

# Stafford Borough Council

## Legal Compliance Checklist August 2013

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

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

### Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

## **Stage one: The early stages**

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

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

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

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

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

Activity	Legal requirement	Guidance reference	Evidence Provided
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153	The Local Development Scheme 2007 (C10) was adopted and in place at the time of commencement for the new Development Plan in September 2007 following the Cabinet report on 6 September 2007 (G31). Commencement was immediately followed by the Sustainability Appraisal Scoping Report (H13) consultation which took place in October 2007.
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3)  Regulation 18	NPPF paras 150, 155 and 157	A Statement of Community Involvement (A16), adopted in July 2006 describes the Council's approach to involving the public for preparation and publication of the Local Plan.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	Yes. Appropriate bodies were engaged at the initial stages of preparing the plan, as set out in the Submission (Regulation 22) Consultation Statement (A14) outlining the specific consultation and general consultation bodies consulted for developing the plan publication.

<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) &amp; (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>From the start of the process co-operation has taken place with other local planning authorities, including Staffordshire County Council, and prescribed bodies on strategic issues and priorities through the West Midlands Regional Spatial Strategy process and subsequently as part of the Localism Act 2011 requirements. Further details on the Duty to Co-operate are set out in the Duty to Co-operate Statement (B3).</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</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>At the early stages of preparing the new Plan for Stafford Borough neither the Local Enterprise Partnership nor the Local Nature Partnership was in place to identify strategic priorities.</p>

impact on at least two planning areas?			
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	The evidence base has been developed from the start of the process, as shown in the succession of Annual Monitoring Reports from 2008 onwards (C1 to C6).
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	NPPF paras 165 and 167  Strategic Environmental Assessment Guide, chapter 5	The Sustainability Appraisal Scoping Report (H13) and its associated Technical Appendix (H14) sets out the baseline information used to set the Sustainability Appraisal framework.
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental	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 statutory environment consultation bodies were consulted on the Sustainability Appraisal Scoping Report (H13) in October 2007 through the e-consultation system and letters circulated. Furthermore responses were received to the Sustainability Appraisal Scoping Report (H15).

information to be included in the sustainability appraisal report?			
--	--	--	--

## Stage Two Plan Preparation- Frontloading phase

Stafford Borough Council defines the Frontloading phase contained in the Legal Compliance Checklist to apply to the following documents, which were progressed between January 2008 and March 2009:

- The Plan for Stafford Borough: Borough-wide Development Strategy (January & February 2008) (G9)
- Principles for Settlement Development (June & July 2008) (G8)
- Delivering the Plan for Stafford Borough: Issues & Options (February & March 2009) (G6)

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.

Activity	Legal requirement	Guidance reference	Evidence Provided
<p>1. Have you notified:</p> <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>The Statement of Community Involvement (A16) sets out the Council's approach to consulting with the community on the new Development Plan including specific and general consultation bodies.</p> <p>The letters of notification for each of the consultation events between January 2008 and March 2009 are set out in the evidence base (17 – 19) including press releases and other information.</p> <p>The Submission (Regulation 22) Consultation Statement (A14) sets out how consultation and community involvement took place for each consultation event together with a summary of the responses received, within the Submission (Regulation 22) Consultation Statement Appendices (A15).</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>The Statement of Community Involvement (A16) sets out the Council's approach to consulting with the community on the new Development Plan, including people who are resident or carrying out business in the Stafford Borough area.</p> <p>The letters of notification for each of the consultation events between January 2008 and March 2009 are set out in the evidence base (17 – 19) including press releases and other information.</p> <p>The Submission (Regulation 22) Consultation Statement (A14) sets out how consultation and community involvement took place for each consultation event together with a summary of the responses received, within the Submission (Regulation 22) Consultation Statement Appendices (A15). This included a range of public exhibitions during February &amp; March 2009.</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>The Statement of Community Involvement (A16) sets out the Council's approach to consulting with the community on the new Development Plan, including key stakeholders in the Stafford Borough area.</p> <p>The letters of notification for each of the consultation events between January 2008 and March 2009 are set out in the evidence base (17 – 19) including press releases and other information.</p> <p>The Submission (Regulation 22) Consultation Statement (A14) sets out how consultation and community involvement took place for each consultation event together with a summary of the responses received, within the Submission (Regulation 22) Consultation Statement Appendices (A15) including from the Environment Agency, Natural England and English Heritage.</p>
<p>4. Are you taking into account representations made?</p>	<p>Regulation 18(3)</p>	<p>NPPF para 155</p>	<p>From January 2008 to March 2009 three key Development Plan consultation events took place, each considering the representations received and then setting out an approach for further community engagement through an interactive process.</p> <p>The Submission (Regulation 22) Consultation Statement (A14) sets out how consultation and community involvement took place for each consultation event together with a summary of the responses received, within the Submission (Regulation 22) Consultation Statement Appendices (A15).</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of</p>	<p>The Act section 19(5)  Regulations 12 and 13 of The Environmental</p>	<p>NPPF paras 165 – 168  SEA Guide, chapter 3</p>	<p>A series of Sustainability Appraisal reports and commentaries were published alongside the Development Plan consultation documents between January 2008 and March 2009 to consider development and sustainability alternatives to inform the identification of options, as detailed in the following reports:</p> <ol style="list-style-type: none"> <li>1. Sustainability Appraisal Commentary Volume 1 (H10)</li> <li>2. Sustainability Appraisal Commentary Volume 2 (H7)</li> </ol>

