

Central Bedfordshire Council Local Plan (2015-2035)

Legal Compliance Checklist

(April 2018)

Central Bedfordshire Council Local Plan Legal Compliance Checklist (April 2018)

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).

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	Possible evidence
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		<p>The Local Plan is prepared in accordance with the Local Development Scheme, March 2018. The LDS was updated in March 2018 to ensure it reflects the correct timetable for publication and submission of the Local Plan.</p> <p>The Council's website also shows progress of the Local Plan.</p>
2. How will community engagement be programmed into the preparation of the DPD?	<p>The Act section 19(3)</p> <p>Regulation 18</p>	NPPF paras 150, 155 and 157	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>Public consultation is carried out in line with the Council's Statement of Community Involvement (SCI) (adopted 2012).</p> <p>The SCI also sets out the different consultation methods that can be used in the preparation of a DPD.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018) for the consultation undertaken.</p>
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	Regulation 2 defines the general and specific consultation bodies.	The general consultation bodies are considered in the SCI .

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			<p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>The Council has built up an extensive database of groups and individuals that are consulted on a regular basis on local plan making activities.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018) for who was consulted.</p>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint 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 Council undertakes Duty to Co-operate with adjoining local planning authorities and adjoining county councils. Regular meetings are held with these bodies to identify and address any issues and strategic priorities that have an impact on Central Bedfordshire and the adjoining area. These bodies are also officially notified of Local Plan consultations.</p> <p>Central Bedfordshire Council also respond to consultations from adjoining Local Planning Authorities.</p> <p>See the Duty to Co-Operate Statement for further information.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>The Council are a representative on SEMLEP and attend and contribute to regular meetings.</p> <p>The Council has ongoing engagement with SEMLEP.</p> <p>The LNP is a statutory consultee and was invited to make representations on the Local Plan.</p> <p>See the Duty to Co-Operate Statement for further information.</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 section 13</p>	<p>NPPF paras 158 - 177</p>		<p>The Council has developed a robust and credible evidence base, and various studies and research was commissioned specifically to support the Local Plan. The evidence is available on the Council's Local Plan website.</p> <p>Baseline information is also collected as part of monitoring.</p> <p>The Sustainability Appraisal (SA) Scoping Report undertook to collect baseline data as part of the SA process.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	NPPF paras 165 and 167 Strategic Environmental Assessment Guide, chapter 5		The Council published a SA Scoping Report in August 2016 for consultation. A final SA Scoping Report was published in October 2016. The SA Scoping Report sets out the relevant baseline information and data in relation to the social, environmental and economic issues of the area, and the report identified the key sustainability issues for Central Bedfordshire, which led to the development of the SA framework and objectives to test the performance of the Plan against.
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).	In July 2016, the draft SA Scoping Report was published for consultation for a six week period. The statutory environmental consultation bodies and adjoining local planning authorities were also consulted. Emails were sent to over 7,000 residents and stakeholders and the consultation was advertised on the CBC website. Copies of the email can be found in the Consultation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				Statement Regulation 22(1) (c)) Statement (April 2018).

