



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
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>	<p>NPPF para 153</p>		<p>Yes. The Havering Local Plan is identified in the revised Local Development Scheme (2018/19).</p> <p>An updated version was published in March 2018 and is available on the Council's website.</p> <p>The Council's website is : www.havering.gov.uk</p> <p>All further references in this document to the Council's website are to the website above.</p>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3) Regulation 18</p>	<p>NPPF paras 150, 155 and 157</p>	<p>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>	<p>The Consultation Statement (March 2018) sets out what consultation was undertaken during each stage of plan preparation.</p> <p>Consultation was carried out in line with the Council's adopted</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>Statement of Consultation (SCI) (2015) and to reflect changes in Local Plan Regulations.</p> <p>The Consultation Statement shows how issues raised during each stage of consultation have informed the preparation of the Submission version of the Havering Local Plan ahead of its formal submission.</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 -4.26</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>Yes. The Consultation Statement (March 2018) lists the appropriate bodies the Council consulted during the plan preparation process.</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</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</p>	<p>Yes. The Duty to Cooperate Statement (March 2018) outlines cross-boundary cooperation with neighbouring authorities, as well as the Mayor of London / Greater London Authority, and the prescribed public bodies on shared strategic planning issues.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
		<p>strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>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>Havering co-operated with London Boroughs of Barking & Dagenham, Redbridge and Newham on the production of the Outer North East London Strategic Housing Market Assessment to support the Havering Local Plan.</p>
<p>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?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>London Enterprise Panel and the Local Nature Partnership are part of GLA and have been consulted in preparation of the Local Plan as referred to in the Duty to Cooperate Statement (March 2018).</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of</p>	<p>The Act section 13</p>	<p>NPPF paras 158 - 177</p>		<p>Yes.</p> <p>Various baseline documents and technical studies on different policy issues such as housing, employment, retail, transport, open space and green</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
the area under review?				<p>belt have been prepared throughout the plan making process. The findings from these have informed the Havering Local Plan.</p> <p>The list of evidence base documents is available to view on the Council's website.</p>
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<p>Yes.</p> <p>The Council prepared a Sustainability Appraisal Scoping Report (February 2015). It sets the baseline information for the borough collected on environmental, economic and social issues.</p> <p>The Scoping Report also sets the framework for the Sustainability Appraisal (August 2017) supporting and informing the Havering Local Plan.</p>
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and	Regulations 9 and 13 of The Environmental Assessment of	<p>NPPF paras 165 and 167</p> <p>SEA Guide chapter 3</p>	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies'	<p>Yes.</p> <p>Please see paragraph 106 of the Sustainability Appraisal (August 2017) and Appendix A.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
level of detail of the environmental information to be included in the sustainability appraisal report?	Plans and Programmes Regulations 2004 No 1633.		which are defined in Regulation 2).	In line with SA/SEA Regulations, the Council consulted the statutory consultees for five weeks on the scope and level of detail contained within the SA.



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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
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.	Yes. The specific and general consultation bodies were consulted for at least 6 weeks. Copies of representations made by these bodies can be found on our website? These matters are also addressed in the Havering Local Plan Consultation Statement (March 2018).
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		Yes. The details of how the Council consulted all relevant bodies at each stage of consultation, a summary of the issues raised in representations are set out in the Havering Local Plan Consultation Statement (March 2018).
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	Yes. These matters are addressed in the Duty to Cooperate Statement (2018). The Annexes to the document includes details of



