



Local Plan Legal Compliance Checklist (April 2013)

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

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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

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



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible 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	Local Development Scheme (LDS) at time of commencement was published July 2008. The LDS has been revised in stages. The most recent review was undertaken in September 2013.	Waltham Forest LDS - April 2013 (Document Ref: WSD15) Waltham Forest Annual Monitoring Report (2011/12) (Document Ref: KE142)
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	The Council's Statement of Community Involvement (SCI) was adopted June 2007. The Council has undertaken consultations on the AAP at key stages in accordance with the SCI as below: <ul style="list-style-type: none"> • Issues Consultation (March 2011) • Preferred Options - (August – September 2011) 	Waltham Forest Statement of Community Involvement (Document Ref: WSD14) Preferred Options Consultation Report (Document Ref:WSD17) Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			<ul style="list-style-type: none"> Proposed Submission - (February – March 2013) <p>Obtaining the views and wishes of the community and stakeholders has been a priority throughout the preparation of the AAP. The Council has organised and attended a number of consultation events, public meetings at each of these stages.</p> <p>The AAP has been publicised widely through correspondence with those consultees on the Council's LDF database. The Council uses the Limehouse consultation system.</p>	
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	Yes. The SCI sets out the range of individuals and organisations that would be consulted on the	Waltham Forest Statement of Community Involvement (Document Ref:WSD14)



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			<p>development plan. In particular, the specific consultation bodies as set out in The Town and Country Planning (Local Development) (England) Regulations 2004 (regulation 2) have been informed at each stage of the plan's preparation.</p> <p>The Council maintains a consultation database. Relevant individuals and organisations have been added to this database. All consultees have been informed directly at each stage of consultation on the Core Strategy either by letter or email.</p>	<p>Duty to Co-operate Statement (Document Ref: WSD13)</p> <p>Preferred Consultation Options Report (Document Ref:WSD17)</p> <p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</p> <p>Summary of Main Issues - Regulation 22 (1)(c)(v) (Document Ref:WSD3)</p>
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)	NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))	The Council has outlined how it has met the Duty-to-Cooperate in its Duty to Cooperate Statement.	<p>Statement of Consultation - Regulation 22(1)(c) (Document Ref: WSD4)</p> <p>Duty to Cooperate Statement</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
address any issues or strategic priorities that will have a significant impact on at least two planning areas?	The Act Section 20(5)(c) Regulation 4	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		(Document Ref:WSD13)
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	The Council has outlined how it has met the Duty-to-Cooperate in its Duty to Cooperate Statement.	Statement of Consultation Regulation 22(1)(c) (Document Ref: WSD4) Duty to Cooperate Statement (Document Ref: WSD13)
6. Is baseline information being collected and	The Act section13	NPPF paras 158 - 177	Baseline information on a wide range of data have been collected (and	Annual Monitoring Report (Document Ref:KE142)



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
evidence being gathered to keep the matters which affect the development of the area under review?			<p>continues to be collected) and monitored to ensure that the objectives, policies and proposals in the AAP are relevant, achievable and effective.</p> <p>The AAP draws on an extensive evidence base which has been gathered during the preparation of the plan to inform its content.</p>	Walthamstow Town Centre Area Action Plan – Evidence Base Library (Document refs: KE11 – KE179)
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>	<p>Using this information, a set of sustainability objectives against which the development plan document can be assessed has been developed. Sustainability Appraisal Reports have been prepared at the key stages:</p> <ul style="list-style-type: none"> • Preferred Options • Proposed Submission 	<p>Sustainability Appraisal Report – Preferred environment. Options Stage (Document Ref: WSD18)</p> <p>Sustainability Appraisal Report - Proposed Submission (Document Ref:WSD8)</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
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	Yes. The statutory bodies were consulted between June-September 2008 on the initial SA Scoping Report. A copy of the letters sent to consultees during each stage of the preparation of the AAP is included in the Regulation 30 Consultation Statement.	Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)



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Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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



