

Bolsover District Council – Legal Compliance Checklist August 2018

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

AMR means Annual Monitoring Report (Now Authority Monitoring Report)

Documents to refer to in **red**

STAGE ONE: THE EARLY STAGES

Where the 'possible evidence column refers to a documents 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 were 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 Evidence	Evidence Provided
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	Relevant Committee reports available on request	The 5 th LDS which came into force on 17 th October 2014 set out the timetable for the production of the Local Plan for Bolsover District Plan from commencement. It is also identified in the adopted LDS which was adopted on 14 th March 2018 prior to publication and submission of the Local Plan. Progress on the milestones in the LDS has been monitored and reported on annually through the AMR.
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	Use SCI if up-to-date. If not set out any changes to community engagement as a result of changes in legislation.	The SCI outlines how community engagement will be approached through the plan making process. The SCI is up to date, having its latest factual update in October 2017.
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.	The Councils Local Plan Consultation Database contains details of all of the specific and general consultation bodies the council has consulted with. This includes all of the specific consultation bodies identified in Regulation 2. The SCI outlines the specific and general bodies in the Local Plan Consultation Database. Statements of Consultation have been published following each stage of Consultation on the Local Plan between the start of the Development of the

Activity	Legal Requirement	Guidance Reference	Additional Evidence	Evidence Provided
				new Local Plan in 2014, and the Publication Local Plan in 2018.
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 - 181 (which cover 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. 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>	<p>In respect of other local planning authorities, the Council has worked with a range of groups at regional and sub- regional level (for example, the Local Plan Liaison Group; Derbyshire Planning Policy Officers Group; The Sheffield City Region Policy Officers Group). In addition, the Council has worked with the county council, and has held a series of meetings with neighbouring planning authorities to ensure that any emerging strategic matters or cross boundary issues are identified as they emerged as work on respective Local Plans progressed in order to identify strategic matters, and cross boundary issues arising from strategic priorities.</p> <p>Co-operation has also taken place with prescribed bodies as any issues have emerged. The outcomes of this work are set out in the Councils Statement of Duty to Co-operate.</p> <p>Work in relation to identifying issues and strategic priorities that will have a significant impact on at least two planning areas has led to a number of shared evidence base studies/documents, and three Statements of Common Ground.</p>

Activity	Legal Requirement	Guidance Reference	Additional Evidence	Evidence Provided
5. How will you 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 (3)(d) and (e) The Act section 20(5)(c).	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.	Bolsover District lies within two LEP areas – D2N2 and Sheffield City Region. The District is also located within the Lowland Derbyshire and Nottinghamshire LNP. Through Sheffield City Region Heads of Planning meetings (from which briefings are prepared for members of the Sheffield Local Enterprise Partnership Board). Through the identification of specific sites. The Council has had regard to the activities to the LEP's Strategic Economic Plans, and are satisfied that the Local Plan reflects this. The Statement of Duty to Co-operate sets out the processes, actions and outcomes that have been identified with the LEPs and the LNP.
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development	The Act section 13	NPPF paras 158 - 177	The Council also continually updates and reviews baseline information. New studies/information added to the evidence base is set out annually in the AMR .	The Council commissioned and prepared a number of studies (including some joint studies) to help inform the Local Plan. These studies make up the evidence base and have been submitted to the Secretary of State as part of the examination library.

Activity	Legal Requirement	Guidance Reference	Additional Evidence	Evidence Provided
of the area under review?				
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	The Council also continually updates and reviews baseline information. New studies/information added to the evidence base is set out annually in the AMR .	Baseline information was outlined in the SA Scoping Report (2015) and Sustainability Appraisal Report.
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).	The statutory environment consultation bodies were notified and consulted on the SA Initial Scoping Report between 22 nd May and 3 rd July 2015. The comments received are included in Appendix A – Schedule of Consultation Responses, of the Sustainability Appraisal .

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 Provided
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.	The specific and general consultation bodies are on the Local Plan Consultation Base. They have been consulted at all stages of consultation (either by letter or e-mail) and invited to make representations. A Statement of Consultation has been provided for the later stages of consultation setting out the process for setting up the consultation and the responses.
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		Residents and businesses who expressed an interest in the Local Plan have been added to Local Plan Consultation Database. Everyone on the Local Plan Consultation Database has been consulted.
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.	Through the preparation of the Local Plan the council has engaged with the statutory consultees, landowners/developers and infrastructure providers. Development of the Infrastructure Study and Delivery Plan plays a significant role in this.
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	In the SCI the Council has outlined that all representations made will be considered and taken into account in further preparation of the Local Plan.

