

Wycombe District Council Local Plan Submission

Legal Compliance Check List

March 2018



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** and takes into account the updated **Town and Country Planning General (Amendment) (England) Regulations 2018**. It should be used with the Soundness Self Assessment Checklist (also updated January 2013).

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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

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

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

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan 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 plan has been produced in accordance with the Wycombe Local Development Scheme Aug 2017 – Aug 2020 (August 2017).</p> <p>The LDS has been revised as required to update the timetable for the production of the Local Plan.</p> <p>See 2 March 2015 – Cabinet report and Minutes for revised LDS and the 13th December 2016 Cabinet member decision for Approval of Revised Local Development Scheme – this includes re-integrating the Princes Risborough Town Plan into the main Local Plan.</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>How community engagement should take place is set out in the Councils Statement of Community Involvement (December 2012) (Chapter 3 – Plan Making).</p> <p>A Statement of Consultation (March 2018) sets out how, what and when community engagement took place for each stage of the plan preparation.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan evidence
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	<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>	Yes, this is identified in the Statement of Community Involvement (December 2012) and Statement of Consultation for Wycombe District Local Plan (March 2018) Part 1 and Appendix 1.
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>The Wycombe District Local Plan and the Duty to Cooperate Report (March 2018), sets out how we have co-operated on the strategic issues.</p> <p>The Statement of Consultation for the Wycombe District Local Plan (March 2018) also sets out how Duty to Co-operate bodies have been consulted.</p>
5. How you will co-operate with any	The Act section 33A(1)(c) and	NPPF paras 178 to	Section 33A(4) defines	Wycombe District is in the area covered by the Buckinghamshire Thames Valley Local

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan evidence
<p>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>section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>181</p>	<p>a "strategic matter". 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>Enterprise Partnership and the Buckinghamshire and Milton Keynes Natural Environment Partnership. In line with the Statement of Community Involvement (December 2012) and evidenced in the Statement of Consultation (March 2018) and Duty to Co-operate Report (March 2018), consultation has been undertaken with the LEP and NEP to allow opportunity to engage and identify any strategic issues for the Local Plan. Outcomes secured are also set out in the Duty to Cooperate Report (March 2018).</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section13</p>	<p>NPPF paras 158 - 177</p>		<p>The Council has been continually collecting information and adding to the comprehensive evidence base which supports the Local Plan and is available to view on the Council's - https://www.wycombe.gov.uk/newlocalplan</p> <p>Monitoring Reports (March 2018 latest version) have also informed the baseline information.</p>
<p>7. Is baseline information being collected and evidence being</p>	<p>The Act section19(5)</p>	<p>NPPF paras 165 and 167</p> <p>Strategic</p>		<p>Baseline information has been collected to inform the development of the framework, as part of the scoping stage of the Sustainability Appraisal process. See -</p>

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan evidence
gathered to set the framework for the sustainability appraisal?		Environmental Assessment Guide, chapter 5		<p>Sustainability Appraisal/ Strategic Environmental Assessment: The Wycombe District Local Plan Scoping Report (October 2013)</p> <p>Draft sustainability appraisal scoping report for the Princes Risborough Town Plan (December 2015).</p>
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167 SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	<p>Yes, the draft Sustainability Appraisal Local Plan Scoping Report was published for consultation on 10th July 2013, for a six-week period. For responses see section 8 of the Sustainability Appraisal/ Strategic Environmental Assessment: The Wycombe District Local Plan Scoping Report (October 2013).</p> <p>For Princes Risborough see Draft sustainability appraisal scoping report for the Princes Risborough Town Plan, Section 15 – Consultation on Scoping Report. This was consulted on between 16 December 2015 and 21 January 2016.</p>

Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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

Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan 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, see Statement of Consultation (March, 2018). Consultation stages are: <ul style="list-style-type: none"> - Issues stage winter 2012 - Community Conversations Summer 2013 - Options Consultation February-March 2014 - Princes Risborough Town Plan Draft February-March 2016 - Draft Local Plan Consultation 2016 - Local Plan Publication Consultation October-December 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, see Statement of Consultation (March, 2018), part 1 and 2, as well as Appendix 1.
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, see Statement of Consultation (March, 2018), Part 1 and Appendix 1. See Infrastructure Delivery Plan, Section 3 – Consultation and Engagement (September 2017) for engagement with

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
				infrastructure providers.
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. The Statement of Consultation (March, 2018) Part 3 summarises the issues raised at Regulation 18 and how representations have been taken into account at each stage of the Regulation 18 process.</p> <p>This has included making revisions to the plan contents as well as updating / commissioning new evidence base work to respond to issues arising.</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 Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<p>Yes, the following documents identify Sustainability Appraisal alternatives assessed in the plan preparation:</p> <p>Draft sustainability appraisal of the draft Wycombe District Local Plan, (July 2016)</p> <p>Princes Risborough Town Plan Sustainability Appraisal (March, 2016)</p>