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Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Have you notified:</p> <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	<p>Statement of Consultation - Regulation 22(1)(c) lists all those consulted (specific and general) at each stage of the AAPs development including Issues and Options, Preferred Options, and Proposed Submission.</p> <p>A consultation report has been published at each of these stages as follows:</p> <ul style="list-style-type: none"> •Issues & Options •Preferred Options •Proposed Submission 	<p>Consultation Report - Preferred Options (Document Ref:WSD17)</p> <p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</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>The Council has approximately 1,200 individuals and organisations on the LDF consultees database. These consultees have a range of interests and are informed by email and</p>	<p>Consultation Report - Preferred Options (Document Ref:WSD17)</p> <p>Statement of Consultation - Regulation 22(1)(c)</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			<p>letter directly at all stages of the plan preparation work.</p> <p>The consultation report includes the names of individuals and organisation who responded to the consultation.</p>	<p>(Document Ref: WSD17)</p> <p>Duty to Cooperate Statement (Document Ref: WSD13)</p>
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	The Council has prepared a Strategic Infrastructure Plan in partnership with a range of organisations to establish what infrastructure is needs, when it is required and the mechanism for delivery. The Infrastructure Plan was prepared with the involvement of delivery stakeholders.	<p>Consultation Report - Preferred Options (Document Ref: WSD17)</p> <p>Consultation Report - Proposed Submission (Document Ref:)</p> <p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</p> <p>Duty to Cooperate Statement (Document Ref:WDS13)</p> <p>Walthamstow Town Centre Area Action Plan - Summary of</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				Main Issues - Regulation 22 (1)(c)(v) (Document Ref:WSD3)
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	The Council has taken into consideration feedback from the community at each stage of the consultation. The consultation reports sets out how the Council has taken account of the submitted representations.	<p>Consultation Report - Preferred Options (Document Ref:WSD17)</p> <p>Statement of Consultation - Regulation 22(1)(c) (Document Ref: WSD4)</p> <p>Walthamstow Town Centre Area Action Plan - Summary of Main Issues - Regulation 22 (1)(c)(v) (Document Ref: WSD3)</p> <p>Walthamstow Town Centre Area Action Plan - Consultation Report Part I - Summary of Representations and Council's Response - Regulation 22(1)(e) (Document Ref WSD5)</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<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>Alternative proposals have been considered during the preparation of the Plan. The preferred options AAP clearly set out a range of alternative policy options.</p> <p>Sustainability Appraisal has been undertaken at each stage of the preparation of the AAP. Issues raised at key stages have been carefully considered and alternatives put forward in subsequent revision of the plan document.</p>	<p>Sustainability Appraisal Report – Preferred Options Stage (Document Ref:WSD18)</p> <p>Sustainability Appraisal Report – Proposed Submission Stage (Document Ref:WSD8)</p>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	The Act section19(3)	NPPF para 155	<p>Consultation on the AAP has been carried out in accordance with the SCI.</p> <p>The AAP has been developed to implement the aspirations sets out in the Sustainable Community Strategy.</p>	<p>Statement of Community Involvement (Document Ref:WSD14)</p> <p>Waltham Forest Sustainable Community Strategy (Document Ref:KE11)</p> <p>Statement of Consultation -</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			Statement of Consultation - Regulation 22(1)(c) provides details of the scale of participation in the development of the AAP.	Regulation 22(1)(c) (Document Ref:WSD4)
<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 section20(3)</p> <p>Regulation 17</p>	NPPF paras 158 - 171	Statement of Consultation - Regulation 22(1)(c) clearly sets out the individuals and bodies which have been invited (and responded) to consultation, the methods uses and summarised the main issues raised.	<p>Consultation Report - Preferred Options (Document Ref:WSD17)</p> <p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</p> <p>Walthamstow Town Centre Area Action Plan - Summary of Main Issues - Regulation 22 (1)(c)(v) (Document Ref: WSD3)</p> <p>Walthamstow Town Centre Area Action Plan - Consultation Report Part I - Summary of Representations and Council's Response - Regulation 22(1)(e)</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				(Document Ref WSD5)
8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	It is the Council's view that given the location and size of the AAP area that it would not have a significant impact on another planning area(s). However, the Council has still consulted widely, particularly with neighbouring authorities as set out in Statement of Consultation - Regulation 22(1)(c) and Duty to Cooperate Statement.	<p>Consultation Report - Preferred Options (Document Ref:WSD17)</p> <p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</p> <p>Duty to Cooperate Statement (Document Ref:WDS13)</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>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	NPPF paras 178 to 181	The Council has specifically consulted the local enterprise partnership as stated in Statement of Consultation - Regulation 22(1)(c) and Duty to Cooperate Statement.	<p>Consultation Report - Preferred Options (Document Ref: WSD17)</p> <p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</p> <p>Duty to Cooperate Statement (Document Ref:WDS13)</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible 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>	Chapter 36 of the AAP sets out the Monitoring Framework.	<p>Area Action Plan Proposed Submission (Document Ref:WSD1)</p> <p>Annual Monitoring Report (Document Ref:KE142)</p>