alternatives?	Assessment of Plans and Programmes Regulations 2004 No 1633		
<p>6. Did participation:</p> <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable community strategy?</li> <li>• proportionate to the scale of issues involved in the DPD?</li> </ul>	The Act section19(3)	NPPF para 155	<p>Participation has followed the principles and process of the adopted Stafford Borough Statement of Community Involvement (A16). The Borough Council consider the level of participation to be proportionate to the scale of issues involved.</p> <p>The Submission (Regulation 22) Consultation Statement (A14) and the Appendix (A15) sets out a summary of representations made to each of the key stages of participation regarding the new Development Plan.</p> <p>The letters of notification for each of the consultation events between January 2008 and March 2009 are set out in the evidence base (I7 – I9) including press releases and other information. The Stafford Borough Strategic Partnership, responsible for producing the Sustainable Community Strategy (E105), and individual organisations within the Strategic Partnership were engaged in the process of consultation.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <li>• the individuals or bodies invited to make representations?</li> <li>• how this was done?</li> <li>• the main issues</li> </ul>	<p>The Act section20(3)</p> <p>Regulation 17</p>	NPPF paras 158 - 171	<p>Stafford Borough Council's developed a consultation database from the start of the process, which has grown significantly through successive consultation events by including those who made comments were notified of future Development Plan stages.</p> <p>A full list of those notified is including in the Submission (Regulation 22) Consultation Statement Appendices (A15) together with representations made to the Development Plan and how these were addressed at each stage. Furthermore representations are recorded on the Council's e-consultation</p>

raised?			system (Objective / Limehouse) database
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) &amp; (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	<p>Throughout the process from January 2008 to March 2009 co-operation has taken place with other local planning authorities, including Staffordshire County Council, and prescribed bodies on strategic issues and priorities through the West Midlands Regional Spatial Strategy process and subsequently as part of the Localism Act 2011 requirements. Further details on the Duty to Co-operate are set out in the Duty to Co-operate Statement (B3).</p> <p>The letters of notification for each of the consultation events between January 2008 and March 2009 are set out in the evidence base (17 – 19) including press releases and other information.</p> <p>The Borough Council have identified cross boundary issues concerning new housing developments to the north of Stafford Borough, and impacts on Cannock Chase Special Area of Conservation (SAC) with neighbouring authorities. Further details are set out in the Duty to Co-operate Statement (B3).</p>
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	NPPF paras 178 to 181	Between January 2008 and March 2009 neither the Local Enterprise Partnership nor the Local Nature Partnership was in place to identify strategic priorities.

