



SD08

Draft Isles of Scilly Local Plan 2015 – 2030

Including Minerals and Waste

Legal Compliance Self-Assessment Checklist



Council of the
ISLES OF SCILLY



planning advisory service Local Plan Legal Compliance Checklist (August 2019)

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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 2012, updated 2019

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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

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

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



Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Isles of Scilly 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		<ul style="list-style-type: none"> i. LDS and updated timetable on the website. ii. The LDS will be updated for future LDD. iii. Full Council agendas and minutes are published with Member approval of amended LDS timetable.
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.	<ul style="list-style-type: none"> i. The SCI was adopted in 2015 which sets out how the consultation methods of the Planning Department, including the Local Plan. ii. The website and consultation database (of which the public are invited to join) are used to publicise events. iii. The community are also written to directly when consultation events are planned. Most recently



Activity	Legal requirement	Guidance reference	Additional notes	Isles of Scilly Evidence
				using the Royal Mail Door-to-Door delivery service.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<ul style="list-style-type: none"> i. The SCI (2015) ii. The Consultation Database includes all statutory consultees iii. Representation statement produced to accompany 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) & (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>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>	<ul style="list-style-type: none"> i. A Statement of Common Ground has been drawn up with Cornwall Council to address strategic transport issues. All of the Transport Links go through Cornwall and no other planning area.



Activity	Legal requirement	Guidance reference	Additional notes	Isles of Scilly Evidence
		Strategic priorities are listed at NPPF Para 156	The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).	
5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e) The Act section 20(5)(c). Regulation 4	NPPF paras 178 to 181	Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156. Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9). Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.	i. The Cornwall and Isles of Scilly LEP and LNP are consulted on the Isles of Scilly Local Plan directly. ii. The Council are represented at both meetings. No specific issues identified with the plan.
6. Is baseline information being collected and evidence being gathered to keep the matters which	The Act section 13	NPPF paras 158 - 177		i. Authority Monitoring Reports. ii. The SHMA and Housing Surveys will be reviewed regularly including an



Activity	Legal requirement	Guidance reference	Additional notes	Isles of Scilly Evidence
affect the development of the area under review?				economic assessment of business needs
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	NPPF paras 165 and 167 Strategic Environmental Assessment Guide, chapter 5		i. Sustainability Scoping Report updated in 2015 and again in 2017. This set out the SA objectives for the area. ii. Sustainability appraisal and HRA report including an Appropriate Assessment have been produced to support the SA requirements of the plan.
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).	Statutory environmental consultation bodies consulted.



Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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



Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Have you notified: <ul style="list-style-type: none"> the specific consultation bodies? the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	i. Representation statement 2019
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		i. Representation Statement 2019. ii. Local Plan Consultation Database. iii. Copies of letters/emails sent out.
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.	i. Representation Statement 2019. ii. Participation in the Housing Partnership Board – 2015-2017.



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				iii. Working with Strategic Development/Housing Colleagues an inputting into the Housing Strategy.
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.	i. Representation Statement 2019. ii. Summary of consultation responses are published following each round of consultation, which set out representations are addressed.
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168 SEA Guide, chapter 3		i. SA report 2018 and 2019



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	<p>The Act section 19(3)</p>	<p>NPPF para 155</p>		<ul style="list-style-type: none"> i. Representation Statement 2019. ii. The SCI
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p>The Act section 20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below. Regulation 35 deals with the availability of documents and the time of their removal.</p>	<ul style="list-style-type: none"> i. Representation Statement 2019. ii. Summary of consultation responses are published following each round of consultation, which set out representations are addressed. iii. Full Council approved the publication of the summary of consultation responses (2018 and 2019)
<p>8. Are you inviting representations on issues that would have significant</p>	<p>The Act section 33A(1)(a) (b)</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-</p>	<ul style="list-style-type: none"> i. Representation Statement 2019.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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>and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>		<p>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>ii. Summary of consultation responses are published following each round of consultation, which set out representations are addressed.</p> <p>iii. Full Council approved the publication of the summary of consultation responses (2018 and 2019)</p> <p>iv. Draft Duty to Co-operate 2018</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<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>i. The Cornwall and Isles of Scilly LEP and LNP are consulted on the Isles of Scilly Local Plan directly.</p> <p>ii. The Council are represented at both meetings. No specific cross-boundary issues identified with the plan.</p>



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
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.	i. Monitoring and implementation framework incorporated within the Pre-Submission Draft Local Plan



Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

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

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
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).	i. SHLAA 2016
2. Have you assessed alternatives against: <ul style="list-style-type: none"> consistency with national policy? general conformity with the regional spatial strategy where still in force? 	The Act section 19 (2), section 24	NPPF para 151	For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.	i. SA Report
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> adjoining regional spatial strategies? 	The Act sections 19 (2) and 24 (1) and (4)		Where the regional strategy has been revoked you should record that fact.	i. None relevant



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	Regulation 10 and 21			
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? 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	.	i. Draft Duty to Co-operate 2019
<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>	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	i. Draft Duty to Co-operate 2019 – work towards the final document has raised issues that would necessitate a widening to include an agreement with Natural England.