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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 will not be a participation or consultation process. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.



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Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182 SEA Guide, Chapter 5	Alternative proposals have been considered during the preparation of the Plan. The preferred options AAP clearly set out a range of alternative policy options. Sustainability Appraisal has been undertaken at each stage of the preparation of the AAP. Issues raised at key stages have been carefully considered and alternatives put forward in subsequent revision of the plan document.	Sustainability Appraisal Report – Preferred Options Stage (Document Ref:WSD18) Sustainability Appraisal Report – Proposed Submission Stage (Document Ref:WSD8) Consultation Report - Preferred Options (Document Ref:WSD17) Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4) Walthamstow Town Centre Area Action Plan - Preferred Options (Document Ref:WSD1)
2. Have you assessed	The Act	NPPF para 151	Alternative proposals have	



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>alternatives against:</p> <ul style="list-style-type: none"> consistency with national policy? general conformity with the regional spatial strategy where still in force? 	<p>section 19 (2), section 24</p>		<p>been assessed against both national and regional policy.</p>	<p>Consultation Report - Preferred Options (Document Ref:WSD17)</p> <p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</p> <p>Walthamstow Town Centre Area Action Plan - Preferred Options (Document Ref:WSD16)</p> <p>Area Action Plan Proposed Submission (Document Ref:WSD1)</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 	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>The AAP has full regard to the London Plan.</p>	<p>NPPF (Doc Ref:KE157)</p> <p>London Plan (2011) (Doc Ref:KE90)</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
Framework for Scotland?				
4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?	The Act section 33A(2)(a) Section 33A(6)(a)(b) Section 20(5)(c)	NPPF paras 181 and 185	It is the Council's view that given the location and size of the AAP area that it would not have a significant impact on another planning area(s). However, the Council has still consulted widely, particularly with neighbouring authorities as set out in Statement of Consultation - Regulation 22(1)(c) and Duty to Cooperate Statement.	Duty to Cooperate Statement (Document Ref:WSD13) Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)
5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 33A(2)(a), section 33A(6)(a) The Act section 20 (5) (c) Regulation 4	NPPF paras 181 and 182	The Council has still consulted widely, particularly with neighbouring authorities and 'prescribed bodies' as set out in Statement of Consultation - Regulation 22(1)(c) and Duty to Cooperate Statement.	Duty to Cooperate Statement (Document Ref:WSD13) Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182	The Council has specifically consulted the local enterprise partnership as stated in Statement of Consultation - Regulation 22(1)(c) and Duty to Cooperate Statement.	Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4) Duty to Cooperate Statement (Document Ref:WSD13)
7. Are you having regard to: <ul style="list-style-type: none"> your sustainable community strategy or of other authorities whose area comprises part of the area of the council? any other local development documents adopted by the council? 	The Act section19(2)		The AAP has been developed in with regards to Sustainable Communities Strategy (2008) and other LDDs including the Core Strategy (2012) and Development Management Policies (2012).	Sustainable Communities Strategy (2008) (Document Ref:KE11) Core Strategy (2012) (Document Ref:KE165) Development Management Policies (2012) (Document Ref:KE166)
8. Do you have regard to other matters and relevant strategies relating to: <ul style="list-style-type: none"> resources the local/regional economy the local transport plan 	The Act section19(2) Regulation 10		Throughout the preparation of the AAP, the Council has had regard to the resources of the delivery partners and service providers. The Council has consulted	London Plan (2011) (Document Ref:KE90) Waltham Forest Strategic Infrastructure Plan (Doc Ref:KE56-58)