<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<p>The Act section 35 Regulation 34  Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>NPPF paras 165 - 1687  SEA Guide, Chapter 5</p>	<p>The framework for monitoring the effects of the new Development Plan is set out by indicators within the successive Annual Monitoring Reports from 2008 onwards (C1 – C6). Furthermore the Sustainability Appraisal Scoping Report (H13) sets out the framework for monitoring the impact of the new Development Plan across a range of social, environmental and economic indicators.</p>
--	--	--	---

### Stage Three – Plan Preparation – Formulation phase

Stafford Borough Council defines the Frontloading phase contained in the Legal Compliance Checklist to apply to the following documents, which were progressed between February 2010 and July 2012:

- Delivering the Plan for Stafford Borough: Draft Core Policies (February & March 2010) (G5)
- Delivering the Plan for Stafford Borough: Local Choices (November 2010 to January 2011) (G4)
- The Plan for Stafford Borough: Draft Publication (September & October 2011) (G2)
- The Plan for Stafford Borough: Strategic Policy Choices (May to July 2012) (G1)

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

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

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

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

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

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

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

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

Activity	Statutory requirement	Possible 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>The Borough Council prepared a series of documents, set out below, in order to consider the preferred approach and options for new development through the new Plan for Stafford Borough. This process appraised the objectives and development location options regarding the Plan for Stafford Borough.</p> <p>Plan for Stafford Borough: Draft Core Policies (G5)  Plan for Stafford Borough: Draft Publication (G2)  Sustainability Appraisal Report (H4)  Plan for Stafford Borough: Strategic Policy Choices (G1)  Sustainability Appraisal of Strategic Policy Choices (H2)</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> <li>• consistency with national policy?</li> <li>• general conformity with the regional spatial strategy where still in force?</li> </ul>	<p>The Act section 19 (2), section 24</p>	<p>Between January 2008 and March 2009 the West Midlands Regional Spatial Strategy (F7) was in place and used as the basis for preparing the new Local Plan. However the RSS was revoked prior to a statement of general conformity being required as part of the new Local Plan process.</p> <p>Government Office for the West Midlands provided advice on national policy during January 2008 to March 2009 including through representations received and detailed within the Submission (Regulation 22) Consultation Statement Appendices (A15). Subsequently the Soundness Self Assessment Checklist (B4) provides an assessment of the more recently published National Planning Policy Framework (March 2012) (F1).</p>
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development strategy for London?</li> <li>• Planning Policy for</li> </ul>	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>	<p>Stafford Borough is wholly within the West Midlands region and does not border any adjacent regions. Furthermore the Regional Spatial Strategy process has not identified any evidence of strategic implications with adjacent regions impacting on Stafford Borough.</p>

Activity	Statutory requirement	Possible evidence
<p>Wales?</p> <ul style="list-style-type: none"> <li>the National Planning Framework for Scotland?</li> </ul>		
<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>Stafford Borough Council co-operated and carried out a significant amount of joint based studies to inform the Plan for Stafford Borough on cross border issues with neighbouring authorities, through the following studies:</p> <ul style="list-style-type: none"> <li>Strategic Housing Market Assessment 2009 (E13)</li> <li>North Housing Market Area Gypsy and Traveller Accommodation Needs Assessment 2007 (E14)</li> <li>Strategic Flood Risk Assessment Level 1 (D46)</li> <li>Water Cycle Study (D44) and Surface Water Management Plan (D40-D42)</li> <li>Staffordshire County wide Renewable / Low Carbon Study (D45)</li> </ul> <p>The Duty to Co-operate Statement (B3) demonstrates how the Borough Council have met requirements to work together with neighbouring authorities to resolve cross boundary issues.</p> <p>Although joint Local Development Documents were considered during this period this approach was not progressed due to different timescales with neighbouring local authority areas. Nevertheless significant co-operation is demonstrated through the Duty to Co-operate Statement (B3).</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section</p>	<p>The Duty to Co-operate Statement (B3) demonstrates for the whole Plan preparation process, and not just since the Localism Act 2011, how the Borough Council have met requirements to work together with neighbouring authorities and public bodies to resolve cross boundary issues.</p> <p>English Heritage, Environment Agency, Natural England, Ministry of Defence and Highways Agency have been heavily involved in the preparation of the new Local Plan and much of its supporting evidence.</p>



