal?</p> <p>Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 150, 155, 157 and 159-171</p>	<p>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<p>Yes, details of how this has been carried out are set out in the Regulation 22 Statement of Consultation. This includes comments on the Integrated Impact Assessment (IIA) which incorporates the Sustainability Appraisal and the Strategic Environmental Assessment. Each representor is identified in this document.</p> <p>Representations will be available for the public to view, and the District Council has detailed records of every representor, as well as each point made.</p>
<p>13. Where sites are to be identified or areas for the application of policy in the</p>	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and</p>	<p>Yes, The Amended Core Strategy proposes the allocation of land at the</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
<p>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>'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>former Thoresby Colliery, referred to as ShAP 4. There is a requirement to amend the Policies Map to reflect this. The proposed amendments are shown in the Policies Map Amendments document which is available to view on the website.</p> <p>It is intended to alter Edwinstowe's Village Envelope, to include the former Thoresby Colliery site. A consultation event was held in Edwinstowe, with illustrative material to make sure that the community understood the proposals.</p> <p>Further work on sites will form part of the element of the Local Plan Review that deals with the Allocations &amp;</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				Development Management DPD.
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3)  Regulation 18	NPPF paras 150 and 155		Yes, the participation arrangements are compliant with the SCI.

#### 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	Evidence
1. Have you prepared the sustainability appraisal report?	The Act section19(5)  Regulation 12 of the	NPPF paras 165 - 168		Yes, the Integrated Impact Assessment (IIA) incorporates the Sustainability Appraisal and

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
	Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	SEA Guide Chapter 5		also the Strategic Environmental Assessment.
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	<p>Yes, the Amended Core Strategy was out for consultation between 17th July and 1st September 2017. Consultation arrangements were undertaken in accordance with the SCI.</p> <p>Emails or letters were issued notifying everyone on the Council's consultation database of the period of consultation. These included a web-link to the Publication Amended Core Strategy, Representation Form,</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>Statement of Representation Procedure, Representation Guidance Note, Statement of Fact Notice, Regulation 18 Statement of Consultation and supporting evidence base documents.</p> <p>A further email to all interested parties on the consultation database was issued on 4th August 2017 as a reminder of the consultation and deadline for making representation.</p> <p>Notices with details of the consultation were also placed in the local press and on the Council's website. Social media were also used to publicise the consultation.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
<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>	Regulation 19(a)		Regulation 17 gives definitions.	Yes, these documents were made available on the Council's website, and hard copies were placed on deposit at the Council's offices and at libraries throughout the District.
<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>	Regulations 19 and 35		Regulations 2 and 17 give definitions.	Yes.

Activity	Statutory requirement	Guidance reference	Additional notes	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"> <li>• A copy of each of the proposed submission documents</li> <li>• The statement of the representations procedure?</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	Yes, as set out in the Regulation 22 Statement of Consultation.
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• the statement of the representations procedure?</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	Yes, as set out in the Regulation 22 Statement of Consultation.

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
<ul style="list-style-type: none"> <li>where and when the documents can be inspected?</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</p> <p>Regulation 21</p>		<p>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).</p>	<p>This is not relevant.</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	Evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS.  As at January 2013, no further matters are prescribed in the Regulations.	Yes, as set out in the Council's current LDS.
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		Although there is no current sustainable community strategy in place, the Amended Core Strategy has been produced within the District Council's Strategic Framework, based around the

