



Local Plan Legal Compliance Checklist (April 2013)

This checklist has been updated for PAS by SNR Denton. It supersedes the previous checklist and is based on **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**. It should be used with the Soundness Self Assessment Checklist (also updated January 2013).

Remember that the evidence you provide to support your plan should be relevant and proportionate. Please don't use this checklist as a reason to assemble more than is needed.

Glossary:

"Act" means the **Planning and Compulsory Purchase Act 2004 (as amended)**

"NPPF" means the **National Planning Policy Framework** published March 2012

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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	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		<p>The intention to produce a new Local Plan was first set out in the LDS adopted July 2013, with a proposed timetable for production culminating in adoption in November 2016.</p> <p>The most up to date LDS with revised milestones is adopted November 2016.</p> <p>PP001: Local Development Scheme November 2016</p>
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.	<p>Community engagement procedures are set out in the Statement of Community Involvement, adopted March 2014.</p> <p>PP002: Statement of Community Involvement, March 2014</p>
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 SCI (March 2014) considers this in general terms.

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
			<p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>The Council has a consultation list of groups and individuals, covering general and specific consultation bodies, which is kept up to date.</p> <p>PP002: Statement of Community Involvement, March 2014</p>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>A Duty to Co-operate Scoping Strategy was produced in December 2016 setting out the key issues, relevant partners including other local planning authorities and considering how this will be undertaken.</p> <p>There is also a Memorandum of Understanding between the six Berkshire Unitary Authorities on Strategic Planning, signed in 2014, which sets the context for engagement across Berkshire.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				PP008: Duty to Co-operate Scoping Strategy EV001: Duty to Co-operate Statement
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.	A Duty to Co-operate Scoping Strategy was produced in December 2016 setting out the key issues, relevant partners including the local LEP and LNP and considering how this will be undertaken. PP008: Duty to Co-operate Scoping Strategy
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section 13	NPPF paras 158 - 177		Overall baseline information has been collected within the Sustainability Appraisal Scoping Report (finalised September 2014). Other information is being

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				<p>collected as part of a variety of technical studies including a SHMA, EDNA, retail study etc.</p> <p>PP003: Sustainability Appraisal Scoping Report, 2014</p>
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section 19(5)</p>	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<p>Overall baseline information has been collected within the Sustainability Appraisal Scoping Report (finalised September 2014).</p> <p>PP003: Sustainability Appraisal Scoping Report, 2014</p>
<p>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?</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>NPPF paras 165 and 167</p> <p>SEA Guide chapter 3</p>	<p>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</p>	<p>The Sustainability Appraisal Scoping Report was subject to consultation between 26th November 2013 and 24th January 2014, including with the statutory environment consultation bodies.</p> <p>7 responses were received, including from all three statutory bodies</p>



Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				(Environment Agency, English Heritage ¹ and Natural England). PP003: Sustainability Appraisal Scoping Report, 2014

¹ Now Historic England



Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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



Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
1. Have you notified: <ul style="list-style-type: none"> • 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.	<p>Two consultations were carried out under Regulation 18 – Issues and Options (Jan 16) and Draft Local Plan (May 17). The specific and general consultation bodies were consulted.</p> <p>The relevant Statements of Consultation list the bodies consulted at each stage.</p> <p>LP012: Statement of Consultation on Draft Local Plan LP015: Statement of Consultation on Issues and Options</p>
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		<p>A number of organisations carrying out business in Reading were consulted at this stage. The relevant Statements of Consultation list the bodies consulted at each stage.</p> <p>LP012: Statement of Consultation on Draft Local Plan LP015: Statement of Consultation on</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<p>Issues and Options</p> <p>A number of organisations that would have responsibility for delivery were consulted at this stage. The relevant Statements of Consultation list the bodies consulted at each stage. In addition, internal dialogue was held with development management officers who would be mainly responsible for operating the new plan.</p> <p>LP012: Statement of Consultation on Draft Local Plan LP015: Statement of Consultation on Issues and Options</p>
<p>4. Are you taking into account representations made?</p>	<p>Regulation 18(3)</p>	<p>NPPF para 155</p>	<p>Evidence from participation is part of the justification. Show how you have taken representations into account.</p>	<p>A List of responses to Issues and Options representations sets out how the Council has taken each comment on Issues and Options stage into account.</p> <p>The Statement of Consultation on the Draft Local Plan sets out how the Council has taken each comment on the Draft Local</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				<p>Plan stage into account.</p> <p>LP012: Statement of Consultation on Draft Local Plan LP016: List of responses to representations on Local Plan Issues and Options</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<p>The consultation has contributed to the development and sustainability appraisal of alternatives. Some alternatives have resulted from consultation. The Sustainability Appraisal itself has been subject to consultation. The relevant Statements of Consultation detail how specific consultation responses have fed into the appraisal.</p> <p>LP012: Statement of Consultation on Draft Local Plan LP016: List of responses to representations on Local Plan Issues and Options</p>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? 	<p>The Act section19(3)</p>	<p>NPPF para 155</p>		<p>The Statement of Consultation on Issues and Options and Statement of Consultation on the Draft Local Plan show how</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<ul style="list-style-type: none"> integrating involvement with the sustainable community strategy? proportionate to the scale of issues involved in the DPD? 				<p>those consultation exercises comply with the Statement of Community Involvement, and how it relates to the scale of issues.</p> <p>Reading Borough Council does not have a current Sustainable Community Strategy and is not in the process of producing one.</p> <p>LP012: Statement of Consultation on Draft Local Plan LP015: Statement of Consultation on Issues and Options</p>
<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>	<p>The relevant Statements of Consultation list the individuals and bodies consulted, set out how consultation was undertaken, and summarise the main issues raised.</p> <p>LP012: Statement of Consultation on Draft Local Plan LP015: Statement of Consultation on Issues and Options</p>
<p>8. Are you inviting representations on issues</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</p>	<p>Matters that have strategic significance are identified within</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>		<p>significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>the Duty to Co-operate Scoping Strategy (December 2015). The Duty to Co-operate Statement (November 2017) outlines how co-operation with bodies identified within Section 33A(1)(c) on strategic matters has been undertaken.</p> <p>PP008: Duty to Co-operate Scoping Strategy EV001: Duty to Co-operate Statement</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>Matters that have strategic significance are identified within the Duty to Co-operate Scoping Strategy (December 2015). The Duty to Co-operate Statement (November 2017) outlines how co-operation with the Local Enterprise Partnership and Local Nature Partnership on strategic matters has been undertaken.</p> <p>PP008: Duty to Co-operate Scoping Strategy EV001: Duty to Co-operate Statement</p>

Activity	Legal requirement	Guidance reference	Additional notes	Evidence
10. Are you developing a framework for monitoring the effects of the DPD?	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p>	<p>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.</p>	<p>A monitoring framework is set out in section 11 of the Local Plan itself.</p> <p>Relevant monitoring information will be collected in the Annual Monitoring Report, published in December each year.</p> <p>LP001: Submission Local Plan PP010: Annual Monitoring Report 2016-17</p>



Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

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

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	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).	Reasonable alternatives have been derived for each policy and identified site, and appraised in the Sustainability Appraisal. The reasons why alternatives were rejected are summarised in the Local Plan Background Paper, unless otherwise specified. LP005: Sustainability Appraisal of the Pre-Submission Draft Local Plan EV002: Local Plan Background Paper
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.	The proposals and reasonable alternatives are considered for their consistency with national policy. The South East Plan has been revoked, and only one policy with relevance to Reading remains, which relates to the Thames Basin Heaths SPA. Effects on the SPA are considered through the scoping level Habitat Regulations Assessment, within the Sustainability