Activity	Statutory requirement	Possible evidence
	20 (5) (c)  Regulation 4	
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)	Between February 2010 and July 2012 both the Local Enterprise Partnership and the Local Nature Partnership were in place. The Stoke-on-Trent and Staffordshire Local Enterprise Partnership was being serviced by Peter Davenport within Staffordshire County Council and the Local Nature Partnership was being serviced by the Staffordshire Wildlife Trust, both of which have been engaged in active consultation events.
7. Are you having regard to: <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>• any other local development documents adopted by the council?</li> </ul>	The Act section 19(2)	As demonstrated through the Plan for Stafford Borough: Draft Publication (G2) regard has been had to the Sustainable Community Strategy (E103 & E105) at the Stafford Borough and Staffordshire County level (E104).  No Local Development Documents have been adopted by Stafford Borough Council between February 2010 and July 2012.
8. Do you have regard to other matters and relevant strategies relating to: <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> </ul>	The Act section 19(2)  Regulation 10	In addition to co-operation through the West Midlands Regional Spatial Strategy process, in preparation of the Plan for Stafford Borough the Borough Council has worked with Staffordshire County Council (SCC) to address matters and proposals for resources, waste and minerals as well as transportation issues. Extensive engagement with SCC in relation to these issues led to the creation of the following documents in which the new Local Plan has had regard to. <ul style="list-style-type: none"> <li>- Integrated Transport Strategy for Stafford Borough (D18) and maps (D19 – D23)</li> </ul>

Activity	Statutory requirement	Possible evidence
<ul style="list-style-type: none"> <li>the local transport plan and transport facilities and services</li> <li>waste strategies</li> <li>hazardous substances</li> </ul>		<ul style="list-style-type: none"> <li>Staffordshire County Council Local Transport Plan (LTP) 2011- 2015 (E30)</li> <li>Staffordshire County Council and Stoke on Trent City Minerals Local Plan (F11) and the Staffordshire and Stoke on Trent Waste Local Plan (F12)</li> </ul>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section 19(1A)</p>	<p>The Plan for Stafford Borough sets out the approach on addressing climate change, in particular through the Draft Core Policies (G5) and the Draft Publication (G2) documents. The Plan for Stafford Borough is supported by a number of evidence based studies carried out to mitigate the impacts from climate change across Staffordshire including the following:</p> <ul style="list-style-type: none"> <li>Strategic Flood Risk Assessment Level 1 (D46)</li> <li>Water Cycle Study (D44) and Surface Water Management Plan (D40-D42)</li> <li>Staffordshire County wide Renewable / Low Carbon Energy Study (D45)</li> </ul> <p>The Sustainability Appraisal process between February 2010 and July 2012 has also assessed policies regarding climate change and made recommendations, as detailed in the following documents:</p> <ul style="list-style-type: none"> <li>Sustainability Appraisal Commentary Volume 2 (H7)</li> <li>Sustainability Appraisal Report (H4)</li> </ul>
<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</p>	<p>Yes. a Sustainability Appraisal process has been undertaken to inform the Plan for Stafford Borough including the following documents:</p> <ul style="list-style-type: none"> <li>Sustainability Appraisal Commentary Volume 2 (H7)</li> <li>Sustainability Appraisal Report (H4)</li> <li>Sustainability Appraisal of Strategic Policy Choices (H2)</li> </ul>

Activity	Statutory requirement	Possible evidence
	Assessment of Plans and Programmes Regulations 2004 No 1633	Specific consultation has taken place with the statutory environmental agencies through the e-consultation process. The Revised Sustainability Appraisal Report (A10) sets out the consultations received from previous Sustainability Appraisal reports.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	<p>The Borough Council prepared a series of documents, set out below, in order to consider the preferred approach and options for new development through the new Plan for Stafford Borough. This process appraised the objectives and development location options regarding the Plan for Stafford Borough and each document demonstrates the progress of alternatives and reasons for the preferred approach.</p> <p>Plan for Stafford Borough: Draft Core Policies (G5)  Plan for Stafford Borough: Draft Publication (G2)  Sustainability Appraisal Report (H4)  Plan for Stafford Borough: Strategic Policy Choices (G1)  Sustainability Appraisal of Strategic Policy Choices (H2)</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?	Regulations 17, 18(3) and 22 (1) (c) (iv)  Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	<p>The Submission (Regulation 22) Consultation Statement (A14) sets out a summary of the main issues raised, how many representations made for particular issues and how these are addressed. In addition the responses received to the Sustainability Appraisal process are included in the Submission (Regulation 22) Consultation Statement (A14) as well as specific documents as listed below:</p> <ul style="list-style-type: none"> <li>• Sustainability Appraisal Report (H4)</li> <li>• Sustainability Appraisal of Strategic Policy Choices (H2)</li> <li>• Revised Sustainability Appraisal Report (A10)</li> </ul> <p>A number of responses were received to the Habitat Regulations Assessments and are detailed in the Borough Council's e-consultation system.</p>