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
	Regulation 4			
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		<ul style="list-style-type: none"> i. The Cornwall and Isles of Scilly LEP and LNP are consulted on the Isles of Scilly Local Plan directly. ii. The Council are represented at both meetings. No specific cross-boundary issues identified with the plan.
7. Are you having regard to: <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area comprises part of the area of the council? • any other local development documents adopted by the council? 	The Act section 19(2)			<ul style="list-style-type: none"> i. Smart Islands Partnership, of which the CIOS are a partner.



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<ul style="list-style-type: none"> i. Representation Statement 2019. ii. Draft Duty to Co-operate 2018 iii. Self-Assessment Checklist 2019
<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>Section 1 of the Draft Plan sets out the need to underpin all development with the Principles of Sustainable Development.</p>
<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</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<ul style="list-style-type: none"> i. SA Report (2015/2018/2019) ii. SA Report 2015 – Summary of Consultation Responses (2017/2018/2019)



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
	Programmes Regulations 2004 No 1633			
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.	i. SA Report (2019) section 4 sets out an assessment of alternatives and options
12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?	Regulations 17, 18(3) and 22 (1) (c) (iv) Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	i. Representation Statement 2019. ii. Summary of consultation responses are published following each round of consultation, which set out representations are addressed. iii. Full Council approved the publication of the summary of consultation responses (2018 and 2019)
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing	Regulations 5 (1)(b) and 9	NPPF para 157	Regulation 2 defines the terms 'submission' and 'adopted' proposals map.	i. Submission policies map ii.



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
sufficient illustrative material to: <ul style="list-style-type: none">• enable you to amend the currently adopted policies map?• inform the community about the location of proposals?			A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.	
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		i. The SCI ii. Consultation statement



Stage four: Publication

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

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

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

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

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

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

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

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



Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Have you prepared the sustainability appraisal report?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168 SEA Guide Chapter 5		Sustainability appraisal report including addendum report and non-technical summary .
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	i. Record of decisions: http://www.scilly.gov.uk/planning/local-plan-local-planning-policies/local-plan-examination-library-news ii. The statement of community involvement iii. Record of Consultations events during local plan preparation: http://www.scilly.gov.uk/planning-development/local-plan-review
3. Have you made copies of the following available for inspection:	Regulation 19(a)		Regulation 17 gives definitions.	i. Website records Reg 19 consultation proposed submission documents:



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? 				<p>http://www.scilly.gov.uk/local-plan-consultation-2019</p> <ul style="list-style-type: none"> ii. Report on where and when made available: here (Agenda Item 9). iii. Representation procedure set out clearly on each consultation page of the website (2015, 2018, 2019), Statement of Community Involvement here iv. Representation/Consultation Statement:
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	<p>Regulations 19 and 35 (availability of Documents)</p>		<p>Regulations 2 and 17 give definitions.</p>	<ul style="list-style-type: none"> I. Record of publication II. Statement of Representation Procedure III. Guidance Notes for Representations were available in hard copies at the deposit venues and in electronic format on the website.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<ol style="list-style-type: none"> I. Record of publication II. Statement of Representation Procedure III. Guidance Notes for Representations were available in hard copies at the deposit venues and in electronic format on the website.
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 	<p>Regulation 19(b) (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to</p>		<p>Regulations 2 and 17 give definitions.</p>	<ol style="list-style-type: none"> I. Record of publication II. Statement of Representation Procedure III. Guidance Notes for Representations were available in hard copies at the deposit venues and in electronic format on the website



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
	make representations under regulation 18(1).			
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	The Act section 24 Regulation 21		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	Not Applicable



Stage five: Submission

At the submission stage, the council should receive and collate any representations made at publication stage. You don't have to report these representations to councillors but there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered. Or you might just think it is a good idea to report on it anyway.

If they are reported it should be on the facts of the representations made, not the results of a consultation process by the council. They should not be treated as a consultation or an opportunity to make changes or answer representations. NB: under the 2012 Regulations there is no longer any requirement to give notice by local advertisement.

You should ensure you are in legal compliance with the SCI, the Habitats Directive and the Strategic Environmental Assessment Directive in any additional work. Any formal publication of additional or changed matters would need to allow at least a six-week period for representations to be made.

There are different approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements if any changes are made (and any consequential effects on the DPD as a whole).

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission.