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>Appraisal.</p> <p>LP005: Sustainability Appraisal of the Pre-Submission Draft Local Plan</p>
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<p>The South East Plan has been revoked, and only one policy with relevance to Reading remains (see above). There are no adjoining locations that fall under other regional spatial strategies. Reading does not adjoin London, but there are some matters that have been dealt with under the duty to co-operate, and are set out in the Duty to Co-operate Statement. Planning policies for Wales and Scotland are not relevant.</p> <p>EV001: Duty to Co-operate Statement</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<p>As a unitary authority, there is no County Council covering Reading.</p> <p>Reading has co-operated with other local authorities, including counties, under the</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
joint local development documents?	(c)			<p>duty to co-operate, on a range of cross boundary issues. This co-operation is set out in the Duty to Co-operate Statement.</p> <p>EV001: Duty to Co-operate Statement</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>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	<p>Reading has sought to co-operate with the bodies listed under Regulation 4 under the duty to co-operate, on a range of strategic matters wherever relevant. These bodies are the Environment Agency, Historic England, Natural England, Mayor of London, Homes and Communities Agency, Civil Aviation Authority, Clinical Commissioning Groups (the successors to Primary Care Trusts), Office of Rail Regulation, relevant transport authorities, Highways England and the Marine Management Organisation. This co-operation is set out in the Duty to Co-operate Statement.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
<p>6. Are you cooperating with having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>NPPF para 181 and 182</p>		<p>EV001: Duty to Co-operate Statement</p> <p>Reading has co-operated with the Thames Valley Berkshire LEP and the Berkshire LNP under the duty to co-operate on a range of strategic matters. This co-operation is set out in the Duty to Co-operate Statement.</p> <p>EV001: Duty to Co-operate Statement</p>
<p>7. Are you having regard to:</p> <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? 	<p>The Act section 19(2)</p>			<p>Reading Borough Council does not currently have a Sustainable Community Strategy in place. The Council has had regard to existing Council plans and strategies wherever they are relevant. This is generally detailed in the Local Plan Background Paper where relevant.</p> <p>The purpose of the Local Plan is to replace all existing Local Development Documents, with the exception of saved minerals and waste policies. Whilst existing policy direction</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>has been considered (again, where relevant, the Local Plan Background Paper considers this), it does not necessarily limit the production of new policy.</p> <p>EV002: Local Plan Background Paper</p>
<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>Regards has been had to these, and other, matters in preparing the Local Plan, and where they are relevant the Local Plan Background Paper sets out how they have been taken into account.</p> <p>EV002: Local Plan Background Paper</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 -108</p>		<p>Policies CC2, CC3, CC4 and H5 of the Local Plan all relate to the need to mitigate and/or adapt to climate change.</p> <p>LP001: Submission Local Plan</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
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.	All reasonable alternatives have been subject to Sustainability Appraisal. All versions of the Sustainability Appraisal produced (at Issues and Options, Draft and Pre-Submission Draft stages) have been subject to consultation alongside the Local Plan. LP005: Sustainability Appraisal of the Pre-Submission Draft Local Plan LP011: Sustainability Appraisal of the Draft Local Plan LP014: Sustainability Appraisal of the Local Plan Issues and Options
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.	Reasonable alternatives have been derived for each policy and identified site, and appraised in the Sustainability Appraisal. The reasons why alternatives were rejected are summarised in the Local Plan Background Paper, unless otherwise specified. LP005: Sustainability Appraisal of the Pre-Submission Draft Local Plan LP011: Sustainability Appraisal of the

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				Draft Local Plan LP014: Sustainability Appraisal of the Local Plan Issues and Options EV002: Local Plan Background Paper
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.	The relevant Statements of Consultation set out how the representations made during consultation have been taken into account. In the case of the most recent Pre-Submission consultation, there is also a Schedule of Minor Changes that itemises any changes made as a result of consultation. LP006: Statement of Consultation on Pre-Submission Draft Local Plan LP008: Schedule of Minor Changes before Submission LP012: Statement of Consultation on Draft Local Plan LP015: Statement of Consultation on Issues and Options
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative	Regulations 5 (1)(b) and 9	NPPF para 157	Regulation 2 defines the terms 'submission' and 'adopted' proposals map.	The Local Plan is accompanied by a Proposals Map showing the location of proposals. Versions of this Proposals Map have been

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
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.	prepared for consultation at Draft and Pre-Submission Draft stages, and a Submission Draft Proposals Map accompanies the Submission Draft Local Plan. LP002: Submission Local Plan Proposals Map LP004: Pre-Submission Local Plan Proposals Map LP010: Draft Local Plan Proposals Map
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		The consultation arrangements complied with the Council's adopted Statement of Community Involvement (2014). The Local Plan Background Paper contains a section detailing how plan production complied with the SCI. LP006: Statement of Consultation on Pre-Submission Draft Local Plan LP012: Statement of Consultation on Draft Local Plan LP015: Statement of Consultation on Issues and Options PP002: Statement of Community



Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				Involvement (2014) EV002: Local Plan Background Paper