Activity	Statutory requirement	Possible evidence
<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"> <li>• enable you to amend the currently adopted policies map?</li> <li>• inform the community about the location of proposals?</li> </ul>	<p>Regulations 5 (1)(b) and 9</p>	<p>Proposal Maps were produced with the Plan for Stafford Borough: Draft Publication (G2) which clearly illustrates the preferred options as strategic allocations.</p> <p>Stafford Borough Council held various public exhibitions highlighting areas for development undertaken as part of the Draft Publication consultation stage (I4).</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	<p>The Submission (Regulation 22) Consultation Statement (A14) sets out how consultation and community involvement took place for each consultation event together with a summary of the responses received, within the Submission (Regulation 22) Consultation Statement Appendices (A15).</p> <p>The Statement of Community Involvement (A16) sets out the Council's approach to consulting with the community on the new Development Plan, which has been fully met as demonstrated by the Submission (Regulation 22) Consultation Statement (A14).</p>

## Stage Four – Publication

Under Regulation 20, the period for formal representations takes place **before** the DPD is submitted for examination in accordance with a timetable set out in the statement of the representations procedure which is made available at the council's office and published on its website.

When moving towards publication stage, the council should consider the results of participation on the preferred strategy and sustainability appraisal report and decide whether to make any change to the preferred strategy. In the event that changes are required, the council will need to choose either to:

- do so and progress directly to publication
- OR
- produce and consult on a revised preferred strategy.

The latter may be appropriate where the changes to the DPD bring in changed policy or proposals not previously covered in community participation and the sustainability appraisal. It avoids having to treat publication as if it were a consultation, which it is not. It also provides insurance in relation to compliance with the Strategic Environmental Assessment Regulations. Legally, during any participation on a revised preferred strategy, you should:

- comply with the requirements of the SCI
- update the sustainability appraisal report.

The council should then produce the DPD in the form in which it will be published. This includes removing material dealing with the evaluation of alternatives and the finalisation of the text. The council should be happy to adopt the DPD in this form, and satisfied that it is sound and fit for examination.

**You should make it clear that publication of a DPD is not public participation, nor a consultation.** The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness.

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

Activity	Statutory requirement	Possible evidence
1. Have you prepared the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>Stafford Borough Council has prepared the Revised Sustainability Appraisal Report (A10) alongside the Plan for Stafford Borough – Publication (A1). In addition a Sustainability Appraisal Addendum report (A12) was produced to consider strategic alternatives development locations presented through the process of seeking representations on soundness and legal compliance.</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 Submission (Regulation 22) Consultation Statement (A14) sets out how the representations on soundness and legal compliance were sought at the Publication stage.</p> <p>Details of the period for seeking representations on soundness and legal compliance including the deadline for representations was published on Stafford Borough Council's website, a press release sent to local newspapers and notification letters were sent out (I1) to all specific and general consultation bodies. The period of consultation took place between Tuesday 8 January 2013 and 12noon on Thursday 28 February 2013.</p> <p>The Statement of Fact (Regulation 19) Proposed Submission public notice (B1 &amp; I1) was published in the Staffordshire Newsletter. Furthermore information and the Plan for Stafford Borough - Publication (A1) with supporting documents were made available for inspection at Council Offices and public libraries.</p>
3. Have you made copies of the following available for inspection:	<p>Regulation 19(a)</p>	<p>The Submission (Regulation 22) Consultation Statement (A14) sets out how the representations on soundness and legal compliance were sought at the Publication stage together with a summary of the responses received, within the Submission (Regulation 22) Consultation Statement Appendices (A15).</p>