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
				<p>The Local Plan publication Sustainability appraisal - full technical report (September 2017).</p> <p>Sustainability Appraisal Clarification Note in response to Regulation 19 Representations, Appendix 22 to the Statement of Consultation (March, 2018).</p>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	<p>The Act section19(3)</p>	<p>NPPF para 155</p>		<p>Consultation has been carried out in accordance with the Statement of Community Involvement (December 2012). This is evidenced in the Statement of Consultation introduction and Part 1 and 2.</p> <p>Whilst there is no longer a requirement to be in accordance with a Sustainable Community Strategy, the Council has an up to date Sustainable Community Strategy for Wycombe District 2013 – 2031. Consultation has been in line with this strategy.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? 	<p>The Act section20(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>Yes, the Statement of Consultation (March, 2018) sets out who was contacted at Regulation 18 (Part 1), how this was done (Part 2) and the main</p>

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
<ul style="list-style-type: none"> • how this was done? • the main issues raised? 			Regulation 35 deals with the availability of documents and the time of their removal.	issues raised for each stage of consultation (Part 3).
8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	<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>	See Statement of Consultation (March, 2018) Appendix 1 for a list of Duty to Cooperate bodies. Consultation has been on an ongoing basis since the start of the plan preparation. The Wycombe District Local Plan Duty to Cooperate Report (March, 2018) sets out how and when relevant bodies were involved and the outcomes achieved.
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	NPPF paras 178 to 181	<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>	Yes, the LEP and LNP have been consulted, see Duty to Cooperate Report (March, 2018), Section 3 - Strategic Issues Statements.
10. Are you developing a	The Act section	NPPF paras 165 -	It is a matter for each	The Council produces

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
framework for monitoring the effects of the DPD?	35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	1687 SEA Guide, Chapter 5	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.	Monitoring Reports to monitor the effects of adopted plans and potential requirements for review. See Monitoring Report (March, 2018) for latest report. Appendix H of the Local Plan sets out a monitoring framework for the plan.

Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

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

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan 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>Our approach to reasonable alternatives is set out in the Sustainability Appraisal (September 2017). Chapters 4, 5 and 6 deal with how the reasonable alternatives were developed, appraised and the Council's reasons for selecting its preferred approach.</p> <p>The appraisal of reasonable site options is included in Appendix III.</p> <p>In addition a clarification note to the Statement of Consultation (March 2018), Appendix 22, provides supplementary detail on how the Council drew together a number of different evidence documents in order to signpost where the Council determined if a site was a reasonable site option for inclusion in the Sustainability Appraisal Report.</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> consistency with 	<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</p>	<p>The Plan (preferred options) and the alternative options have been assessed for compliance against the NPPF.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan Evidence
<p>national policy?</p> <ul style="list-style-type: none"> • general conformity with the regional spatial strategy where still in force? 			<p>is tested formally later but you need to consider it during preparation of the DPD.</p>	<p>The Plan is consistent with the principles and policies set out in the NPPF including the presumption in favour of sustainable development. See Wycombe District Local Plan Submission PAS Self-assessment Soundness Toolkit (March 2018).</p>
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<p>Not applicable for RSS, Planning policy for Wales and NPPF for Scotland.</p> <p>Preparation of the Plan has had regard to London Spatial Strategy though consulting the Mayor of London and Transport for London on strategic issues.</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing 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, see Wycombe District Local Plan and the Duty to Co-operate Report (March 2018).</p>
<p>5. Are you cooperating with a</p>	<p>The Act section</p>	<p>NPPF paras 181 and</p>	<p>The bodies prescribed by</p>	<p>Yes, see Wycombe District</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan 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>Local Plan and the Duty to Co-operate Report (March 2018).</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, see Wycombe District Local Plan and the Duty to Co-operate Report (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>Whilst there is no longer a requirement to be in accordance with a Sustainable Community Strategy, the Council has an up to date Sustainable Community Strategy for Wycombe District 2013 – 2031 and has had regard to the strategy.</p> <p>The Plan has regard to the Delivery and Site Allocation DPD July 2013 the majority of which is not being replaced by the new Local Plan.</p> <p>The plan has had regard to made Neighbourhood Plans in</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan Evidence
				relation to how some development management policies are applied and identified emerging plans where housing allocations should be accommodated.
<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 Local Plan has regard to:</p> <ul style="list-style-type: none"> - The Buckinghamshire Minerals and Waste Core Strategy (adopted 2012) - Saved policies in the Buckinghamshire Minerals and Waste Local Plan (adopted 2006) - Bucks County Council Local Transport Plan 4 - Various emerging transport projects including HS2, Crossrail, East West Rail project. - Highways England work feeding into the next Route Investment Strategy (RIS2) - The Strategic Economic Plan (Bucks Thames Valley Local Enterprise