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				organisations that the Council undertook engagement with (see Annex A).
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	<p>Yes. Representations from each stage of consultation have been considered and have informed the next iteration of the Havering Local Plan.</p> <p>The Havering Local Plan Consultation Statement (March 2018) shows how the Council has considered the representations at each stage of the preparation of the Havering Local Plan.</p> <p>The Sustainability Appraisal (August 2017) explains the reasonable alternatives process and how this has informed the preparation of the Havering Local Plan.</p>
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<p>Yes. The Regulation 18 consultation specifically invited representations on strategic priorities for the Havering Local Plan over the plan period and these informed the</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Assessment of Plans and Programmes Regulations 2004 No 1633			sustainability appraisal of alternatives.
<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>Yes.</p> <p>Each stage of consultation has been carried out in line with the Council’s adopted Statement of Community Involvement (2015).</p> <p>The Havering Local Plan has also been produced to deliver the priorities set out within the Council’s Vision – Havering : Making a Greater London (2016). It has themes of Communities, Places, Opportunities and Connections.</p> <p>The Havering Local Plan fully reflects the Council’s Vision and sets out a portrait of what Havering will look like at the end of the Local Plan period (2031).</p> <p>It has four overarching aims and a number of strategic objectives to tackle the issues identified in the Local Plan. The objectives include</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>creating high quality safe neighbourhoods, increasing the supply of housing, delivering sustainable new communities in Romford and Rainham, enabling healthier lifestyles, protecting and enhancing the Green Belt, improving accessibility and connectivity and ensuring the provision of physical and social infrastructure to support planned growth.</p> <p>The Consultation Statement (March 2018) outlines the early and continuous engagement that has been carried out to inform the Havering Local Plan.</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.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>Yes.</p> <p>The Council maintains a consultation database of individuals, councils, agencies, developers, and other interested parties who have been contacted (typically by email) when a consultation is held, and when any report or summary emanating from that consultation has been prepared.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				A full list of consultees invited to comment on the plan (is contained within the Consultation Statement (March 2018)).
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)?	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9) The Act section 20 (5)(c)	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	Yes. The Council consulted and held a series of meetings with planning officers from neighbouring planning authorities and also with the Mayor of London (through the Greater London Authority and Transport for London) to discuss Local Plan cross boundary issues in line with the Duty to Cooperate. These discussions are set out in the Duty to Cooperate document (March 2018). The document identifies these matters with regard to : <ul style="list-style-type: none"> • topic / theme • statutory body • local authority • other parties
9. Are you inviting representations on cross-	The Act section 33A(1)(c) and	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on	London Enterprise Panel and the Local Nature Partnership are part



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	Section 33A(9). The Act section 20(5) (c). Regulation 4		significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	of GLA and have been consulted in preparation of the Local Plan as referred to in the Duty to Cooperate (March 2018). -
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	NPPF paras 165 - 1687 SEA Guide, Chapter 5	It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	Yes. Section 14 Delivery and Implementation and Annex A8 of the Havering Local Plan set out of the delivery and monitoring of the Havering Local Plan. A principal tool in the monitoring process will be the annual Havering Authority Monitoring Report.



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.



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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	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	Yes. The Sustainability Appraisal Report (August 2017) outlines the stages of preparation of the document and includes an appraisal of the alternatives that were considered. The Sustainability Appraisal is available on the Council's website.
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.	Yes. These matters are addressed in the Sustainability Appraisal Report (August 2017). The Havering Local Plan is considered to be consistent with national policy in the National Planning Policy Framework (NPPF). The Mayor of London (through the GLA and Transport for London) has been invited to make representations throughout the preparation of the Havering Local Plan. With the exception of car parking standards, the Local Plan



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				is considered to be in general conformity with the Mayor of London's London Plan (2016).
<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>Yes. These matters are discussed in the Sustainability Appraisal Report (August 2017). The Havering Local Plan has taken account of the Mayor of London's London Plan.</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<p>Yes. The borough has consulted and co-operated with neighbouring local planning authorities at all stages of the Local Plan's preparation. This has included London Boroughs, Essex County Council and authorities in Essex.</p> <p>Full details are set out in The Havering Local Plan Consultation Statement (March 2018) and the Duty to Co-operate statements (2018).</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Each authority is at a different stage of local plan preparation and it would not be readily feasible for joint local plans to be prepared particularly as Havering has a pressing need to have its own Local Plan adopted as soon as reasonably possible.</p> <p>A joint Strategic Housing Market Assessment (SHMA) identifying the functional housing market area and establishing the objectively assessed need for housing has been prepared with the London Boroughs of Barking & Dagenham, Redbridge and Newham.</p> <p>A joint Waste Development Plan Document (2012) has been adopted by the London Boroughs of Havering, Redbridge, Barking and Dagenham and Newham. Preliminary discussions are taking place between these boroughs about how to review and replace this document.</p>
5. Are you cooperating with a	The Act section	NPPF paras 181 and	The bodies prescribed by	Yes.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>182</p>	<p>The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>Evidence is set out in the Duty to Co-operate Statement (2018). This includes details of engagement with adjoining London Boroughs and local authorities, the Mayor of London and Essex County Council as well as other stakeholders such as Highways England.</p>
<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>Yes. The London Enterprise Panel and the Local Nature Partnership are part of GLA and have been consulted in preparation of the Havering Local Plan as evidenced in the Duty to Cooperate Statement (March 2018).</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>Yes. The Havering Local Plan has been prepared with full regard to the Council's Vision : Havering-Making a Greater London (2017). The Local Plan is presented in terms that reflect the 'themes' set out in the Vision.</p>
<p>8. Do you have regard to other matters and relevant</p>	<p>The Act</p>		<p>As well as the matters and strategies listed in the Act</p>	<p>Havering has consulted all relevant bodies at each stage of</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
strategies relating to: <ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances 	section19(2) Regulation 10		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.	the preparation of the Local Plan including TfL, the GLA, and the Clinical Commissioning Group (CCG). This allowed them to make relevant input in relation to their strategies and other matters of interest. Details are set out in the Statement of Consultation (March 2018) and Infrastructure Delivery Plan (March 2018) which is part of the evidence base to the Havering Local Plan.
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		Yes. The Havering Local Plan sets out in Policy 36 that specific requirements linked to climate change matters (such as minimising carbon dioxide emissions and sustainable design and construction) are set out in the London Plan and will be applied by the Council. Policy 36 of the Havering Local Plan sets out that the Council will seek to optimise the energy efficiency of buildings and support