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?	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 - 168</p> <p>SEA Guide Chapter 5</p>		<p>The Sustainability Appraisal of the Pre-Submission Draft Local Plan was published 30th November 2017 on website.</p> <p>LP005: Sustainability Appraisal of the Pre-Submission Draft Local Plan</p>
2. Have you made clear where and within what period representations must be made?	<p>Regulation 17, 19, 20 and 35</p>		<p>The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).</p>	<p>The website and consultation e-mail/letter stated the period of consultation and the methods by which representations should be made. This was set out in a consultation leaflet on the website, sent out with e-mails/letters and available in libraries.</p> <p>LP006: Statement of Consultation on the Pre-Submission Draft Local Plan</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<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? 	Regulation 19(a)		Regulation 17 gives definitions.	<p>Pre-Submission Local Plan and all supporting documents, including Sustainability Appraisal and Proposals Map, were available on website from 30th November 2017. Pre-Submission Draft Local Plan also available to view in all Reading Borough libraries and Civic Offices reception.</p> <p>LP006: Statement of Consultation on the Pre-Submission Draft Local Plan</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>Pre-Submission Draft Local Plan and Pre-Submission Draft Local Plan Proposals Map available on website from 30th November 2017, together with supporting documents.</p> <p>Consultation leaflet, uploaded to website, set out when and how responses should be made, and where the documents are available</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>to inspect.</p> <p>LP006: Statement of Consultation on the Pre-Submission Draft Local Plan</p>
<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? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>E-mail or letter sent to all of the relevant specific consultation bodies on 30th November 2017 with link to the Pre-Submission documents and setting out the representations procedure.</p> <p>LP006: Statement of Consultation on the Pre-Submission Draft Local Plan</p>
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>E-mail or letter sent to all of the relevant general consultation bodies on 30th November 2017 (unless they had requested to be removed from consultation lists or no up-to-date contact details were available) with link to the Pre-Submission documents and setting out the representations</p>



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>procedure.</p> <p>LP006: Statement of Consultation on the Pre-Submission Draft Local Plan</p>
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24</p> <p>Regulation 21</p>		<p>The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).</p>	<p>Not relevant for Reading.</p>



Stage five: Submission

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

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

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

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

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

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
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	The Local Plan has been submitted in March 2018 rather than February 2018 as specified in the LDS. However, it is broadly in compliance with the most

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
Have the timescales set out in the LDS been met?			Regulations.	<p>recent version of the LDS from November 2016. The Local Plan Background Paper contains a section detailing how plan production complied with the LDS.</p> <p>PP001: Local Development Scheme November 2016 EV002: Local Plan Background Paper</p>
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		<p>Reading Borough Council does not currently have a Sustainable Community Strategy in place. The Council has had regard to existing Council plans and strategies wherever they are relevant. This is generally detailed in the Local Plan Background Paper where relevant.</p> <p>EV002: Local Plan Background Paper</p>
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		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the	The consultation arrangements complied with the Council's adopted Statement of Community Involvement (2014). The Local Plan