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
			representations into account.	In each Statement of Consultation a response from the Council is given to the issues raised and how it will be taken into consideration.
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168 SEA Guide, chapter 3	Report back to the Local Plan Steering Group on the representations received has led to changes being made to the Plan.	After each consultation the responses have been taken into account by the following stage of the SA . Alternative spatial strategies and housing growth scenarios have been previously considered as part of the consultations in 2015 and 2016. The reasonable alternatives considered through the process have been considered through the appropriate site selection process. All sites which have been put forward through the Land Availability Assessment (LAA) process have been considered through the appropriate site selection process through the SA.
6. Is the participation: • 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?	The Act section 19(3)	NPPF para 155	The Statement of Consultation for each major consultation considers all that was done in the consultation.	Participation took place in line with the principles set out in the SCI . The last factual update to the SCI was made in October 2017. The initial stages of the Local Plan had regard to the Sustainable Community Strategy 2006-2020 . The requirement on LPA's to produce a Sustainable Community Strategy was repealed in March 2015 under Section 100 of the Deregulation Act 2015 (after this PAS guidance was produced). The Local Plan is a single, district wide Local Plan. As such the Council has sought to engage widely, both across the district, and with a full range of stakeholders, together with local residents.

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
7. Are you keeping a record of: <ul style="list-style-type: none"> • The individuals or bodies invited to make representations? • How this was done? • The main issues raised? 	The Act section 20(3) Regulation 17	NPPF paras 158 - 171	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.	Copies or all representations and relevant correspondence received during consultations are kept by the Council. All representations from each stage of the Local Plan are available to view online and the most recent Statement of Consultations are available at libraries in the District. Web links to the representations on the Local Plan are provided on the examination page. The main issues of each consultation are also outlined in each statement of consultation.
8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9) The Act section 20 (5)(c)	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively,	The Council has consulted and held meetings with neighbouring planning authorities and the county Council and other bodies to discuss cross-boundary issues with implications for the Local Plan in line with the Duty to Co-operate. There have not been any cross boundary proposals from other LA's which require consultation on within this district. .

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
prescribed under Section 33A (1)(c)?			actively and on an ongoing basis.	
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	The Act section 33A(1)(c) and Section 33A(9). The Act section 20(5) (c). Regulation 4	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	The D2N2 Local Enterprise Partnership and the Sheffield City Region Local Enterprise Partnership have been consulted in the preparation of the Local Plan. The Lowland Derbyshire and Nottinghamshire Nature Partnership have been consulted in the preparation of the Local Plan. Responses received are available to view in the Statement of Consultations and on the online consultation database.
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	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	Chapter 10 and Appendix 10.2 of the Local Plan outline how the Local Plan will be monitored and what the indicators will be for each policy. The monitoring framework will be the basis of future AMRs once the Local Plan has been adopted.

<i>Activity</i>	<i>Legal Requirement</i>	<i>Guidance Reference</i>	<i>Additional Notes</i>	<i>Evidence Provided</i>
	Regulations 2004 No1363		legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	

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	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
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).	Reasonable alternatives to the spatial strategy and development allocations have been assessed through the Sustainability Appraisal through previous consultation stages. The reasonable alternatives considered are set out in the Consultation Draft Local Plan (October 2016) .
2. Have you assessed alternatives against: • 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.	The Local Plan has been drafted to comply with the NPPF (March 2012) and has been reviewed against the NPPF using the Soundness Self-Assessment Checklist . Each potential development site was assessed during the Land Availability Assessment (LAA) against consistency with national policy. The East Midlands Regional Plan was revoked in April 2013.
3. Are you having regard to (where relevant): • Adjoining regional	The Act sections 19 (2) and 24 (1) and (4) Regulation 10 and 21		Where the regional strategy has been revoked you should record that fact.	The East Midlands Regional Plan was revoked in April 2013. The Yorkshire and Humber Plan (Regional Spatial Strategy) has been revoked. The other policies/strategies for London, Wales and Scotland are not relevant to Bolsover District.

