



Local Plan Legal Compliance Checklist

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**

AMR means **Authority Monitoring Report**

LDC means **Lewes District Council**

LPP1 means **Lewes District Local Plan Part 1: Joint Core Strategy 2010-2030**

LPP2 means **Lewes District Local Plan Part 2: Site Allocations and Development Management Policies DPD**

NPPF references related to the National Planning Policy Framework (2012)



Stage one: The early stages

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

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

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

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

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



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	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>A separate Development Sites and Policies DPD was identified in the first LDS in 2006. It was subsequently revised in 2008, 2009 and 2011.</p> <p>Additional revisions to the LDS were produced in 2017 and 2018 to maintain a realistic timetable for document production.</p>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3)</p> <p>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 procedure for community engagement at the Regulation 18 stage of the Local Plan Part 2 (LPP2) is set out in the Lewes SCI, which was adopted in 2011.</p> <p>The timetable for the work was included in the LDS and the AMR assessed the progress of the LPP2 against that timetable on an annual basis.</p> <p>The full history of the consultation process, dating back from the consultation on topic papers in 2013, is set out in the Statement of Consultation.</p>
<p>3. Have you considered the appropriate bodies you</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 -4.26</p>	<p>Regulation 2 defines the general and specific</p>	<p>The SCI identifies that details of 'specific' and 'general' consultation bodies are kept within a consultation database. The Local Plan</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>should consult?</p>			<p>consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>consultation database has been kept up to date to ensure interested parties were aware of the progress against relevant milestones and consulted at appropriate stages.</p> <p>The SCI also provides lists of specific consultation bodies and types of general consultation bodies to be consulted in the preparation of LPP2. It acknowledges that the consultees may change in line with changes in planning regulations.</p> <p>The Statement of Consultation identifies how specific and general consultation bodies were consulted.</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</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents</p>	<p>Strategic issues and priorities that will have a significant impact on at least two planning areas were addressed in the Local Plan Part 1: Joint Core Strategy (LPP1).</p> <p>The Inspectors Report from the LPP1 examination in public confirms that the Duty to Cooperate on strategic cross boundary issues has been met.</p> <p>LPP2 is a non-strategic plan that supports and seeks to deliver the strategic objectives and spatial strategy of the LPP1.</p>



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		<p>working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>Notification of consultation at various stages of LPP2 has been sent to statutory bodies, including adjoining Local Planning Authorities in accordance with regulations and SCI.</p> <p>The Statement of Consultation sets out how consultation was undertaken with other local planning authorities, including counties, and prescribed bodies.</p> <p>The LPP2 Duty to Cooperate Statement details how remaining cross boundary issues were addressed with neighbouring authorities. It identifies three matters where duty to cooperate considerations arise: in relation to the Ashdown Forest SAC; the provision of permanent pitches for Gypsy and Traveller (G&T) accommodation; and the disaggregation of the housing requirement in Local Plan Part 1.</p> <p>The Duty to Cooperate Statement identifies how neighbouring authorities have been engaged in meeting needs for G&T accommodation, and how LDC has been an active participant in the Ashdown Forest Working Group, which was involved the creation of a Statement of Common Ground</p>



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				<p>to address the strategic cross boundary issue of air quality impacts on the Ashdown Forest Special Area of Conservation (SAC) arising from traffic associated with new development. The Duty to Cooperate Statement sets out the agreement between the Council and the SDNPA on the disaggregation of the Local Plan Part 1 housing figures for areas inside and outside of the National Park in Lewes District. The Appendix of the Duty to Cooperate Statement contains the Statements of Common Ground prepared in support of this Plan submission.</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</p>	<p>Strategic issues and priorities that will have a significant impact on at least two planning areas were addressed in the LPP1.</p> <p>The LPP2 is a non-strategic plan that supports and seeks to deliver the strategic objectives and spatial strategy of the LPP1.</p> <p>However, the Statement of Consultation confirms that the South East LEP and Coast to Capital LEP, as well as Sussex Local Nature Partnership, were consulted.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
			includes consulting on joint approaches to relevant activities.	
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF paras 158 - 177		<p>Baseline information has been collected and published through evidence studies and topic papers for the LPP2. A full list of evidence documents will be supplied in the Examination Library.</p> <p>Baseline information is collected and monitored through the AMR on an annual basis. The preparation of evidence studies is also documented within the AMR.</p>
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>		Baseline information has been collected through the SA/SEA Scoping Report, which was published in 2013, and updated through the SA/SEA Report published at Reg 18 stage (November 2017) and Reg 19 stage (September 2018).
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	NPPF paras 165 and 167	The Strategic Environmental Assessment consultation bodies are also amongst	The statutory environment consultation bodies were consulted on the SA/SEA Scoping Report for a period of eight weeks between 22 nd November 2013 and 17 th