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>low carbon and renewable energy developments including energy efficiency improvements to existing buildings.</p> <p>Additionally, Policy 36 of the Havering Local Plan sets out the Council's approach to renewable energy developments.</p> <p>The Havering Local Plan also promotes sustainable transport, flood management and reducing air pollution (Policies 22, 32 and 33, respectively).</p> <p>All of these policies have been subject to sustainability Appraisal (Sustainability Report (March 2017)).</p>
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Act section 19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<p>Yes.</p> <p>Details are set out in the Sustainability Appraisal Report (August 2017).</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
	Regulations 2004 No 1633			
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	Yes. Details are set out in the Sustainability Appraisal Report (August 2017).
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.	Yes. Representations received throughout the consultation of the Havering Local Plan and the sustainability appraisal preparation have been retained and considered. Summaries of the main issues linked to the Local Plan and the supporting Sustainability Appraisal are included within the Consultation Statement (March 2018).
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to: <ul style="list-style-type: none">enable you to amend the	Regulations 5 (1)(b) and 9	NPPF para 157	Regulation 2 defines the terms 'submission' and 'adopted' proposals map. A map showing changes to the adopted policies map is part of the proposed	Yes. A Proposals Map Changes Booklet (March 2018) has been published and was included in the Regulation 19 consultation. It sets out changes to the adopted Policies Map for the adopted Local Development Framework



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>currently adopted policies map?</p> <ul style="list-style-type: none"> inform the community about the location of proposals? 			<p>submission documents defined in Regulation 17.</p>	<p>(2008).</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150 and 155</p>		<p>Yes</p> <p>The consultation exercises as set out in the Consultation Statement (March 2018), plus other informal consultation meet the requirements of Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2012 and the Council's Statement of Community Involvement (adopted 2015).</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.

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'.



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Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Have you prepared the sustainability appraisal report?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168 SEA Guide Chapter 5		Yes. The Sustainability Appraisal Report (August 2017) was prepared and consulted along the Havering Local Plan.
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	Yes. These were made clear by the part of the Council's website 'hosting' the Local Plan, the published consultation leaflet and the consultation e-mail.
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)		Regulation 17 gives definitions.	Yes. All material under consultation was made available to the public for inspection at Havering Town Hall, Mercury House and all libraries in Redbridge. 'Drop-in' sessions were held at each of the libraries.



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				<p>Consultation Statement (March 2018) submitted alongside the Local Plan details the consultation process undertaken.</p> <p>The Statement of Representations procedure is included in the Consultation Report (March 2018).</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? 	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>Yes. All the proposed submission documents and the statement of the representations procedure which details where and when documents can be inspected have been published on the Council's website.</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p>	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>Yes. The statement of the representations procedure was sent to each of the specific consultation bodies invited to make representations.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 				<p>The Consultation Statement and the statement of the representations procedure are available on the Council's website.</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>Yes. The Council notified all the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan at the start of the Regulation 19 consultation (August 2017).</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 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>Yes. The Council has in writing formally requested the opinion of the Mayor of London as to the general conformity of the Local Plan with the spatial development strategy. This was provided in a letter response dated 28 September 2017. A copy can be provided if required.</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? Have the timescales set out in the LDS	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	Yes. An updated LDS was approved in March 2018. The listing and description of the Local Plan is in accordance with the LDS. The timescales for the production of