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	22(1)(c)		community engagement that you carried out met the regulations (as amended).	<p>Background Paper contains a section detailing how plan production complied with the SCI. The Statements of Consultation include more detail on the consultations undertaken.</p> <p>LP006: Statement of Consultation on Pre-Submission Draft Local Plan LP012: Statement of Consultation on Draft Local Plan LP015: Statement of Consultation on Issues and Options PP002: Statement of Community Involvement (2014) EV002: Local Plan Background Paper</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	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>A Duty to Co-operate Scoping Strategy was produced in 2015 which identified strategic matters with cross-boundary implications, and the duty to co-operate partners affected.</p> <p>The Duty to Co-operate Statement sets out measures that have taken place under the duty to address these</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				<p>cross-boundary matters.</p> <p>PP008: Duty to Co-operate Scoping Strategy EV001: Duty to Co-operate Statement</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>The Local Plan has been subject to Sustainability Appraisal throughout the process. The most recent version was the Sustainability Appraisal of the Pre-Submission Draft Local Plan (November 2017).</p> <p>LP005: Sustainability Appraisal of the Pre-Submission Draft Local Plan</p>
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<p>The Local Plan is considered to be consistent with national policy. The Soundness Self-Assessment Toolkit has been completed and contains more detail. There is also a section in the Local Plan Background Paper that considers consistency with national policy.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				EV002: Local Plan Background Paper EV004: Self-Assessment Soundness Toolkit of the Local Plan
<p>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?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>The South East Plan has been revoked, and only one policy with relevance to Reading remains, which relates to the Thames Basin Heaths SPA. Effects on the SPA are considered through the scoping level Habitat Regulations Assessment, within the Sustainability Appraisal.</p> <p>LP005: Sustainability Appraisal of the Pre-Submission Draft Local Plan</p>
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>The Council has published the Pre-Submission Draft Local Plan, Proposals Map and Sustainability Appraisal on its website and made it available</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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>	19			<p>at the Civic Offices. Other available evidence documents were also published on the website.</p> <p>All statutory and identified non-statutory consultees were notified of publication on the date at which it was published. The Statement of Consultation on the Pre-Submission Draft Local Plan contains a list of those consulted</p> <p>The Local Plan itself does not include a list of existing development plan policies to be replaced, but does state at paragraph 1.1.3 that it will replace all existing Development Plan Documents. Policies to be replaced are listed in the Local Plan Background Paper. All existing development plan policies, other than saved policies in the Minerals and</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>Waste Local Plans, are to be replaced.</p> <p>LP006: Statement of Consultation on the Pre-Submission Draft Local Plan EV002: Local Plan Background Paper</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>A Submission Proposals Map has been prepared, and submitted alongside the Local Plan.</p> <p>LP002: Submission Draft Local Plan Proposals 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>Paragraph 1.1.3 of the Local Plan states that it will replace all existing Development Plan Documents.</p> <p>LP001: Submission Draft Local Plan</p>
<p>11. Have you prepared a statement setting out:</p>	<p>The Act section 20</p>		<p>This will bring forward material from the</p>	<p>The Statement of Consultation on Issues and Options for the</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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? 	<p>(3)</p> <p>Regulation 22(1)(c)</p>		<p>Consultation statement (see Stage 2 above).</p>	<p>Local Plan and the Statement of Consultation on the Draft Local Plan both cover the consultation under Regulation 18. These list the bodies that were invited to make representations, how they were invited (which was virtually always by e-mail), set out a summary of the main issues raised, and detail how individual representations were taken into account. Please note that, for the Issues and Options stage, a separate list of representations and responses details how representations were taken into account, and this is not within the main Statement of Consultation.</p> <p>LP012: Statement of Consultation on Draft Local Plan</p> <p>LP015: Statement of Consultation on Issues and Options</p> <p>LP016: List of responses to representations on Local Plan Issues and Options</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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 on the Pre-Submission Draft Local Plan sets out the number of representations made and summarises the main issues.</p> <p>LP006: Statement of Consultation on Pre-Submission Draft Local Plan</p>
<p>13. Have you collected together all the representations made under Regulation 28?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>The representations made to the Pre-Submission Draft Local Plan are included as part of the evidence base.</p> <p>LP007: Copies of representations on Pre-Submission Draft Local Plan</p>
<p>14. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(g)</p>			<p>A full evidence base has been provided alongside the Submission Local Plan which justifies the content of the Local Plan and Proposals Map.</p> <p>All documents</p>
<p>15. Has your council</p>			<p>Check the LPA's</p>	<p>Reading Borough Council's</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
approved the DPD for submission?			constitution/standing orders for the authorisation process appropriate for the type of DPD.	Strategic Environment, Planning and Transport Committee approved the Local Plan for submission, unless major changes were required as a result of consultation, on 22 nd November 2017.
<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)</p> <p>Regulations 22(1) and 22(2)</p>		<p>Regulation 35 deals with the availability of 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>The Local Plan, Proposals Map and all supporting documents were sent to the Secretary of State in electronic format on 29th March 2018.</p> <p>There is no longer a requirement to provide a paper copy.</p>
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p>	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	The Submission Draft Local Plan and Proposals Map is available on the Council's website and in the Civic Offices, and has been sent to Reading Borough libraries.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 				<p>The full evidence base is available on the Council's website, unless already available online elsewhere. A Submission Documents List on the Council's website sets out where each document can be viewed.</p>
<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 	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>The following documents have been published on the Council's website (www.reading.gov.uk):</p> <ul style="list-style-type: none"> • Submission Draft Local Plan • Submission Draft Proposals Map • Sustainability Appraisal of the Pre-Submission Draft Local Plan • Statement of Consultation on the Pre-Submission Draft Local Plan • The full evidence base • Representations made at Pre-Submission stage; and • A statement of where and

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
available?				when documents can be viewed.
<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 where and when they can be inspected? 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	All organisations and individuals consulted at Draft and Pre-Submission Draft stage (unless they requested to be removed from lists) have been informed of submission and where and when the documents are available for inspection.
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.	All organisations and individuals that requested to be informed of submission have been notified of submission and where and when the documents are available for inspection.
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> published the time and 	The Act section 20 Regulations 24 and 35			These details are not yet available.



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>place of the examination and the name of the person appointed to carry out the examination on your website?</p> <ul style="list-style-type: none">notified those who have made representations on the published DPD which have not been withdrawn of these details?				