Activity	Statutory requirement	Possible evidence
<ul style="list-style-type: none"> <li>• the proposed submission documents?</li> <li>• the statement of the representations procedure?</li> </ul>		<p>The Proposed Submission documents were made available for inspection at the Council Offices and at public libraries including the following:</p> <ul style="list-style-type: none"> <li>• Plan for Stafford Borough: Publication (A1)</li> <li>• Policies Maps (A2 – A9)</li> <li>• Revised Sustainability Appraisal Report (A10)</li> <li>• Publication Consultation Statement (now part of the Submission Consultation Statement and associated Appendices) (A14 &amp; A15)</li> </ul> <p>The Statement of Fact (Regulation 19) Proposed Submission public notice (B1) was published in the Staffordshire Newsletter.</p> <p>Details of the period for seeking representations on soundness and legal compliance including the deadline for representations was published on Stafford Borough Council’s website, a press release sent to local newspapers and notification letters were sent out (I1) to all specific and general consultation bodies. The period of consultation took place between Tuesday 8 January 2013 and 12noon on Thursday 28 February 2013. A copy of the statement of representation procedure (B1), representations form and guidance notes were made available (I1).</p> <p>The letter raising awareness of the period for seeking representations on soundness and legal compliance (I1) detailed the representations procedure, where documents can be viewed and the deadline for making representations. This was sent to the specific consultation bodies together with the Plan for Stafford Borough: Publication (A1) and the Revised Sustainability Appraisal Report (A10)</p>
4. Have you published on your website:	Regulations 19 and 35	The Proposed Submission documents were made available on the Council’s website including the following:

Activity	Statutory requirement	Possible evidence
<ul style="list-style-type: none"> <li>• the proposed submission documents?</li> <li>• the statement of the representations procedure?</li> <li>• statement and details of where and when documents can be inspected?</li> </ul>		<ul style="list-style-type: none"> <li>• Plan for Stafford Borough: Publication (A1)</li> <li>• Policies Maps (A2 - A9)</li> <li>• Revised Sustainability Appraisal Report (A10)</li> <li>• Publication Consultation Statement (now part of the Submission Consultation Statement and associated Appendices) (A14 &amp; A15)</li> </ul> <p>The Statement of Fact (Regulation 19) Proposed Submission public notice (B1) was published in the Staffordshire Newsletter and made available on the web-site.</p> <p>Details of the period for seeking representations on soundness and legal compliance including the deadline for representations was published on Stafford Borough Council's website. The period of consultation took place between Tuesday 8 January 2013 and 12noon on Thursday 28 February 2013. A copy of the statement of representation procedure (B1), representations form and guidance notes (I1) were made available on the web-site.</p> <p>The website encouraged people to make representations via the e-consultation portal or through a representation form (downloadable).</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• A copy of each of the proposed submission documents</li> <li>• The statement of the</li> </ul>	Regulation 19(b)	<p>The Statement of Fact (Regulation 19) Proposed Submission (B1) and a letter raising awareness of the period for seeking representations on soundness and legal compliance (I1) detailed the representations procedure, where documents can be viewed and the deadline for making representations. This was sent to the specific consultation bodies together with the Plan for Stafford Borough: Publication (A1) and the Revised Sustainability Appraisal Report (A10).</p> <p>Specific consultation bodies are listed in Submission (Regulation 22) Consultation Statement Appendix (A15).</p>



Activity	Statutory requirement	Possible evidence
representations procedure?		
<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"> <li>• the statement of the representations procedure?</li> <li>• where and when the documents can be inspected?</li> </ul>	Regulation 19(b)	<p>The Statement of Fact (Regulation 19) Proposed Submission (B1) and a letter raising awareness of the period for seeking representations on soundness and legal compliance (I1) detailed the representations procedure, where documents can be viewed and the deadline for making representations. This was sent to general consultation bodies in hard copy and through an electronic notification.</p> <p>General consultation bodies are listed in Submission (Regulation 22) Consultation Statement Appendix (A15).</p> <p>The Proposed Submission documents were made available for inspection at the Council Offices and at public libraries including the following:</p> <ul style="list-style-type: none"> <li>• Plan for Stafford Borough: Publication (A1)</li> <li>• Policies Maps (A2 - A9)</li> <li>• Revised Sustainability Appraisal Report (A10)</li> <li>• Publication Consultation Statement (now part of the Submission Consultation Statement and associated Appendices) (A14)</li> </ul> <p>Details of the period for seeking representations on soundness and legal compliance, including the deadline for representations, were published on Stafford Borough Council's website. The period of consultation took place between Tuesday 8 January 2013 and 12noon on Thursday 28 February 2013. A copy of the statement of representation procedure (B1), representations form and guidance notes (I1) were made available on the web-site.</p> <p>The website encouraged people to make representations via the e-consultation portal or through a representation form (downloadable).</p>

Activity	Statutory requirement	Possible 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 Mayor of London was not consulted on the Plan for Stafford Borough: Publication.