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>and transport facilities and services</p> <ul style="list-style-type: none"> • waste strategies • hazardous substances 			the Mayor of London throughout the preparation of the Plan on strategic matters in London.	<p>Waltham Forest Local Implementation Plan (Doc Ref: KE135)</p> <p>North London Joint Waste Strategy (Doc Ref:KE28)</p> <p>Mayor's Transport Strategy (Doc Ref:KE160)</p> <p>London Housing Strategy 2010 (Doc Ref:KE17)</p>
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	NPPF paras 93 -108	Chapter 13 (Policy WTC12) of the Core Strategy specifically deals with 'Minimising and Adapting to Climate Change'. Other policies make cross reference to this policy.	<p>London Plan (2011) (Doc Ref: KE90)</p> <p>Waltham Forest Climate Change Evidence Base (Doc Ref:KE32)</p> <p>Waltham Forest Climate Change Strategy (Doc Ref:KE29)</p> <p>Waltham Forest Carbon</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Footprinting Report (Doc Ref:KE31)</p> <p>Waltham Forest Energy Strategy (Doc Ref:KE30)</p> <p>AAP Proposed Submission (Doc Ref:WSD1)</p>
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>Sustainability Appraisal has been undertaken at preferred option and submission stage. Alternatives were appraised at each stage of the process.</p>	<p>Sustainability Appraisal Report – Preferred Options Stage (Document Ref:WSD18)</p> <p>Sustainability Appraisal Report – Proposed Submission Stage (Document Ref: WSD8)</p>
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	<p>The preferred option AAP provides an analysis of why alternatives were given preference.</p> <p>In addition SA at</p>	<p>Sustainability Appraisal Report – Preferred Options Stage (Document Ref:WSD18)</p> <p>Sustainability Appraisal Report – Proposed Submission Stage</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
			submission stage provides an appraisal of policy and site proposals.	(Document Ref:WSD8) Walthamstow Town Centre Area Action Plan - Preferred Options (Document Ref:WSD16)
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	Consultation Reports have been published at key stages - Preferred Options and Proposed Submission. The Council has considered each comment and prepared a response showing how issues and matters raised have been taken forward. These reports have been published on the Council's website. The Council maintains a database of consultees.	Sustainability Appraisal Report – Preferred Options Stage (Document Ref:WSD18) Sustainability Appraisal Report – Proposed Submission Stage (Document Ref:WSD8) Consultation Report - Preferred Options (Document Ref:WSD17) Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4) Walthamstow Town Centre Area Action Plan - Summary of



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				Main Issues - Regulation 22 (1)(c)(v) (Document Ref: WSD3).
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • 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	Amendments to the currently adopted Proposals Map have been published - see Appendix 3 of the Proposed Submission AAP.	<p>Area Action Plan Proposed Submission (Document Ref:WSD1)</p> <p>Walthamstow Town Centre Area Action Plan - Preferred Options (Document Ref:WSD16)</p>
14. Are the participation arrangements compliant with the SCI?	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	NPPF paras 150 and 155	All consultations have been carried out in accordance with the Statement of Community Involvement.	<p>Statement of Community Involvement (Document Ref:WSD14)</p> <p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</p>



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.

You should make it clear that publication of a DPD is not public participation, nor a consultation. 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.

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



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Stage four: Publication

Activity	Statutory requirement	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>	A sustainability appraisal report on the Preferred Option and proposed Submission AAP document has been prepared.	<p>Sustainability Appraisal Report – Preferred Options Stage (Document Ref:WSD18)</p> <p>Sustainability Appraisal Report – Proposed Submission Stage (Document Ref:WSD8)</p>
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		<p>Representations period ran for 6 weeks using the following methods.</p> <p>Letters/emails, Press/newspaper advert including a statutory advert, website, notices at all Waltham Forest Libraries.</p> <p>Core Strategy notification letters, press/newspaper advert, and</p>	<p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</p> <p>Consultation Report - Preferred Options (Document Ref:WSD17)</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
			representations procedure documented Statement of Consultation - Regulation 22(1)(c).	
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? 	Regulation 19(a)		All submission documents and statement of representation procedure were made available online, at Waltham Forest Libraries and at the Council's offices.	Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4) Council's website: www.walthamforest.gov.uk/ldf
4. Have you published on your website: <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		All relevant documents have been published on the Council's website.	Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4) Council's website: www.walthamforest.gov.uk/ldf