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan Evidence
				Partnership) - The Thames River Basin Management Plan (water quality)
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 plan is in accordance with paragraphs 93-108 of the NPPF. This is dealt with in Local Plan policies: - CP12 - Climate Change - DM33 - Managing Carbon Emissions: Transport and Energy Generation - DM34 Delivering Green Infrastructure and Biodiversity in Development - DM39 Managing Flood Risk and Sustainable Drainage Systems - DM41 Optional Technical Standards for Building Regulations Approval
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section19(5) Regulation 12 and 13 of The Environmental Assessment of	NPPF para 182 SEA Guide, Chapter 5	Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	Yes the Council has undertaken sustainability appraisal of alternatives which have been consulted on at each stage. A summary of consultation responses is set out in Part 3 of the Regulation

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan Evidence
	Plans and Programmes Regulations 2004 No 1633			<p>22 Statement of Consultation. The following Sustainability Appraisal reports have been produced:</p> <p>Draft sustainability appraisal of the draft Wycombe District Local Plan, (July 2016). This was consulted on at the Draft Local Plan consultation June 2016.</p> <p>Princes Risborough Town Plan Sustainability Appraisal (March, 2016). At the time the Princes Risborough Town Plan was separate to the Local Plan and therefore has a separate Sustainability Appraisal of alternatives. The consultation ran from 11 March to 15 April 2016.</p> <p>The Sustainability appraisal - full technical report (September 2017) was consulted on at the publication stage of the Local Plan (this included Princes Risborough Sustainability Appraisal alternatives). The consultation ran from 16 October to 4</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan Evidence
				December 2017.
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.	<p>Reasons for selecting the reasonable alternatives are set out in Chapter 4 of the Publication Sustainability Appraisal Report and the appraisals of these reasonable alternatives in Chapter 5. The Council's reasons for selecting its preferred approach in the light of alternatives appraisal and other factors are set out in Chapter 6.</p> <p>The role of reasonable site options are considered briefly in Chapter 3 of the SA Report and detailed appraisals presented in Appendix III to the Sustainability appraisal - full technical report (September 2017).</p> <p>A further supplementary note to the Regulation 22 Statement of Consultation (March 2018), Appendix 22 draws together a number of different evidence documents in order to signpost where the Council determined if a site was a reasonable site option for inclusion in the SA Report.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan Evidence
<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>Yes a record of representations for the content of the Plan and supporting Sustainability Appraisals have been kept. The Sustainability Appraisal has been an iterative process. See Part 3 of the Statement of Consultation (March, 2018) for how representations have been taken into account.</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 the currently adopted policies map? • inform the community about the location of proposals? 	<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 submission documents defined in Regulation 17.</p>	<p>See Appendix L of the submission Local Plan which sets out changes to the adopted Policies Map.</p> <p>See Appendix K of the submission Local Plan setting out a schedule of change to the Policies Map.</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, see Statement of Community Consultation (March 2018), Part 1 and 2.</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'.

Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan 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>Yes, see Sustainability appraisal - full technical report, (September 2017). This informed the publication version of the Local Plan.</p>
2. Have you made clear where and within what period representations must be made?	<p>Regulation 17, 19, 20 and 35</p>		<p>The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).</p>	<p>Yes, see Statement of representations procedure and statement of fact: Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 19. This sets out sets how and by when to make such representations, how to express interest in appearing at the Examination, as well as where to find the proposed submission documents.</p>
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> the proposed submission documents? 	<p>Regulation 19(a)</p>		<p>Regulation 17 gives definitions.</p>	<p>Yes, copies have been made available for inspection at the Council Offices (Wycombe District Council offices on Queen Victoria Road High</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan Evidence
<ul style="list-style-type: none"> the statement of the representations procedure? 				Wycombe HP11 1BB), in accordance with Statement of representations procedure and statement of fact (Regulation 19).
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? statement and details of where and when documents can be inspected? 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	Yes, Proposed submission documents and the Statement of representations procedure and statement of fact (Regulation 19) are made available on our webpage .
<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.	Yes, Specific Consultation bodies were each invited to make representations on 13 October 2017. A copy of the Publication Local Plan and Statement of Procedure was sent to them. See Part 4 of Statement of Consultation (March, 2018).
<p>6. Have you sent to each of the general consultation bodies invited to make</p>	Regulation 19(b)		Regulations 2 and 17 give definitions.	Yes, General Consultation bodies were each invited to make representations on 13

Activity	Statutory requirement	Guidance reference	Additional notes	Local Plan Evidence
representations under Regulation 18(1): <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 				October 2017. A copy of the Publication Local Plan and Statement of Procedure was sent to them. See Part 4 of Statement of Consultation (March, 2018).
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 (not a London Borough or Mayoral DC).