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level of detail of the environmental information to be included in the sustainability appraisal report?	Plans and Programmes Regulations 2004 No 1633.	SEA Guide chapter 3	the 'specific consultation bodies' which are defined in Regulation 2).	January 2014. The statutory environment consultation bodies were also consulted on the LPP2 and the SA/SEA Report at Reg. 18 and Reg. 19 stages.



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	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? 	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<p>A series of 'Issues and Options' Topic Papers were published for consultation in 2013. In addition, a Consultation Draft Plan was published at Regulation 18 stage, which was also subject to public consultation. Consultation was carried out in accordance with the SCI and is detailed in the Statement of Consultation.</p> <p>Specific consultation bodies and general consultation bodies on the consultation database were contacted and invited to make representations about the contents of the documents. General consultation bodies are those that have been asked to be informed of consultations.</p>
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>		<p>In addition to directly contacting consultees on the consultation database, the Topic Papers and Draft Plan consultations were publicised to people resident or carrying out business in the area through: Press Releases; Workshops with Town/Parish Councils; and the publicity through the Council's website.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				<p>Notification of consultation was sent directly to consultees on the consultation database.</p> <p>The methods of publicity used are consistent with the SCI and are detailed in the Statement of Consultation.</p>
<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<p>There are a number of different stakeholders responsible for delivering the strategy on the consultation database, including East Sussex County Council, other infrastructure and service providers, housing developers, and town and parish councils.</p> <p>These stakeholders were contacted directly to inform them of the consultation stages of the LPP2. This is documented in the Statement of Consultation. Regular and ongoing engagement also takes place with service and infrastructure providers through the preparation and updating of the Infrastructure Delivery Plan.</p>
<p>4. Are you taking into account representations made?</p>	<p>Regulation 18(3)</p>	<p>NPPF para 155</p>	<p>Evidence from participation is part of the justification. Show how you have taken representations into account.</p>	<p>Consultation stages have identified the key issues to be addressed, and the Statement of Consultation highlights how responses have been taken into account throughout the preparation of the LPP2.</p>



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<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<p>The Topic Papers published for consultation in 2013 identified the options for delivering the planned growth proposed in the LPP1, which were assessed as part of the SA/SEA Report. Consultation responses on the topic papers are summarised in the Statement of Consultation.</p> <p>The SA/SEA report was subject to consultation alongside the Consultation Draft Plan (Reg 18 stage), and a number of representations were received on this document. The representations and the responses are summarised as part of the Statement of Consultation. The SA/SEA report has been updated and revised as a result of these consultation responses.</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 	<p>The Act section19(3)</p>	<p>NPPF para 155</p>		<p>Consultation on plan preparation included the publication of the Topic Papers in 2013 and the Consultation Draft Pan in 2017. The consultation was undertaken in accordance with the SCI, as detailed in the Statement of Consultation.</p> <p>As LPP2 contains non-strategic policies that support the implementation of LPP1, it is considered that this is proportionate to the</p>