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 19(b)		<p>Letters/emails were sent to specific and general consultation bodies informing them about the consultation and the representations procedure and where/how to inspect/get a copy of the AAP.</p> <p>Copies of letters sent to specific and general consultation bodies have been included in Statement of Consultation - Regulation 22(1)(c).</p>	<p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WDS4)</p> <p>Council's website: www.walthamforest.gov.uk/ldf</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 	Regulation 19(b)		<p>Letters/emails were sent to specific and general consultation bodies informing them about the consultation and the representations procedure.</p> <p>Copies of letters sent to specific and general consultation bodies have</p>	<p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WTC4)</p> <p>Council's website: www.walthamforest.gov.uk/ldf</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
inspected?			been included in Statement of Consultation - Regulation 22(1)(c).	
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	The Act section 24 Regulation 21		The Mayor has stated that the proposed submission draft AAP is not currently in conformity with the London Plan. The Council has sought on a number of occasions to resolve the outstanding issues with the Mayor, but have received no response.	Statement of Consultation - Regulation 22(1)(c) (Document Ref:WTC4) Walthamstow Town Centre Area Action Plan - Summary of Main Issues - Regulation 22 (1)(c)(v) (Document Ref:WSD3) Walthamstow Town Centre Area Action Plan - Proposed Submission - Consultation Report - Part II - Schedule of Full Representations - Regulation 22(1)(e) (Doc Ref:WSD6)

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 AAP has been prepared in accordance with the Council's LDS. It has met the proposed timescales as reported in the Council's AMR.	Waltham Forest LDS – August 2013 (Document Ref: WSD15) Waltham Forest Annual Monitoring Report (2012/13)

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
Have the timescales set out in the LDS been met?				(Document Ref:KE142)
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 AAP has given regard to the Waltham Forest Sustainable Communities Strategy (2008).	Waltham Forest Sustainable Communities Strategy (Document Ref: KE11)
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)		The AAP has been prepared in accordance with the Waltham Forest SCI. The Statement of Consultation - Regulation 22(1)(c) document clearly sets out the consultation carried out on the document.	Statement of Community Involvement (Document Ref:WSD14) Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)
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	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	It is the Council's view that given the location and size of the AAP area that it would not have a significant impact on another planning area(s). However, the Council has still consulted widely, particularly with neighbouring authorities as	Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4) Duty to Cooperate Statement (Document Ref:WSD13)



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues If you have not agreed on the approach is there a justification?			set out in Statement of Consultation - Regulation 22(1)(c) and Duty to Cooperate Statement.	
5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5) Regulation 22(1)(a)	NPPF para 165 SEA Practical Guide, chapter 5	The AAP has been subject to an SA at each stage of development. The Sustainability Appraisal Report – Proposed Submission Stage is the final SA report.	Sustainability Appraisal Report – Preferred Options Stage (Document Ref:WSD18) Sustainability Appraisal Report – Proposed Submission Stage (Document Ref: WSD8)
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151	It is the Council's view that the AAP is in conformity with the NPPF. The AAP (Policy WTC1) makes a clear reference to the NPPF. The document seeks to facilitate growth and regeneration, provides flexibility and is focussed on implementation.	PAS Soundness self assessment checklist (Document Ref:WSD11) NPPF (KE157)
7. Does the DPD contain any	The Act section	NPPF para 218	The Plan currently does	