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
spatial strategies? <ul style="list-style-type: none"> • The spatial development strategy for London, • Planning Policy for Wales? • The National Planning Framework for Scotland? 				
4. Are you co-operating with other local planning authorities including counties to address significant cross boundary issues? Have you discusses doing joint local development documents?	The Act section 33A(2)(a) Section 33A(6)(a)(b) Section 20(5) (c)	NPPF paras 181 and 185	<ul style="list-style-type: none"> • The Act section 33A(2)(a) • Section 33A(6)(a)(b) • Section 20(5) (c) 	<p>Co-operation has been carried out as set out in the Statement of Duty to Co-operate. The Council has co-operated with neighbouring local planning authorities through the preparation of the Local Plan.</p> <p>Consideration was given to undertaking a joint Plan with North East Derbyshire District Council in 2014, however this was discounted due to the different progress and timescale between the two authorities.</p>

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
5. Are you co-operating 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)	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	The Statement of Duty to Co-operate demonstrates for the whole Plan preparation process how the District Council has met the requirement to work with neighbouring authorities and public bodies to resolve any cross boundary issues.
6. Are you co-operating 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 D2N2 Local Enterprise Partnership and the Sheffield City Region Local Enterprise Partnership have collaborated in the preparation of the Local Plan. Regard has been had to each LEP Strategic Economic Plan. The Lowland Derbyshire and Nottinghamshire Local Nature Partnership has collaborated in the preparation of the Local Plan.
7. Are you having regard to: • Your sustainable community strategy or of other	The Act section 19(2)		No longer relevant	Requirement on LPA's to produce a Sustainable Community Strategy was repealed in March 2015 under Section 100 of the Deregulation Act 2015 (after this PAS guidance was produced). The initial stages of the Local Plan had regard to the Sustainable Community Strategy 2006-2020 . The Council has not adopted other DPD's currently.

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
<p>authorities whose are comprises part of the area of the council?</p> <ul style="list-style-type: none"> • Any other local development documents adopted by the council? 				
<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>	<p>The Council has consulted and engaged with all relevant bodies including Derbyshire County Council throughout the preparation of the Local Plan.</p> <p>Policies have been included on the local economy (Chapter 6), local transport improvement schemes (ITCR9) and hazardous substances (SC15) in the Local Plan.</p>
<p>9. Are you having regard to the need to</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 -108</p>		<p>Policies have been included on Sustainable Design and Construction (SC2), Renewable and Low Carbon Energy (SC6) as well as policies on environmental, air and water</p>

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
include policies on mitigating and adapting to climate change?				quality (SC11-13). There is a policy on flood risk (SC7); a policy (SC9) which aims to improve the physical and natural sustainability of the area in the face of biodiversity loss and climate change, and a policy (ITCR10) on Supporting Sustainable Transport patterns.
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.	The Sustainability Appraisal process has reviewed the suitable alternative options. Through each consultation the SA has also been consulted on and the responses are available in each Statement of Consultation and the Sustainability Appraisal report .
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 justification for the chosen approach is outlined in the Sustainability Appraisal , as are the site allocation appraisals.
12. Have you taken into account any representations made on the content of the DPD and	Regulations 17, 18(3) and 22 (1) (c) (iv) Regulation 13(4) of The Environmental	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment made under the	Within the SCI the Council has outlined that all representations made will be considered and taken into account in the further preparation of the Local Plan. In each Statement of Consultation a response from the Council is given to the issues raised and how it will be taken into consideration. Summaries of all representations

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
the sustainability appraisal Are you keeping a record?	Assessment of Plans and Programmes Regulations 2004 No 1633		Habitats Directive.	received on the consultation are available to view in the Statement of Consultation and on the online database.
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to: • Enable you to amend the currently adopted policies map? • Inform the community about the location of proposals?	Regulations 5 (1)(b) and 9	NPPF para 157	Regulation 2 defines the terms 'submission' and 'adopted' proposals map. A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.	The Policies Maps have been published alongside the Publication Local Plan, and comments can be made on each map. The maps have been made available at the libraries and contact centres within the District, as well as online and at the council offices. The maps were available for the public to view at the consultation events. The maps outline which sites have been allocated for development in the plan, where sites have not been allocated but do have planning permission and the strategic sites within the District.
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		The consultation stages and other informal consultations meet the requirements of Regulation 18 of the Town and Country Planning (Local Development)(England) Regulations 2012 and the Council's Statement of Community Involvement.