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in the DPD?				<p>scale of issues.</p> <p>The Sustainable Community Strategy informed the development of LPP1, and LPP2 is a non-strategic plan that supports the implementation of LPP1.</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>The Statement of Consultation sets out details of who was consulted, how they were consulted, the key issues raised, and how these issues were addressed.</p> <p>Anyone who made a representation that was not previously on the consultation database was added.</p>
<p>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</p>	<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>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>The LPP1 was prepared jointly with the South Downs National Park Authority, and covers the whole of the Lewes District, including the area within the SDNP.</p> <p>The LPP2 is a non-strategic plan that supports and seeks to deliver the strategic objectives and spatial strategy of the LPP1, and only covers the part of the Lewes District outside of the SDNP.</p> <p>The LPP2 Duty to Co-operate Statement</p>



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<p>prescribed under Section 33A(1)(c)?</p>				<p>details how non-strategic cross boundary issues were addressed with neighbouring authorities. It identifies two matters where duty to cooperate considerations arise, in relation to the Ashdown Forest SAC and the provision of permanent pitches for Gypsy and Traveller accommodation.</p> <p>Other local planning authorities and East Sussex County Council were notified of consultation and invited to submit representations.</p> <p>The Statement of Consultation and the Duty to Co-operate Statement sets out how neighbouring authorities have been involved in plan preparation.</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and</p>	<p>Strategic cross-boundary issues and priorities were addressed in LPP1. LPP2 is a non-strategic plan that supports and seeks to deliver the strategic objectives and spatial strategy of the LPP1.</p> <p>The Statement of Consultation confirms that the South East LEP and Coast to Capital LEP, as well as Sussex Local Nature Partnership, were consulted.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
			on an ongoing basis.	
10. Are you developing a framework for monitoring the effects of the DPD?	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p>	<p>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation”</p> <p>Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.</p>	<p>The LPP2 contains targets and indicators to supplement the Monitoring Framework set out in the LPP1.</p> <p>The framework for monitoring is informed by the SA/SEA Scoping Report and SA/SEA Reports.</p> <p>The indicators will be used to assess the impact and delivery of the policies. Progress against the indicators will be reported within the AMR which is updated and published on an annual basis.</p>



Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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



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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	Evidence
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>NPPF paras 152 - 182 SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>The SA/SEA Report appraises reasonable alternatives. SA/SEA is an iterative process and each final report takes account of work undertaken at previous stages that helped shape the LPP2.</p> <p>Consideration was given at an early stage to the scope for reasonable alternatives for site allocations and development management policy.</p> <p>The existing saved policies from the Lewes Local Plan 2003 were assessed as options, and well as new approaches derived from new evidence and consultation responses such as the Topic Papers.</p> <p>The alternatives for site allocations were derived from: existing unimplemented allocations; sites identified in the SHLAA; sites suggested through the LPP1 public consultation stages; and sites identified through the call for sites. Site options for settlement within a designated neighbourhood area or with a neighbourhood plan were not appraised as these would be</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>considered through the neighbourhood planning process</p> <p>For Development Management Policies, a 'no policy' option was considered. This means that the proposed approach is to rely on existing policies which include the NPPF and the development plan.</p> <p>It was considered unacceptable to not have an allocation for the provision of permanent Gypsy and Traveller pitches due to the unequivocal requirement set out for LPP2 in LPP1. There are no neighbourhood plans are allocating a site or sites for such provision. Therefore it is not considered that 'no policy' would be a reasonable alternative.</p> <p>A 'call for sites' did not attract any potential site submissions. Therefore, the site that has been identified for G&T provision is the only reasonable option available for allocation in the LPP2 for the provision of permanent pitches for Gypsy and Traveller use.</p> <p>Different potential approaches were developed and appraised against the sustainability framework to identify the</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>preferred approaches</p> <p>The alternatives were continually evaluated through the SA/SEA Report revisions.</p>
<p>2. Have you assessed 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>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>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.</p>	<p>Following initial work and prior to the Development Management Policies being fully completed, POS were engaged to undertake a critical assessment of the approach with a focus on consistency with national policy and the continued relevance of a Development Management Policies approach. This confirmed consistency with national policy.</p> <p>A Soundness Self-Assessment has been undertaken that shows that LPP2 is consistent with national policy.</p> <p>The Regional Strategy (South East Plan) was revoked in March 2012.</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? 	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10</p>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<p>The Regional Strategy (South East Plan) was revoked in March 2012.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
<ul style="list-style-type: none"> • Planning Policy for Wales? • the National Planning Framework for Scotland? 	and 21			
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	NPPF paras 181 and 185	.	<p>The LPP1 is a joint Core Strategy with the South Downs National Park Authority, covering the whole of the Lewes District including the areas both inside and outside the SDNP.</p> <p>The LPP2 is a non-strategic plan and therefore does not need to address significant cross boundary issues, as these are addressed through LPP1.</p> <p>The Duty to Co-operate Statement identifies how co-operation has been undertaken with other local planning authorities in relation to Gypsy & Traveller sites and the Ashdown Forest SAC.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section</p>	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	Strategic cross-boundary issues and priorities were addressed in LPP1, which is a joint plan with the South Downs National Park Authority, covering the whole of the Lewes District.