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	Possible evidence
<p>1. Have you notified:</p> <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<p>The specific and general consultation bodies were consulted on the Regulation 18 Draft Local Plan over an eight-week period from 7 July 2017 to 19 August 2017.</p> <p>The Council considered all responses received on the draft Local Plan consultation and the appendices.</p> <p>The details of the consultation is set out in the Consultation Statement Regulation 22 (1) (c) Statement (April 2018), which includes a summary of the responses received and the Council's response.</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 Council has built up an extensive database of groups and individuals that are consulted on a regular basis on local plan making activities. This includes residents as well as businesses in Central Bedfordshire, including residents' and amenity associations as well as local environmental groups.</p> <p>Emails were sent to all those on</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>the database to notify them of the draft Local Plan.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>
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.	<p>The Council has engaged with stakeholders responsible for delivery throughout the preparation of the Local Plan as well as through the update of the Infrastructure Delivery Plan.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>
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>The Local Plan Consultation Statement Regulation 22(1) (c) Statement (April 2018) sets out how the Council took representations from the Regulation 18 and 19 consultation into account.</p> <p>Also see the initial SA Report (June 2017) that accompanied the Regulation 18 consultation to see how the SA Scoping Report representations received were addressed.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				(April 2018).
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>The initial SA Report (June 2017) (incorporating the requirements of SEA) which was carried out to support the Regulation 18 consultation, considered the options and alternatives in terms of areas of growth, approach to the distribution of growth and different growth scenarios to accommodate the housing need.</p> <p>The findings of the SA process concluded that the draft Local Plan, both its policies and its site allocations, are well designed to deliver sustainable development.</p> <p>Additionally, it identified that the Local Plan objectives are very supportive of the delivery of the Sustainability Appraisal objectives, and the policies in the draft Local Plan aim to provide for the necessary growth of the Central Bedfordshire and surrounding area within its environmental, social and economic capacity and constraints.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				(April 2018).
<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>The principles set out in the SCI have been followed.</p> <p>In addition to the requirements set out in the SCI, community planning was undertaken. Events were held across Central Bedfordshire to capture the local issues and opportunities.</p> <p>Section 1 (Introduction) and Section 3 (Consultation: Engagement) of the Local Plan sets out the strategic context of Central Bedfordshire and the links and consistencies with the Council's Fiver Year Plan 2015.</p> <p>Participation and consultation has been proportionate to the scale of issues involved in the Local Plan.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? 	<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. Regulation 35 deals with the availability of</p>	<p>The Council keeps copies of all the representations and relevant correspondence made during the consultation of the Local Plan.</p> <p>The Council considered all responses received on the draft Local Plan consultation and the</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> the main issues raised? 			documents and the time of their removal.	<p>appendices as well as evidence studies.</p> <p>The analysis of the main issues raised during public consultation on the draft Local Plan is set out in the Consultation Statement. This includes a summary of all responses received and the Council's response.</p> <p>The responses received during Regulation 18 consultation can be viewed on the Council's online planning consultation software, JDI.</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>Following early and ongoing engagement with Duty to Co-operate bodies since 2016, the Council deals with Duty to Co-operate matters via attending and arranging regular meetings with the adjoining local planning authorities.</p> <p>Duty to Co-operate meetings are also held regularly with adjoining county councils to deal with matters of a strategic nature.</p> <p>Adjoining local planning authorities and county councils are statutory consultees and</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>therefore formally notified of Local Plan consultations.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018) and the Duty to Co-operate Statement (April 2018).</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>Both SEMLEP and the LNP are statutory consultees and were consulted on the Local Plan.</p>
<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations</p>	<p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p>	<p>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.</p>	<p>Section 7 of the Local Plan sets out the implementation and delivery of the Plan. This is supported by an updated Infrastructure Delivery Plan.</p> <p>In addition, the Local Plan is supported by a Monitoring Framework, Appendix 3 of the Local Plan. This has been informed and includes significant effects indicators that form part of the Sustainability Appraisal process.</p>

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	2004 No1363			Key aspects of monitoring continue to be undertaken on an annual basis and are reported as part of Central Bedfordshire's Annual Monitoring Reports .