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
been met?				the Local Plan are also identified.
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>Yes. The preparation of the Havering Local Plan has had full regard to the Havering Vision : Havering : Making a Greater London. It will assist in delivering the themes set out within it.</p> <p>The Vision has themes encompassing Places, Communities, Opportunities and Connections. The Havering Local Plan is aligned with this through separate chapters on matters such as : Successful Places to live, Thriving Communities, Opportunities to prosper, Connections, High quality places and Green places.</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 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	<p>Yes. The Local Plan is in compliance with the published Statement of Community Involvement (SCI) (2015) and the updated Local Plan Regulations 2012.</p> <p>All consultations were carried out</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				in accordance with the requirements set out in the SCI as set out in the Consultation Statement (March 2018) at paragraph 3.19. . .
<p>4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEAs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 181 and 182</p>	<p>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>Yes.</p> <p>The borough has consulted and co-operated with neighbouring London Boroughs, Essex County Council and neighbouring local planning authorities at all stages of the preparation of the Havering Local Plan.</p> <p>Details are set out in the Havering Local Plan Consultation Statement (March 2018) and the Duty to Co-operate Statement (March 2018).</p> <p>A joint Strategic Housing Market Assessment (SHMA) identifying the functional housing market area and establishing the objectively assessed need for housing has been prepared with the London Boroughs of Barking & Dagenham, Redbridge and</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>Newham.</p> <p>A Joint Waste Development Plan Document (2012) has been prepared with the London Boroughs of Barking and Dagenham, Redbridge and Newham in order to plan for the management of waste within the East London region.</p>
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5) Regulation 22(1)(a)</p>	<p>NPPF para 165 SEA Practical Guide, chapter 5</p>		<p>Yes. The Havering Local Plan has been subject to sustainability appraisal and the final full report is available (Sustainability Appraisal (August 2017)).</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>Yes. The Havering Local Plan is considered to be consistent with national policy in the National Planning Policy Framework.</p> <p>The Havering Local Plan has been prepared to reflect the NPPF Principles as set out in the Soundness Assessment.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists?</p> <p>If yes, is there local justification?</p> <p>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>Yes.</p> <p>The Council has written to formally request the opinion of the Mayor of London regarding the general conformity of the Local Plan. The Mayor of London responded on 28 September 2017. A copy of the letter is available on request.</p> <p>The Mayor has commented that 'whilst he supports many aspects of the draft Plan, he is of the opinion that the proposed car parking standards are not in conformity with the London Plan'.</p>
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>Yes.</p> <p>The prescribed documents have been made available at Havering Town Hall and on the Council's website:</p> <p>Yes.</p> <p>The Council notified all the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>Does the DPD contain a list of superseded saved policies?</p>				<p>The Havering Local Plan does not include any saved or superseded policies as it is a wholly new Local Plan.</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>Yes. The Proposals Map Changes Booklet (March 2018) has been published together with the submission version of the Havering Local Plan. The Booklet sets out changes to the adopted policies map of the Havering Local Development Framework.</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>Yes. The Local Plan supersedes and replaces the adopted Havering Local Development Framework (2008) :</p> <ul style="list-style-type: none"> • Core Strategy and Development Control Policies Development Plan Document (2008) • Site Specific Allocations Development Plan



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				Document (2008) <ul style="list-style-type: none"> Romford Area Action Plan Development Plan Document (2008)
11. Have you prepared a statement setting out: <ul style="list-style-type: none"> Which bodies and persons were invited to make representations under Regulation 18? How they were invited? A summary of the main issues raised? How the representations have been taken into account? 	The Act section 20 (3) Regulation 22(1)(c)		This will bring forward material from the Consultation statement (see Stage 2 above).	Yes. The Regulation 22 Havering Local Plan Consultation Statement (March 2018) sets out which bodies and persons were invited to make representations, how they were invited, a summary of the issues raised and how the representations have been taken into account when preparing the Havering Local Plan.
12. Have you prepared a statement giving: <ul style="list-style-type: none"> the number of representations made under Regulation 22? a summary of the main issues raised? OR <ul style="list-style-type: none"> that no representations were made? 	The Act section 20(3) Regulation 22(1)(c)			Yes. These matters are addressed in the Statement of Consultation (March 2018).



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
13. Have you collected together all the representations made under Regulation 20?	The Act section 20(3) Regulation 22(1)(e)			Yes.
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			Yes. A referenced examination library has been prepared which contains all the relevant supporting documents.
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Yes. The Council resolved to submit the Local Plan to the Planning Inspectorate at Full Council in January 2018.
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)		Regulation 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and supporting documents may not be practicable. Regulation 35 deals with the availability of documents and the time of their removal.	Yes. The Havering Local Plan has been submitted in line with the advice and requirements indicated by the Regulations and the Planning Inspectorate.



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Yes. A copy of the Local Plan and all supporting documents including those prescribed by Regulation 22 will be made available in Havering Town Hall for inspection.</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 available? 	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Yes. The proposed submission Havering Local Plan and other documents for submission have been published on the Council's Local Plan website.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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? 	<p>Regulation 22(3)(b)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>Yes. The Council notified the relevant consultation bodies and all persons invited to make representations on the proposed submission Havering Local Plan by means of the Notice of Submission.</p> <p>Notification was also given on where and when documentation can be inspected.</p>
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>Yes. All consultees who requested to be notified that submission has taken place have been notified.</p>
<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 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 	<p>The Act section 20 Regulations 24 and 35</p>			<p>To be arranged.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
the published DPD which have not been withdrawn of these details?				

London Borough of Havering
March 21 2018