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issues including preparing joint approaches?	20 (5) (c) Regulation 4			<p>The LPP2 is a non-strategic plan that supports and seeks to deliver the strategic objectives and spatial strategy of the LPP1, in the area outside of the National Park.</p> <p>The Statement of Consultation and Duty to Co-operate Statement sets out how duty to co-operate bodies have been consulted.</p>
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		<p>Strategic cross-boundary issues and priorities were addressed in the LPP1. The LPP2 is a non-strategic plan that supports and seeks to deliver the strategic objectives and spatial strategy of the LPP1.</p> <p>However, the Statement of Consultation confirms that the South East LEP and Coast to Capital LEP, as well as Sussex Wildlife Trust, were consulted.</p>
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 	The Act section 19(2)			<p>The Sustainable Community Strategy informed the development of the LPP1. The LPP2 is a non-strategic plan that supports and seeks to deliver the strategic objectives and spatial strategy of the LPP1 by: allocating additional sites to meet development growth identified in LPP1; and setting out detailed non-strategic</p>



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<p>adopted by the council?</p>				<p>development management policies to guide development and change.</p> <p>Regard has been had to 'made' and emerging neighbourhood plans. These are intrinsic to the content of the Plan, for example, housing allocations are made in these documents which then contribute to meeting the overall housing target for Lewes District outside of the SDNP.</p>
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>The LPP2 addresses non-strategic matters identified in LPP1 and other strategic through spatial strategies and development management policies.</p> <p>Relevant strategies were considered in LPP1, including:</p> <ul style="list-style-type: none"> • East Sussex, Brighton & Hove and SDNP Joint Minerals and Waste Plans • East Sussex Local Transport Plan 3, 2011-2026 • East Sussex Joint Waste Management Strategy <p>The DM policies seek to address issues identified in the LPP1 through these strategies in proportionate terms.</p>



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				<p>SA/SEA Scoping baseline data covers such issues of environmental resources, and other economic and social matters. The evidence base provides local data and links to other documents and sources of information.</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 - 108</p>		<p>Strategic issues and priorities, including mitigating and adapting to climate change were addressed in the LPP1, which contained policies such as: Core Policy 9 (Air Quality); Core Policy 11 (Built and historic Environment and High Quality Design); Core Policy 12 (Flood Risk, Coastal Erosion & Drainage); Core Policy 13 (Sustainable Travel); and Core Policy 14 (Renewable and Low Carbon Energy).</p> <p>A Renewable Energy & Low Carbon Development Study was prepared as part of the evidence for the LPP1. Part of the output from this study was an Energy Opportunities Map, which identifies the renewable and low carbon technologies that are most viable in different parts of the plan area. This is provided within the LPP1.</p> <p>The LPP2 is a non-strategic plan that supports and seeks to deliver the strategic</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>objectives and spatial strategy of the LPP1.</p> <p>The LPP2 provides policies that support the strategic evidence base for the LPP1 (e.g. for strategic flood risk and the approach to renewables and energy efficiency). This includes:</p> <p>DM14: Multi-functional Green Infrastructure; DM22: Water Resources and Water quality; DM26: Refuse and Recycling; and DM27: Landscape Design.</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 Regulations 2004 No 1633</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>Consultation on the SA/SEA (and HRA) has been undertaken proportionately with stakeholders, including prescribed SEA bodies and carried out at appropriate stages of plan preparation, including the Consultation Draft Plan (Reg.18) stage and Pre-Submission Plan (Reg.19) stage.</p>
<p>11. Are you setting out reasons for any preferences between alternatives?</p>	<p>Regulation 8(2)</p>	<p>NPPF para 182</p>	<p>This will include information from the sustainability appraisal.</p>	<p>The SA/SEA process has considered reasonable alternatives and assessed them against the SA Framework – comprising</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>social, economic and environmental factors.</p> <p>A summary of the SA outcomes and the rationale for the selection / rejection of alternatives is presented in the SA/SEA Report.</p>
<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 150, 155, 157 and 159-171</p>	<p>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<p>The Statement of Consultation summarises the representations made on the LPP2 and SA/SEA Report and how the main issues arising have been addressed.</p>
<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 	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed</p>	<p>A Draft Policies Map, including Inset Maps, was published alongside the Draft Plan (Reg.18), and a 'Proposed Changes to the Policies Map' document was published alongside the Pre-Submission Plan (Reg.19), and submitted for examination.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
<p>the 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>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>The Statement of Consultation details the participation arrangements for LPP2 and confirms that consultation has been undertaken in accordance with the SCI and relevant regulations.</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.