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	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>NPPF paras 152 - 182 SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>The Initial SA Report (June 2017) (incorporating the requirements of SEA), which was carried out to support the Regulation 18 consultation, considered the options and alternatives in terms of areas of growth, approach to the distribution of growth and different growth scenarios to accommodate the housing need.</p> <p>The findings of the Initial SA process concluded that the draft Local Plan, both its policies and its site allocations, are well designed to deliver sustainable development.</p> <p>The Initial SA Report and consultation responses received were then used to inform the Regulation 19 Draft Local Plan.</p> <p>The final SA Report (January 2018) of the Draft Local Plan (January 2018) sets out how the SA process has influenced the choice of the strategy and content of policies in terms of what difference the SA process</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>has made.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where still in force? 	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.</p>	<p>The Council considers that there is no conflict with the NPPF. The East of England Plan, the regional spatial strategy relevant for Central Bedfordshire, was revoked in January 2013.</p> <p>The Local Plan seeks to meet the Objectively Assessed Housing Need for Central Bedfordshire as well as plan for the unmet need arising from Luton.</p> <p>See the Soundness Checklist (April 2018).</p> <p>The Initial SA Report (June 2017) considered the options and alternatives in terms of areas of growth, approach to the distribution of growth and different growth scenarios to accommodate the housing need.</p> <p>The SA Report (January 2018)</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				considered alternatives in terms of the strategic allocation sites for housing and employment as well as the allocations for small and medium sites.
<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>The Local Plan is consistent with national policy as set out in the NPPF.</p> <p>See Soundness Checklist (April 2018).</p> <p>The East of England Plan, the regional spatial strategy relevant for Central Bedfordshire, was revoked in January 2013.</p> <p>Greater London Authority (GLA) was consulted as a statutory consultee on the Local Plan.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018) and Duty to Co-operate Statement (April 2018).</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary</p>	<p>The Act section 33A(2)(a)</p> <p>Section</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<p>The Council has consulted and co-operated with neighbouring local planning authorities and adjoining county councils at all stages of the Local Plan's</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>issues? Have you discussed doing joint local development documents?</p>	<p>33A(6)(a)(b) Section 20(5)(c)</p>			<p>preparation through Duty to Co-operate meetings held on a regular basis. This engagement is ongoing.</p> <p>It is not considered appropriate at this time to undertake a Joint LDD.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018) and Duty to Co-operate Statement (April 2018).</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) The Act section 20 (5) (c) Regulation 4</p>	<p>NPPF paras 181 and 182</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>NA No Joint Committee.</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>The Council are a representative on SEMLEP and attend and contribute to regular meetings. The Council has ongoing engagement with SEMLEP.</p> <p>The LNP is a statutory consultee and was invited to</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>make representations on the Local Plan.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018) and Duty to Co-operate Statement (April 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 section19(2)</p>			<p>Section 3 of the Local Plan sets out the Council's key priorities as identified in Central Bedfordshire's Five Year Plan 2015. The Five Year Plan highlights Central Bedfordshire's vision and priorities and identifies six key priorities for the area.</p> <p>This Local Plan will supersede the North Core Strategy and Development Management Policies Document (2009) and the majority of the remaining policies within the South Bedfordshire Local Plan (2004), the Mid Bedfordshire Local Plan (2005) and the remaining saved policies of the Bedfordshire and Luton Minerals and Waste Local Plan (2005). The residual site allocations in the north Site Allocations Document (2011) that are not already built out will remain in addition to the</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				Minerals and Waste Local Plan (2014) which will sit alongside the new Local Plan forming the Development Plan for Central Bedfordshire.
<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 section 19(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 employment and transport policies of the Local Plan have regard to the economy and transport facilities and services.</p> <p>The Infrastructure Delivery Plan takes account of the infrastructure required to support the growth planned in Central Bedfordshire.</p> <p>The Local Plan is also underpinned by the Local Transport Plan, which sets out the Council's long-term framework for investment in transport across Central Bedfordshire.</p> <p>The Local Plan also takes account of the Functional Economic Market Areas and Employment Land Review Study, in the employment policies and allocation of strategic employment allocations.</p> <p>The Council has already</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				developed and adopted in conjunction with Luton Borough Council and Bedford Borough Council a Minerals and Waste Local Plan – Strategic Sites and Policies (2014).
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		<p>The Local Plan contains various policies relating to climate change mitigation and climate change adaptation, see Section 16 of the Local Plan.</p> <p>Policy CC1 focuses on climate change and sustainability, which seeks to ensure the delivery of high quality sustainable development.</p> <p>Policy CC2 focuses on sustainable energy development which seeks to support energy development including wind and solar energy.</p> <p>Policy CC3 addresses flood risk management and Policy CC4 seeks to maximise water course restoration and enhancement as part of development.</p>
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal	The Act section19(5) Regulation 12	NPPF para 182 SEA Guide, Chapter 5	Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the	The Initial SA Report (June 2017) (incorporating the requirements of SEA), which was carried out to support the Regulation 18 consultation,

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
report?	and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633		consultation procedures.	<p>considered the options and alternatives in terms of areas of growth, approach to the distribution of growth and different growth scenarios to accommodate the housing need.</p> <p>The findings of the initial SA process concluded that the draft Local Plan, both its policies and its site allocations, are well designed to deliver sustainable development.</p> <p>The Initial SA Report and consultation responses received were then used to inform the Regulation 19 Draft Local Plan.</p> <p>The final SA Report (January 2018) of the Draft Local Plan (January 2018) sets out how the SA process has influenced the choice of the strategy and content of policies in terms of what difference the SA process</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>
11. Are you setting out reasons for any preferences	Regulation 8(2)	NPPF para 182	This will include Information from the	The reasons for selecting alternatives are outlined in the