## **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

Activity	Legal requirement	Possible evidence
<p>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?</p>	<p>The Act section 19(1)</p>	<p>The Plan for Stafford Borough has been prepared in accordance with the Local Development Schemes. The Local Development Scheme 2012 (C8) timetable has been delayed due to the testing of a strategic site submitted at the Publication stage. As a consequence this required a further consultation event during the Publication stage through the following documents:</p> <ul style="list-style-type: none"> <li>• Revised Sustainability Appraisal Report - Addendum (A12)</li> <li>• Planning Strategy Statement (A13)</li> </ul> <p>The current Local Development Scheme 2013 (C7) sets out a timetable which will be met.</p>
<p>2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?</p>	<p>The Act section 19(2)</p>	<p>The Borough Council supports identified priorities for the Stafford Borough Strategic Partnership from the Community Action Plan (E103), which replaces the Sustainable Community Strategy (E105), in the Plan for Stafford Borough through paragraphs 3.19 and 3.21.</p>
<p>3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?</p>	<p>The Act section 19(3) Regulation 22(1)(c)</p>	<p>The Plan for Stafford Borough is in compliance with the adopted Statement of Community Involvement (A16). The Statement of Community Involvement (A16) sets out the Council's approach to consulting with the community on the new Development Plan.</p> <p>The Submission (Regulation 22) Consultation Statement (A14) sets out how consultation and community involvement took place for each consultation event together with a summary of the responses received, within the Submission (Regulation 22) Consultation Statement Appendices (A15)</p>
<p>4. Have you identified and addressed any issues which are likely to have a significant impact on at</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>These matters are set out in the Duty to Co-operate Statement (B3). In addition section 3 of the Plan for Stafford Borough (A1) provides further details. This demonstrates how strategic cross-border issues have been addressed throughout the process of preparing the Plan for Stafford Borough and</p>

Activity	Legal requirement	Possible evidence
<p>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 If you have not agreed on the approach is there a justification?</p>		<p>resolutions.</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>From the start of the Plan for Stafford Borough process a detailed Sustainability Appraisal has taken place to inform successive stages of the Plan. A final report of the findings of the Sustainability Appraisal is set out in the Revised Sustainability Appraisal Report (A10) and the Sustainability Appraisal Addendum (A12).</p> <p>These processes have involved an on-going iterative process that have identified options, decisions around how these are taken forward and refined policy wording which have all been consulted on through the following reports:</p> <ol style="list-style-type: none"> <li>1. Sustainability Appraisal Scoping Report (H13)</li> <li>2. Sustainability Appraisal Commentary Volume 1 (H10)</li> <li>3. Sustainability Appraisal Commentary Volume 2 (H7)</li> <li>4. Sustainability Appraisal Report (H4)</li> <li>5. Sustainability Appraisal of the Strategic Policy Choices (H2)</li> <li>6. Revised Sustainability Appraisal Report (A10)</li> <li>7. Revised Sustainability Appraisal Report - Addendum (A12)</li> </ol>

Activity	Legal requirement	Possible evidence
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>The Plan for Stafford Borough is consistent with national policy set out in the National Planning Policy Framework (F1) as detailed through the Soundness Self Assessment checklist (B4).</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? 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>The West Midlands Regional Spatial Strategy was revoked on 20<sup>th</sup> May 2013 and therefore there is no need to be in general conformity.</p>
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>On 20<sup>th</sup> August 2013 Stafford Borough Council published the prescribed documents and made them available at their principal offices as well as through the Stafford Borough Council web-site.</p> <p>A letter of notification (I11) together with the Notice of Submission (I10) notified the relevant statutory and non-statutory bodies together with all those who made representations on the Plan for Stafford Borough: Publication (A1).</p>

Activity	Legal requirement	Possible evidence
<p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>		<p>Section 1 of the Plan for Stafford Borough: Publication (A1) sets out that the new Local Plan is a complete replacement of the existing Stafford Borough Local Plan 2001 and therefore all policies will be superseded.</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 &amp; 22(1)</p>	<p>The Policies Maps (A2 – A9) associated with the Plan for Stafford Borough: Publication (A1) have been provided at the Submission stage.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>	<p>The Plan for Stafford Borough: Publication (A1) is the only Development Plan Document to be prepared for the Stafford Borough area to date. As detailed in section 1 of the Plan for Stafford Borough, the new Local Plan is a complete replacement of the existing Stafford Borough Local Plan 2001 and therefore all policies will be superseded.</p>