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
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)		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.	i. An updated Local Plan Timetable was approved by Full Council in June 2019 . LDS 8 . This has been made available on the authority's website



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
Have the timescales set out in the LDS been met?				<ul style="list-style-type: none"> ii. Report to Full Council on the Amended Submission Draft Isles of Scilly Local Plan (Agenda Item 12) including explanation for slippage: here iii. Relevant authority monitoring reports
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182		<ul style="list-style-type: none"> i. The Community Strategy 2005-2020 (2005) ii. Reference to sections of the DPD showing how regard has been had to them: sections referenced include the Spatial Strategy, Spatial Planning Vision, Key Challenges and Issues and through the on Sustainable Scilly section.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met	<ul style="list-style-type: none"> i. The SCI ii. The Regulation 22(1)(c) statement

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			the regulations (as amended).	
<p>4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 181 and 182</p>	<p>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>Statement of common Ground with Cornwall Council including a Memorandum of Understanding with respect to Minerals Planning.</p> <p>Statement of Common Ground with Natural England with regard to agreed ways forward on measures to reduce impacts of recreational pressure.</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)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>Sustainability appraisal report</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		<ul style="list-style-type: none"> i. Soundness Self-Assessment Checklist ii. Officers responsible for the Local Plan preparation met with PINS to discuss the Plan in May 2018
7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification? If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?	The Act section 24(1)(a) and 24(4) Regulation 21	NPPF para 218 footnote 41	In London the requirement is for general conformity with the spatial development strategy (The London Plan).	<ul style="list-style-type: none"> i. RSS for the SW was revoked in 2012 following the Localism Act 2013.
8. Has the council published the prescribed documents, and made them available	The Act section 20(2), 20(3) and 20(5)(b)	NPPF para 182	Requirements relating to publication of the	<ul style="list-style-type: none"> i. Prescribed documents published and made available at the Council's



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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>Regulations 8 and 19</p>		<p>prescribed documents are listed later in this table.</p>	<p>main office on St Mary's and the deposit venues as well as on the Council's website</p> <p>ii. Relevant authority monitoring reports</p> <p>iii. All policies within the Isles of Scilly Local Plan: A 20:20 Vision will be superseded.</p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>			<p>i. Submission policies map</p> <p>ii. Brief statement if a submission policies map is not required</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to</p>	<p>Regulation 8(3) and (4)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>i. All policies within the adopted Isles of Scilly Local Plan: a 20:20 Vision (2005) will be superseded. There</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
supersede any adopted development plan policies, does it state that fact and identify the superseded policies?	Regulation 8(5)			are no other DPDs for the local planning authority area.
11. Have you prepared a statement setting out: <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 	The Act section 20 (3) Regulation 22(1)(c)		This will bring forward material from the Consultation statement (see Stage 2 above).	i. Consultation/Representation statement ii. SCI
12. Have you prepared a statement giving: <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? OR	The Act section 20(3) Regulation 22(1)(c)			The Statement as required in Regulation 22(1)(c)



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> that no representations were made? 				
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 22(1)(e)			A schedule of representations was published on the Council's website.
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			All relevant supporting documents made available electronically on the Authority's website (Examination Library). Paper copies of the Submission Documents have been assembled to be made available for inspection by the public and for submission to the Secretary of State.
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.	The Publication/Submission Draft Local Plan and associated documents were approved for submission at Full Council in July 2019 (Agenda Item 12).
16. Have you sent the Secretary of State (the Planning Inspectorate)	The Act section 20(1) and 20(3)		Regulation 35 deals with the availability of	Yes – paper and electronic copies of the submission documents and core evidence (primary evidence documents)



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? 	<p>Regulations 22(1) and 22(2)</p>		<p>documents and the time of their removal.</p> <p>Electronic copies of some of 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>have been submitted to the Secretary of State and a letter with links to the appropriate pages of the Authority's website.</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"> • The DPD? • The documents prescribed in Regulation 22(1)? 	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Submission documents to be made available at the Authority's main offices and on the Authority's website. Notification of the Local Plan submission will be made at other locations, deposit venues, where the Publication draft documents were made available.</p>
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> • DPD? 	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Yes</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 				
<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"> • notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	This will be undertaken as soon as reasonably practicable after submission to the Secretary of State.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> where and when they can be inspected? 				
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	This will be undertaken as soon as reasonably practicable after submission to the Secretary of State.
21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <ul style="list-style-type: none"> published the time and place of the examination and the name of the person appointed to carry out the examination on your website? notified those who have made representations on the published DPD which have not been withdrawn of these details? 	The Act section 20 Regulations 24 and 35			This will be undertaken once the information is available to publish on the website, and to ensure that those who have made representations on the Publication Draft Local Plan are notified.