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
between alternatives?			sustainability appraisal.	SA Report (January 2018).
<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 150, 155, 157 and 159-171</p>	<p>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<p>The representations received on the contents of the Local Plan during Regulation 18 and Regulation 19 are documented in the Consultation Statement Regulation 22(1) (c) Statement (April 2018). These contain all the representations received during the consultations, including summaries of main issues raised.</p> <p>The representations received on the contents of the SA Scoping Report (October 2016) are documented in the Initial SA Report (June 2017). This contains the representations received.</p> <p>The representations received on the contents of the Initial SA Report (June 2017) are documented in the SA Report (January 2018).</p>
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative</p>	<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>The Pre-Submission Local Plan version of the Plan is accompanied by a Key Diagram identifying the proposed development at a strategic</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>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>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>scale.</p> <p>Parish-level plans identifying the small to medium allocations are appended to the draft Local Plan.</p> <p>In addition, the Local Plan sets out all the allocated land as well as other designations, which will be incorporated into the final version of the Proposals Map upon adoption of the Plan.</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>Public consultation was carried out in line with the Council's SCI (October 2012).</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</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	Possible evidence
1. Have you prepared the sustainability appraisal report?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168 SEA Guide Chapter 5		The SA Report (January 2018) was publicly consulted over 6 weeks from 11 January 2018 to 22 February 2018.
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	These were made clear by the consultation letters and email notifications, on the Council's website , press releases and within materials in the main libraries. See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none">• the proposed submission documents?• the statement of the representations procedure?	Regulation 19(a)		Regulation 17 gives definitions.	All consultation materials were made available for inspection at the Council Offices at Priory House, Chicksands and Watling House, Dunstable as well as within Central Bedfordshire's main libraries. In addition, the Council published guidance notes for

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>respondents; Statement of Representations Procedure, which provided further information about how legal and procedural compliance, “soundness”, and “Duty to Cooperate” is assessed.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>All the proposed submission documents (referred to as ‘Pre-submission) including information as to where documents can be inspected was published on the Council’s website.</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the 	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>The consultation letter/email sent to specific consultation bodies also contained information as to where and when documents can be inspected.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>

Activity	Statutory requirement	Guidance reference	Additional notes	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"> • the statement of the representations procedure? • where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>The consultation letter/email sent to general consultation bodies also contained information as to where and when documents can be inspected.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24</p> <p>Regulation 21</p>		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	Greater London Authority (GLA) is a statutory consultee and was notified of all the consultations on the Local Plan.

Stage five: Submission

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

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

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

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

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

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS 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.	The Local Plan has been prepared in line with the Local Development Scheme. The LDS was updated in March 2018 to ensure it reflects the correct timetable for publication and submission of the Local Plan.
2. Has the DPD had regard to any sustainable	The Act section 19(2)	NPPF para 182		Section 3 of the Local Plan sets out the Council's key priorities

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
community strategy for its area (like a county and district)?				as identified in Central Bedfordshire's Five Year Plan 2015. The Five Year Plan highlights Central Bedfordshire's vision and priorities and identifies six key priorities for the area.
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).	Public consultation has been carried out in line with the Council's SCI (October 2012). Additional consultation has been undertaken in the form of Community Planning Events. See the Consultation Statement Regulation 22(1) (c) Statement (April 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 identifying and addressing any strategic cross-	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'.	The Council undertakes Duty to Co-operate with adjoining local planning authorities and adjoining county councils. Regular meetings are held with these bodies to identify and address any issues and strategic priorities that have an impact on Central Bedfordshire and the adjoining area. These bodies are also officially notified of Local Plan consultations as a statutory