Activity	Legal requirement	Possible evidence
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> <li>•Which bodies and persons were invited to make representations under Regulation 18?</li> <li>•How they were invited?</li> <li>•A summary of the main issues raised?</li> <li>•How the representations have been taken into account?</li> </ul>	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>	<p>The Submission (Regulation 22) Consultation Statement (A14) sets out how representations were sought for soundness and legal compliance, who was consulted, how they were engaged, the number of representations made in relation to each issue and how they were addressed together with a summary of the responses received, within the Submission (Regulation 22) Consultation Statement Appendices (A15).</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> <li>•the number of representations made under Regulation 22?</li> <li>•a summary of the main issues raised?</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>•that no representations were made?</li> </ul>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>	<p>The Submission (Regulation 22) Consultation Statement (A14) sets out how representations were sought for soundness and legal compliance, who was consulted, how they were engaged, the number of representations made in relation to each issue and how they were addressed together with a summary of the responses received, within the Submission (Regulation 22) Consultation Statement Appendices (A15).</p> <p>A total of 575 representations (A18) from 145 representors were received on the Plan for Stafford Borough: Publication (A1) with 11 late representations (A19).</p>
<p>13. Have you collected together all the representations made under Regulation 28?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>	<p>The Plan for Stafford Borough: Publication (A1) received specific representations by the deadline of 12 noon on Thursday 28 February 2013 (A18). Copies of late representations received (A19) were also received to the Plan for Stafford Borough: Publication (A1).</p>



Activity	Legal requirement	Possible evidence
14. Have you assembled the relevant supporting documents?	The Act section 20(3)  Regulation 22(1)(g)	The relevant supporting documents are set out in the Examination Library (A1 – I12) and are available to view from 20 <sup>th</sup> August 2013.
15. Has your council approved the DPD for submission?	The Act section 20	Full Council approved the Plan for Stafford Borough submission through the report dated 27 November 2012 (G14).
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"> <li>•the DPD?</li> <li>•the submission policies map (unless there are no site allocation policies)?</li> <li>•the documents prescribed in Regulation 22(1)?</li> </ul>	The Act section 20(1) and 20(3)  Regulations 22(1) and 22(2)	The Secretary of State was sent the relevant documentation as listed in Regulation 22 (1) and (2), both in paper copy and electronically on 20 <sup>th</sup> August 2013.
17. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> <li>•The DPD?</li> <li>•The documents prescribed in</li> </ul>	Regulation 22(3)	Relevant documentation as listed in Regulation 22 (3), both in paper copy and electronically through the Stafford Borough Council web-site, was made available for inspection at the Council's offices on 20 <sup>th</sup> August 2013.

Activity	Legal requirement	Possible evidence
Regulation 22(1)?		
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> <li>• DPD?</li> <li>• submission policies map?</li> <li>• sustainability appraisal report?</li> <li>• Regulation 22(1)(c) statement?</li> <li>• supporting documents (where practicable) ?</li> <li>• representations made under Regulation 20 (where practicable) ?</li> <li>• statement as to where and when the DPD and the documents are available?</li> </ul>	Regulation 22(3) and 35(1)(b)	Relevant documentation as listed in Regulation 22 (3) and 35 (1) (b) was made available electronically through the Stafford Borough Council web-site, for inspection on 20 <sup>th</sup> August 2013.
<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"> <li>• notification that the documents prescribed in Regulation</li> </ul>	Regulation 22(3)(b)	<p>The Notice of Submission (I10) and a letter (I11) raising awareness of Submission was sent to general consultation bodies in hard copy and through an electronic notification.</p> <p>General consultation bodies are listed in Submission (Regulation 22) Consultation Statement Appendix (A15).</p>

Activity	Legal requirement	Possible evidence
<p>22(3)(a)(i)-(iii) are available for inspection</p> <ul style="list-style-type: none"> <li>•where and when they can be inspected?</li> </ul>		
<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>The Notice of Submission (I10) and a letter (I11) raising awareness of Submission was sent to people requested to be notified of Submission.</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"> <li>•published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> <li>•notified those who have made representations on the published DPD which have not been withdrawn of these details?</li> </ul>	<p>The Act section 20</p> <p>Regulations 24 and 35</p>	<p>This requirement will be completed by the Programme Officer in due course, following Submission on 20<sup>th</sup> August 2013.</p>