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 (* what will be done post submission)

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan 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.	Yes, the plan has been produced in accordance with the Wycombe Local Development Scheme Aug 2017 – Aug 2020 (August 2017). See 9th August 2017 Cabinet Report for approval of Revised Local Development.

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
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		Whilst there is no longer a requirement to be in accordance with a Sustainable Community Strategy, the Council has an up to date Sustainable Community Strategy for Wycombe District 2013 – 2031 and the Plan has had regard to this.
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).	Yes, the Local Plan has been carried out in accordance with the Statement of Community Involvement (December 2012) (Chapter 3 – Plan Making) and evidenced in the Statement of Consultation (March, 2018).
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	Yes, see Wycombe District Local Plan and the Duty to Co-operate Report (March 2018). This has been updated until the point of submission.

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
<p>identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>The Local Plan has been subject to various iterations of Sustainability Appraisals and Habitats Regulation Assessment. The final documents are:</p> <p>Wycombe District Council Sustainability Appraisal (SA) of the Publication (Regulation 19) Draft of the Wycombe District Local Plan (September 2017).</p> <p>Habitat regulations assessment screening report (September 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, see Wycombe district Local Plan PAS Soundness Self-Assessment Checklist completed for submission (March, 2018).</p>
<p>7. Does the DPD contain any policies or proposals that</p>	<p>The Act section 24(1)(a) and 24(4)</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity</p>	<p>Not applicable – no Regional Spatial Strategy is in place.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
<p>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>Regulation 21</p>		<p>with the spatial development strategy (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>Does the DPD contain a list of superseded saved</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 council has published all prescribed document on its website and made paper copies available at WDC Offices (Wycombe District Council offices on Queen Victoria Road High Wycombe HP11 1BB), as set out in the Statement of Availability (March, 2018).</p> <p>*The Council has notified the relevant statutory and non-statutory bodies, and all persons invited to make</p>

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
policies?				<p>representations on the plan.</p> <p>Appendix J of the Submission Local Plan sets out a list of superseded and saved policies, subject to adoption of the 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>Appendix L of the Submission Local Plan sets out proposed changes to adopted Policies Map.</p> <p>Appendix K of the Submission Local Plan sets out a schedule of change to the Policies Map.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>The Local Plan will replace the 2004 Local Plan, the current Core Strategy (2008) and a number of policies within the Delivery and Site Allocations DPD (2013).</p> <p>A schedule of changes is set out in Appendix J to the Local Plan.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> Which bodies and 	<p>The Act section 20 (3)</p>		<p>This will bring forward material from the Consultation statement</p>	<p>Yes – this is the Statement of Consultation (March 2018). See in particular Part 2 and 3</p>

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
<p>persons were invited to make representations under Regulation 18?</p> <ul style="list-style-type: none"> • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 	Regulation 22(1)(c)		(see Stage 2 above).	for Regulation 18.
<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>			Yes, see Statement of Consultation (March 2018), Part 4 of the report for Regulation 22. This sets out the number of representations made with a summary of the main issues.
<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>			Wycombe District Council has collected all the representations made under regulation 20.
<p>14. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p> <p>Regulation</p>			*All documents are available at deposit point as set out in the Statement of Fact (March, 2018).

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
	22(1)(g)			
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, see 18 September 2017 – Cabinet Report recommending to the Council publication version of the Plan and its subsequent submission; and Oct 2017 where the full Council agrees Publication version of Plan and its subsequent submission.
16. Have you sent the Secretary of State (the Planning Inspectorate) either a paper copy or 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)? 	<p>The Act section 20(1) and 20(3)</p> <p>Regulations 22(1) and 22(2)</p> <p>The Town and Country Planning General (Amendment) (England) Regulations 2018</p>		<p>Regulation 35 deals with the availability of documents and the time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	*All required documents have been sent in electronic format, plus those identified to be in paper format at the request of the Planning Inspectorate.
17. Have you made the following available at the same places where the proposed submission documents were to be seen:	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	*All relevant documents have been made available on the website.

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
<ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 				
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	*All relevant documents have been made available on the website.
<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 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	* Each general consultation body has been notified of the prescribed documents and are available for inspection at the Council's Offices (Wycombe District Council offices on Queen Victoria Road High

Activity	Legal requirement	Guidance reference	Additional notes	Local Plan Evidence
<p>in Regulation 22(3)(a)(i)-(iii) are available for inspection</p> <ul style="list-style-type: none"> • where and when they can be inspected? 				<p>Wycombe HP11 1BB). A Statement of Availability has been published setting out where and when they 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>*Each person who requested to be notified of submission has been.</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 the published DPD which have not been withdrawn of these details? 	<p>The Act section 20 Regulations 24 and 35</p>			<p>*This will be undertaken by the Programme Officer, Ian Kemp, at the appropriate time.</p>