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				<p>consultee.</p> <p>Central Bedfordshire Council also respond to consultations from adjoining Local Planning Authorities.</p> <p>The Council are a representative on SEMLEP, also a statutory consultee, and attend and contribute to regular meetings. The Council has ongoing engagement with SEMLEP.</p> <p>The LNP is a statutory consultee and was invited to make representations on the Local Plan.</p> <p>See the Duty to Co-Operate Statement for further information.</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 Initial SA Report (June 2017) (incorporating the requirements of SEA), which was carried out to support the Regulation 18 consultation, considered the options and alternatives in terms of areas of growth, approach to the</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>distribution of growth and different growth scenarios to accommodate the housing need.</p> <p>The final SA Report (January 2018) of the Draft Local Plan (January 2018) sets out how the SA process has influenced the choice of the strategy and content of policies in terms of what difference the SA process has made.</p>
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<p>The Local Plan is consistent with national policy as set out in the NPPF.</p> <p>See the completed Soundness Self-Assessment Checklist (April 2018) prepared for submission of the Local Plan to the Secretary of State.</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</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>Not applicable.</p> <p>The East of England Plan, the regional spatial strategy relevant for Central Bedfordshire, was revoked in January 2013.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>All prescribed documents were made available for inspection at the Council Offices at Priory House, Chicksands and Watling House, Dunstable as well as within Central Bedfordshire's main libraries.</p> <p>The relevant statutory and non-statutory bodies and all persons invited to make representations on the plan were notified by letter or email. Notice was also put on the Council's website.</p> <p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p> <p>The Submission Local Plan contains a list of superseded and saved policies in Appendix 2 of the Local Plan.</p>
<p>9. Are there any policies applying to sites or areas</p>	<p>Regulations 5(1) (b), 9 (1), 17 &</p>			<p>The Submission Local Plan is accompanied by a Policies Map.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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>	22(1)			<p>In addition, the Local Plan sets out all the allocated land as well as other designations, which will be incorporated into the final version of the Policies Map upon adoption of the Plan.</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>This Local Plan will supersede the North Core Strategy and Development Management Policies Document (2009) and the majority of the remaining policies within the South Bedfordshire Local Plan (2004), the Mid Bedfordshire Local Plan (2005) and the remaining saved policies of the Bedfordshire and Luton Minerals and Waste Local Plan (2005). The residual site allocations in the north Site Allocations Document (2011) that are not already built out will remain in addition to the Minerals and Waste Local Plan (2014) which will sit alongside the new Local Plan forming the Development Plan for Central Bedfordshire.</p> <p>Appendix 2 of the Local Plan lists the policies that will be</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				superseded.
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p> <p>These statements set out which bodies and persons were invited to make representations during the Scoping / Regulation 18 / Regulation 19 consultation stages, how they were invited, summaries of the main issues raised and how the representations have been considered in the preparation of the Local Plan.</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>
<p>13. Have you collected together all the representations made under Regulation 28?</p>	<p>The Act section 20(3)</p> <p>Regulation</p>			<p>See the Consultation Statement Regulation 22(1) (c) Statement (April 2018).</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	22(1)(e)			
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			A list of relevant supporting documents containing all the submission and other evidence base documents have been assembled. These documents are available to view on the Council's website .
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	The Council's Executive resolved at its meetings on 9 January 2018 to approve the Pre-submission Local Plan for publication. The Council's Full Council further endorsed this resolution at its meeting on 10 January 2018. The Council's Full Council resolved at its meeting on 26 April 2018 to submit the Local Plan to the Planning Inspectorate. The agendas, reports and minutes of the meetings are available on the Council's website .
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: • the DPD?	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)		Regulation 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and	On 30 April 2018 the Council sent a USB memory stick containing the Submission Local Plan and the Policies Map Changes document to PINS. This includes all the supporting evidence of the Local Plan.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> the submission policies map (unless there are no site allocation policies)? the documents prescribed in Regulation 22(1)? 			<p>supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> The DPD? The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	A copy of the Submission Local Plan and the relevant supporting documents will be made available for inspection at the Council Offices, Priory House, Shefford as well as within Central Bedfordshire's main libraries.
<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 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	The Council has updated the ' Local Plan ' webpages to reflect that the Local Plan has been submitted. These pages will contain all the relevant submission documents and other supporting / background information.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>under Regulation 20 (where practicable) ?</p> <ul style="list-style-type: none"> statement as to where and when the DPD and the documents are available? 				
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	The Council will as soon as reasonably practicable notify the relevant consultation bodies of the submission of the Local Plan to the Secretary of State.
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	The Council will as soon as reasonably practicable notify the relevant consultation bodies of the submission of the Local Plan to the Secretary of State.
<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 	The Act section 20 Regulations 24 and 35			Examination hearing session dates have not yet been confirmed. The Council will ensure that the Programme Officer carries out the duties and requirements under Regulations 24 and 35.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>name of the person appointed to carry out the examination on your website?</p> <ul style="list-style-type: none"> notified those who have made representations on the published DPD which have not been withdrawn of these details? 				<p>The Council's webpages will be updated with details of the examination.</p>