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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	Evidence
1. Have you prepared the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 - 168</p> <p>SEA Guide Chapter 5</p>		<p>The SA/SEA Report was updated and published alongside the Pre-Submission (Reg.19) plan.</p>
2. Have you made clear where and within what period representations must be made?	<p>Regulation 17, 19, 20 and 35</p>		<p>The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).</p>	<p>The Statement of Representations Procedure contained details on where and within what period representations must be made.</p> <p>This was published on the website informing stakeholders that representations could be made over a 6 week period between Monday 24 September and midnight on 5 November 2018.</p> <p>The Statement of Representations Procedure was also made available for public inspection at the Council Offices at Southover House, Lewes, and all libraries in Lewes District, as</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
				<p>well as libraries in Haywards Heath, Burgess Hill, Saltdean and Uckfield.</p> <p>Consultation letters and emails setting out the representations procedure were sent to contacts from the consultation database.</p>
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? 	Regulation 19(a)		Regulation 17 gives definitions.	<p>The LPP2 Pre-Submission Document and the accompanying Sustainability Appraisal were made available to view online via the Council's website. Reference copies of the documents are also available for public inspection at the Council Offices at Southover House, Lewes, and all libraries in Lewes District, as well as libraries in Haywards Heath, Burgess Hill, Saltdean and Uckfield.</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 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	<p>The LPP2 Pre-Submission Document, the proposed submission document and the statement of representations procedure were published on the Council's website.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence
documents can be inspected?				
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	The specific consultation bodies were sent an email informing them about the publication of the Pre-Submission Plan and where they were available to view, and inviting them to make representations on the plan.
<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>General consultation bodies on the consultation database were sent an email informing them about the publication of the LPP2 Pre-Submission Document and where they were available to view, and inviting them to make representations on the plan.</p> <p>The LPP2 Pre-Submission Document and the accompanying Sustainability Appraisal were made available to view online and at various deposit points.</p>



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



Stage five: Submission

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

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

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

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

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

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	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 been met?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	A revised LDS was published in September 2018 and adopted in November 2018. It confirms the timetable for the preparation of LPP2. The AMR records progress of the LPP2 against the relevant LDS.
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 LPP1 has regard to the Sustainable Community Strategy for Lewes District. The LPP2 is a non-strategic plan that supports the implementation of LPP1.
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).	The consultation standards set out in the SCI have been applied, and consultation on the LPP2 has been undertaken in accordance with the SCI, as detailed in the Statement of Consultation.
4. Have you identified and addressed any issues which	The Act section 33A(1) and	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on	The LPP2 Duty to Co-operate Statement identifies that there are two cross boundary