Activity	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
				These are demonstrated in the Submission (Regulation 22) 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	Legal Requirement	Guidance Reference	Additional Notes	Evidence Provided
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		The Council has prepared a Regulation 19 Sustainability Appraisal and it was consulted on it alongside the LPfBD.
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in</p>	<p>The Statement of Consultation for the Publication Local Plan outlines how the representations on the Publication Local Plan were sought, in relation to legal compliance and soundness.</p> <p>The consultation period was published on the Council's website, in the district newspaper, in the documents available at the libraries and contact centres as well as in the letters and emails sent to respondents already in the Council's consultation database.</p>

			Regulation 17.	
<p>3. Have you made copies of the following available for inspection:</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? 	Regulation 19(a)		Regulation 17 gives definitions.	<p>The proposed submission documents made available for inspection at the Council offices, libraries and contact centres were the:</p> <p>Publication Local Plan for Bolsover District Policies Maps for the Publication Local Plan Sustainability Appraisal Habitats Regulation Assessment Statement of Consultation for the Consultation Draft Local Plan Statement of Representations Publication Local Plan – Representation Form Publication Local Plan – Guidance Note</p>
<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? 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	<p>All of the Publication Local Plan documents and the statement of representations procedure which details where and when documents can be inspected have been available on the Council's website.</p>
<p>5. Have you sent to each of the specific consultation bodies invited to made representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>The Statement of Representation Procedure and Availability of Documents was sent to all of the specific consultation bodies. All of the proposed submission documents and statements were published on the Council's website.</p>

<ul style="list-style-type: none"> • The statement of the representations procedure? 				
<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? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	The Statement of Representation Procedure and Availability of Documents was sent to all of the general consultation bodies on the consultation database. All of the proposed submission documents and statements were published on the Council's website.
<p>7. Have you requested the opinion on the general conformity of the DPD spatial development strategy?</p>	The Act section 24 Regulation 21		Request must be made on the day you publish the documents under Regulation 19(a)	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	EVIDENCE PROVIDED
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? 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.	An updated LDS was published by the Council in March 2018 prior to consultation on the Publication Local Plan. The listing and description of the Local Plan is in accordance with the LDS. The progress on the production of the Local Plan is in line with the timescales set out in the updated LDS. The submission is roughly one month later than the LDS timetabled, as agreed with PINS and MHCLG
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		The initial stages of the Local Plan had regard to the Sustainable Community Strategy 2006-2020. However, the requirement on LPA's to produce a Sustainable Community Strategy was repealed in March 2015 under Section 100 of the Deregulation Act 2015 (after this PAS guidance was produced).
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as	The act section 19(3) Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations,	The Local Plan is in compliance with an up to date SCI and the consultations on the Local Plan were carried out in accordance with the requirements set out in the SCI. The Submission Statement of Consultation (Regulation 22) sets out how the consultation

described in the SCI?			you may need to set out how the community engagement that you carried out met the regulations (as amended).	has been in line with the SCI and national regulations.
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 cooperated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	<p>Co-operation with neighbouring local planning authorities, county councils, LEPs, LNP and prescribed bodies has taken place at all stages of the Local Plan preparation. The co-operation and issues raised are outlined in the Duty to Co-operate Compliance Statement and three Statements of Common ground:</p> <ul style="list-style-type: none"> • North Derbyshire and Bassetlaw Housing Market Area Joint Statement of Common Ground. • Joint Statement of Common Ground in Respect of the Former Coalite Chemical Works • Mansfield and Bolsover District Council's Joint Statement of Common Ground

addressing any strategic cross-boundary issues. If you have not agreed on the approach is there a justification?				
5. Has the DPD been subject to sustainability appraisal? Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5) Regulation 22(1)(a)	NPPF para 165 SEA Practical Guide, chapter 5		From the start of the plan preparation process a detailed Sustainability Appraisal has been undertaken to inform successive stages of the Plan. The Sustainability Appraisal (Regulation 22) Report outlines the findings of the SA process.
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		The Local Plan is considered to be consistent with national policy in the National Planning Policy Framework, March 2012.
7. Does the DPD contain any policies or proposals that are not in general conformity with	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	The East Midlands Regional Plan was revoked in April 2013.

the regional strategy where it still exists? If yes, is there local justification?			strategy (The London Plan).	
8. Has the council published the prescribed documents, and made them available at their principal offices and their website? Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan? Does the DPD contain a list of superseded saved policies?	The Act section 20(2), 20(3) and 20(5)(b) Regulations 8 and 19	NPPF para 182	Requirements relating to publication of the prescribed documents are listed later in this table.	Consultation has been carried out in line with the SCI which outlines where the submission documents will be available to view. The Submission documents will be available at the libraries and contact centres in the District as well as online, and all other evidence base documents will be available online. A letter or email will be sent to all consultation bodies on the online consultation database which includes general and specific consultation bodies. Paragraph 1.7 in the Publication Local Plan for Bolsover District outlines that once adopted the Local Plan will form the key part of the Development Plan for Bolsover District, meaning it will replace the saved policies of the 2000 Local Plan.
9. Are there any policies applying to	Regulations 5(1)(b), 9(1), 17 & 22(1)			The Policies Maps which accompany the Publication Local Plan for Bolsover District have been provided for submission.