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>policies or proposals that are not in general conformity with the regional strategy where it still exists?</p> <p>If yes, is there local justification?</p> <p>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>24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>footnote 41</p>	<p>contain policy which is not in conformity with the regional strategy. The Council contest that their position is based on local justification. The Council has sought on a number of occasions to resolve the outstanding issues with the Mayor, but have received no response. The Council has requested an opinion on the Plan from the Mayor, but has again received no response.</p>	
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>The documents are located in the Council's primary offices and can be found on the Council's website.</p> <p>The relevant statutory and non-statutory bodies have been notified and invited to</p>	<p>Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)</p> <p>Council's website: www.walthamforest.gov.uk/ldf</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>			<p>make representations.</p> <p>The AAP does not contain any saved or superseded policies.</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>The AAP does contain policies/sites which will amend the adopted proposals map. These changes are stated in appendix 3 of the AAP.</p>	<p>AAP Proposed Submission (Document Ref:WSD1)</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>The AAP is consistent with the Core Strategy and Development Management DPD.</p> <p>The DPD is not intended to supersede any currently adopted development plan policies.</p>	<p>Core Strategy (2012) (Document Ref:KE165)</p> <p>Development Management Policies DPD (December 2012) (Document Ref:KE166)</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>11. Have you prepared a statement setting out:</p> <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>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This is clearly set out in Statement of Consultation - Regulation 22(1)(c).</p>	<p>Statement of Consultation - Regulation 22(1)(c) (Document Ref: WSD4)</p> <p>Walthamstow Town Centre Area Action Plan - Summary of Main Issues - Regulation 22 (1)(c)(v) (Document Ref: WSD3).</p> <p>Walthamstow Town Centre Area Action Plan - Consultation Report Part I - Summary of Representations and Council's Response - Regulation 22(1)(e) (Doc Ref: WSD5)</p>
<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>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>		<p>This is clearly set out in Consultation Report - Proposed Submission and Statement of Consultation - Regulation 22(1)(c).</p>	<p>Statement of Consultation - Regulation 22(1)(c) (Document Ref: WSD4)</p> <p>Walthamstow Town Centre Area Action Plan - Summary of Main Issues - Regulation 22 (1)(c)(v) (Document Ref:</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> that no representations were made? 				<p>WSD3).</p> <p>Walthamstow Town Centre Area Action Plan - Consultation Report Part I - Summary of Representations and Council's Response - Regulation 22(1)(e) (Doc Ref: WSD5)</p>
13. Have you collected together all the representations made under Regulation 28?	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>		This is clearly set out in Consultation Report - Proposed Submission and Statement of Consultation - Regulation 22(1)(c).	<p>Walthamstow Town Centre Area Action Plan - Proposed Submission - Consultation Report - Part II - Schedule of Full Representations - Regulation 22(1)(e) (Doc Ref: WSD6)</p> <p>Walthamstow Town Centre Area Action Plan - Proposed Submission - Consultation Report Part III - Copies of Representations - Regulation 22(1)(d) (Doc Ref: WSD7)</p>
14. Have you assembled the relevant supporting	The Act section 20(3)		All evidence base documents are in the	Waltham Town Centre Evidence Base Library



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
documents?	Regulation 22(1)(g)		evidence base library and on the Council Website.	(Document Refs KE11 – KE179). Council's website: www.walthamforest.gov.uk/ldf
15. Has your council approved the DPD for submission?	The Act section 20		The Council has approved the submission of the AAP as demonstrated in Statement of Consultation - Regulation 22(1) (c).	Statement of Consultation - Regulation 22(1)(c) (Document Ref:WSD4)
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> the DPD? the submission policies map (unless there are no site allocation policies)? the documents prescribed in Regulation 22(1)? 	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)		All the relevant documents have been sent to the Secretary of State (the Planning Inspectorate) both in paper and electronic form.	Sent to the Planning Inspectorate on the 27 th September 2013.
17. Have you made the following available at the	Regulation 22(3)		These documents are available at the Council's	Waltham Town Centre Evidence Base Library (Doc



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 			<p>offices, libraries and can be found on the Council's website.</p> <p>Notification by Public Notice</p>	<p>Refs: KE11 – KE179).</p> <p>Council's website: www.walthamforest.gov.uk/ldf</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 	Regulation 22(3) and 35(1)(b)		These documents are available on the Council's website.	Council's website: www.walthamforest.gov.uk/ldf



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
available?				
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 	Regulation 22(3)(b)		Each general consultation body invited to make representations has been notified by either, email, letter and public notice.	Council's website: www.walthamforest.gov.uk/ldf
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		Notice has been given to persons who have requested to be notified that submission has taken place by, email, letter and public notice.	Council's website: www.walthamforest.gov.uk/ldf
21. If an examination is being held, at least six weeks before its opening has the Programme Officer:	<p>The Act section 20</p> <p>Regulations 24 and 35</p>		Inspector has been appointed. Details have been forwarded to the Planning Inspectorate.	



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