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				themes of People, Place, Prosperity and Public Service.
<p>3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?</p>	<p>The Act section 19(3)</p> <p>Regulation 22(1)(c)</p>		<p>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).</p>	<p>Yes, the consultation has been carried out in line with, and as described in, the SCI.</p>
<p>4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEAs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 181 and 182</p>	<p>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>As described in the Statement of Compliance with the Duty to Cooperate, the District Council has worked with neighbouring authorities on a range of strategic planning matters. The District Council also maintains regular communication and partnership working with Nottingham County Council on issues such as minerals, waste and transport. As well as co-</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>approach is there a justification?</p>				<p>operating and seeking advice from the prescribed bodies, The District Council is working closely with the LEP to deliver growth particularly on strategic sites around Newark, and is also engaging with the LNP as they develop their various strategies. All these bodies have been consulted throughout the Local Plan Review.</p>
<p>5. Has the DPD been subject to sustainability appraisal?  Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)  Regulation 22(1)(a)</p>	<p>NPPF para 165  SEA Practical Guide, chapter 5</p>		<p>Yes, the Integrated Impact Assessment (IIA) incorporates the Sustainability Appraisal and also the Strategic Environmental Assessment.</p>
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<p>Ensuring conformity with the National Planning Policy Framework (NPPF) is a key reason for revising and amending the Core Strategy.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				<p>At an early stage of the Local Plan Review the District Council sought advice from the Planning Advisory Service about which aspects of the Core Strategy would need to be amended to ensure compliance with the NPPF. This advice informed the production of the Amended Core Strategy.</p> <p>A Soundness Self-Assessment has been carried out to help ensure that the Amended Core Strategy complies with the NPPF.</p>
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists?</p> <p>If yes, is there local justification?</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>There is currently no Regional Spatial Strategy in place and the LPA is neither a London borough nor a mayoral development corporation.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<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>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>As set out in the Regulation 22 Statement of Consultation, the District Council has published the prescribed documents, and made them available at the principal office and on the website. The District Council has notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan.</p> <p>There are no saved policies that have been superseded.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<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>Yes, The Amended Core Strategy proposes the allocation of land at the former Thoresby Colliery, referred to as ShAP 4, so it is intended to amend the Policies Map to reflect this. The proposed amendments are shown in the Policies Map Amendments document which is available to view on the website and will be submitted to the Secretary of State.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>The Amended Core Strategy is consistent with the Allocations &amp; Development Management DPD. Superseded Core Strategy polices are identified Appendix E of the Amended Core Strategy.</p>
<p>11. Have you prepared a</p>	<p>The Act section 20</p>		<p>This will bring forward</p>	<p>Yes, the Regulation 18</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>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>(3)</p> <p>Regulation 22(1)(c)</p>		<p>material from the Consultation statement (see Stage 2 above).</p>	<p>Statement of Consultation addresses these matters.</p>
<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>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>Yes, the Regulation 22 Statement of Consultation addresses these matters.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<ul style="list-style-type: none"> <li>that no representations were made?</li> </ul>				
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3)  Regulation 22(1)(e)			All representations have been collected as required.
14. Have you assembled the relevant supporting documents?	The Act section 20(3)  Regulation 22(1)(g)			Yes, all relevant supporting documents have been assembled.
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Yes, submission was approved by Full Council on 26 <sup>th</sup> September 2017.
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following:	The Act section 20(1) and 20(3)  Regulations 22(1)		Regulation 35 deals with the availability of documents and the time of their removal.  Electronic copies of some of	Yes.

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<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>	and 22(2)		<p>the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> <li>• The DPD?</li> <li>• The documents prescribed in Regulation 22(1)?</li> </ul>	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	Yes, all these documents have been made available.
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> <li>• DPD?</li> <li>• submission policies</li> </ul>	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Yes, all this information is available on the District Council's website. The Sustainability Appraisal is incorporated into the

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>map?</p> <ul style="list-style-type: none"> <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>Integrated Impact Assessment.</p>
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> <li>• notification that the documents prescribed in</li> </ul>	<p>Regulation 22(3)(b)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>Yes, the District Council will as soon as reasonably practicable notify the relevant consultation bodies of the submission of these documents to the Secretary of</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>Regulation 22(3)(a)(i)-(iii) are available for inspection</p> <ul style="list-style-type: none"> <li>• where and when they can be inspected?</li> </ul>				State.
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	Yes, the District Council will as soon as reasonably practicable notify persons who have requested to be notified of submission.
<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> </ul>	<p>The Act section 20</p> <p>Regulations 24 and 35</p>			Examination hearing session dates have not yet been confirmed. The District Council will ensure that the Programme Officer carries out the duties necessary.

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<ul style="list-style-type: none"><li>notified those who have made representations on the published DPD which have not been withdrawn of these details?</li></ul>				