<p>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>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 Local Plan is the only Development Plan Document to be prepared for Bolsover District to date. Once adopted the Local Plan will replace the 2000 adopted Local Plan and therefore all existing saved policies will be superseded.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement</p>	<p>The Statement of Consultation for Submission (Regulation 22) sets out which bodies and persons were invited to make representations under Regulation 18, how they were invited to make representations and a summary of the main issues raised and how the representations</p>

<p>were invited to make representations under Regulation 18?</p> <ul style="list-style-type: none"> • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 			(see Stage 2 above).	have been taken into account when preparing subsequent updates to the Local Plan.
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • The number of representations made under Regulation 22? • A summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • That no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>The Statement of Consultation for Submission (Regulation 22) sets out how many representations were received on consultation on the Publication Local Plan as well as the consultations prior to that stage. The document also outlines the main issues raised from each consultation on the Local Plan, including the main issues raised from consultation on the Publication Local Plan.</p>
<p>13. Have you collected together all the representations</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>The Submission Statement (Regulation 22) which will be available at the Council's offices and website, includes summaries of the representations made under Regulation 20. The</p>

made under Regulation 28?				Council has also put together a Schedule of Representations .
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			A referenced library has been made available on the Council's website which contains all the relevant supporting documents which have supported the production of the Local Plan. The Index of Documents sets out all of the documents which comprise the library for examination.
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.	<p>At a Planning Committee meeting on Wednesday 18th April 2018 the committee resolved to delegate responsibility to the Chief Executive Officer, in consultation with the Leader of the Council and Chair of the Planning Committee, for approving the submission of the Local Plan and associated supporting documents to the Secretary of State following consultation on the Publication Local Plan.</p> <p>The agenda and minutes of the meeting are available on the Council's website:</p> <p>http://web.bolsover.gov.uk/reportsagendas/PDF/Reports/report20435.pdf</p> <p>http://web.bolsover.gov.uk/reportsagendas/Reports/report20575.pdf</p> <p>On 30th August 2018, delegated approval was given to authorise the submission of the Local Plan and associated supporting documents to the Secretary of State in line with Planning committee minute No. 0744, 18th April 2018.</p>

<p>16. Have you sent the Secretary of State (the Planning Inspectorate) 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>The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)</p>		<p>Reg 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and supporting documents may not be practicable.</p>	<p>On 31st August 2018, the Secretary of State was sent a letter along with the relevant documentation as listed in Regulation 22(1) electronically at submission.</p> <p>The Town and Country planning (Local Planning) (England) (Amendment) Regulations 2017 has removed the requirement to send information to the Secretary of State in paper format.</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 	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>The Publication Local Plan and supporting documents which are prescribed in Regulation 22(1) have been made available at the libraries and contact centres within the District as well as at the Council offices and website.</p> <p>The documents made available are;</p> <p>The Publication Local Plan for Bolsover District Policies Maps for the Publication Local Plan Sustainability Appraisal Report Consultation Statement for Submission (Regulation 22)</p>

Regulation 22(1)?				
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> • DPD • 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? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	All of the relevant documentation required under Regulation 22(3) will be made available on the Council's website through the Planning Policy pages as soon as reasonably practicable after submission.
19. For each general consultation body invited to make	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after	The Council will send a letter informing the consultation bodies specified under Regulation 18(1) that the Council has submitted the Local Plan to the Secretary of State with details of where and when the documents will be available.

<p>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 • Where and when they can be inspected? 			<p>submitting to the Secretary of State.</p>	
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>The Council will send a letter informing those who have requested to be notified of submission on the online Consultation Database that the Council will be submitting the Local Plan to the Secretary of State with details of where and when the documents will be available.</p>
<p>21. If an examination is being held, at least six weeks before its opening has</p>	<p>The Act section 20 Regulations 24 and 35</p>			<p>A Programme Officer has been appointed. These requirements will be completed by the Programme Officer in due course.</p>

<p>the Programme Officer:</p> <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 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? 				
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