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>	<p>section 20(5)</p>		<p>effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>issues relating to Gypsy and Traveller accommodation provision; and the Ashdown Forest SAC. It details co-operate with other local planning authorities on these issues.</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>The final SA/SEA Report was updated and re-published in December 2018 alongside the HRA report.</p>
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<p>The PAS Soundness Checklist shows that the LPP2 is consistent with national policy as set out in the NPPF 2012, as transition arrangements from the NPPF 2018 indicate is acceptable for plans submitted before 24th</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
				<p>January 2019.</p> <p>Following initial work and prior to the DM Policies being fully drafted, POS were engaged to undertake a critical assessment of the approach with a focus on consistency with National Policy and the continued relevance of a DM Policies approach. This confirmed consistency with national policy.</p>
<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>The Regional Strategy (South East Plan) was revoked in March 2012.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<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>Does the DPD contain a list of superseded saved policies?</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>The prescribed documents were made available from 24 September 2018 for a period of six weeks at deposit points and on the Council's website. They will also be made available at the same locations as soon as practicably possible after submission.</p> <p>Letters/emails will be sent to all statutory/non statutory, specific and general bodies and those who made representations at Publication Stage, notifying that LPP2 has been submitted to the Secretary of State, and that the Submission documents are available on the Council's website.</p> <p>The LPP2 contains a list of saved policies that will be superseded on adoption as Appendix 2.</p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>			<p>A draft Policies Map and a schedule of changes from the previous Proposals Map have been prepared and submitted with the Local Plan.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>The POS Critical Friend Review identifies that case law has made it clear that where there is an adopted core strategy, a subordinate DPD can be prepared in conformity with that core strategy without re-opening strategic issues. The Review confirms that there appears to be no material departure from the LPP1.</p> <p>The LPP2 contains a list of saved policies that will be superseded on adoption as Appendix 2.</p> <p>The policies of the 'made' Neighbourhood Plans are consistent with the policies in the LPP1. Policies in the LPP2 are not intended to supersede policies within Neighbourhood Plans.</p>
<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 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>A Statement of Consultation has been prepared to meet the requirements of Regulation 22. It sets out the consultation process from the initial stages of the document through to publication.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>issues raised?</p> <ul style="list-style-type: none"> • How the representations have been taken into account? 				
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>This information is included in the Statement of Consultation.</p>
<p>13. Have you collected together all the representations made under Regulation 28?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>Copies of the representations on the Pre-Submission LPP2 (Reg.19) stage will be submitted to the Secretary of State. A redacted version of the representations will be made available on the Council's website and at deposit points.</p>
<p>14. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p>			<p>All relevant supporting evidence and documentation will be included within the Submission Document Library, and published</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
	Regulation 22(1)(g)			on the Council's website.
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.	On 26th November 2018, Full Council resolved to approve the submission of the LPP2 to the Secretary of State under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations for examination, along with the other submission documents required by the regulations
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.	All required documents will be provided to the Secretary of State on submission. Copies of documents provided as prescribed in Regulation 22(1) and to meet PINS requirements, in electronic format as required by 2017 amendment regulations.
17. Have you made the	Regulation 22(3)		You should do this as soon	The submission documents, including the



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
<p>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>as reasonably practicable after submission.</p>	<p>LPP2 and documents prescribed in Regulation 22(1) will be made available on the website and at the deposit points as soon as practicable after submission.</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 	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>The submission documents, including the LPP2 and documents prescribed in Regulation 22(1) will be made available on the website and at the deposit points as soon as practicable after submission.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence
the documents are available?				
19. For each general consultation body invited to make representations under Regulation 18(1), have you sent: <ul style="list-style-type: none"> • notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection • where and when they can be inspected? 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	Letters and emails will be sent to appropriate bodies, stakeholders and consultees as soon as is reasonably practicable after submission.
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	Letters and emails to be sent to appropriate bodies, stakeholders and consultees (including those on the consultation database) who had requested to be involved in examination as soon as is reasonably practicable after submission.
21. If an examination is being held, at least six weeks before its opening has the Programme Officer:	The Act section 20 Regulations 24			This will be carried out by the Programme Officer at the later appropriate stage.



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Activity	Legal requirement	Guidance reference	Additional notes	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?	and 35			