



# **Vale of Aylesbury Local Plan**

## **PAS Legal Compliance Checklist** **February 2018**



## Local Plan Legal Compliance Checklist (July 2013)

The following tables set out the legal requirements for the Vale of Aylesbury Local Plan (VALP) and how they have been met. This checklist should be used with the Soundness Checklist (CD/SUB/013) which has also been completed for VALP.

### 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	Evidence available
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>	<p>NPPF para 153</p>	<p>The Vale of Aylesbury Local Plan (VALP) is timetabled and identified in the current Local Development Scheme (LDS) (CD/SUB/014) which includes a timetable for submission, the examination and adoption.</p>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3)  Regulation 18</p>	<p>NPPF paras 150, 155 and 157</p>	<p>The LDS (CD/SUB/014) identifies the stages of formal public consultation for the production of VALP. The Statement of Community Involvement (SCI) (CD/SUB/016) sets out how the council will engage with the community for each of these stages.</p> <p>Community engagement in the production of VALP has been carried out in accordance with the SCI and with the requirements in the Town and Country Planning (Local Development) (England) Regulations 2012 (as amended). The Consultation Statement (CD/SUB010) sets out details of community engagement at each stage of Plan production.</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 -4.26</p>	<p>The appropriate bodies are identified in the SCI (CD/SUB/016) and have been consulted as set out in the Consultation Statement (CD/SUB/011).</p>



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Activity	Legal requirement	Guidance reference	Evidence available
<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>The Duty to Co-operate Statement of Compliance (CD/DTC/001) identifies the agreed strategic issues that engage the duty to co-operate with duty to co-operate bodies and outlines the discussions and engagement that has taken place. AVDC has engaged with all the relevant bodies. The topic paper also sets out detail about the nature of the co-operation and how it has been constructive, active and on-going.</p> <p>Memorandums of Understanding (MoUs) have been agreed with Buckinghamshire Country Council and all adjacent local planning authorities apart from one – this has been published in draft.</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p>	<p>NPPF paras 178 to 181</p>	<p>The Duty to Co-operate Statement of Compliance (CD/DTC/001) sets out how the Council and the South East Midlands Local Enterprise Partnership (SEMLEP), Buckinghamshire and Thames Valley Local Enterprise Partnership (BTVLEP) and Bucks and Milton Keynes Natural Environment Partnership have worked together. BTVLEP attend the Bucks Planning Group and have signed the county-wide MoU. The statement sets out how the engagement has been</p>



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Activity	Legal requirement	Guidance reference	Evidence available
address any issues or strategic priorities that will have a significant impact on at least two planning areas?	The Act section 20(5)(c).  Regulation 4		constructive, active and on-going throughout the process.
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 section 13	NPPF paras 158 - 177	<p>The Core Documents List sets out the evidence documents that have informed the Submission VALP.</p> <p>The Council's Monitoring Reports will monitor progress of the plan against a series of Monitoring Indicators in accordance with Policy S9. S9 sets out a number of criteria that could either trigger a review of the Plan or mean that alternative sites are considered favourably, and that irrespective of these, the Plan will be reviewed within five years.</p> <p>The topic papers (CD/TP/001-007) detail the evidence collected for each strategic topic area and how it has informed the plan.</p>
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability	The Act section 19(5)	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment</p>	The Sustainability Appraisal Scoping Report (Lepus, September 2015) (CD/SUB/006) identified the baseline information for the district.



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Activity	Legal requirement	Guidance reference	Evidence available
appraisal?		Guide, chapter 5	
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 Sustainability Appraisal Scoping Report (CD/SUB/004) was subject to a five week consultation period from 29 September to 5 November 2015 with the specified bodies: <ul style="list-style-type: none"> <li>• Environment Agency</li> <li>• Historic England</li> <li>• Natural England</li> </ul>

### 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.



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





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## Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Evidence available
1. Have you notified: <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>	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	The Consultation Statement (CD/SUB/011) lists in it's appendices the specific and general consultation bodies who were all invited to make representations on VALP at the different stages of developing the document. They were invited to comment on the content of the Plan at each of the formal plan preparation stages.
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173	The Consultation Statement (CD/SUB/011) lists in it's appendices the 'other' consultees and includes information about the ways in which people and businesses from the district were invited to comment during the preparation of the plan and how this was publicised. The different stages of consultation are outlined in table 1 of the Consultation Statement. It then has a summary of the issues raised to be addressed in the plan. Those who had previously responded to a consultation or had expressed an interest in policy documents were also contacted.
3. Are you engaging with stakeholders responsible for delivery	Regulation 18	NPPF para 155	The Consultation Statement (CD/SUB/011) and the Duty to Cooperate Topic Paper (CD/DTC/001) provides an overview of when and how key delivery stakeholders were consulted and engaged with,



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Activity	Legal requirement	Guidance reference	Evidence available
of the strategy?			<p>any issues raised and how they have been resolved or taken into account. Stakeholders have also been consulted in the production of the Infrastructure Delivery Plan (CD/INF/001) and in other studies such as the Housing and Economic Land Availability Assessment (CD/HOU/007).</p> <p>Neighbourhood planning teams are also being closely worked with, bearing in mind their role in delivering growth in their neighbourhood areas. Allocations in made neighbourhood plans are not allocated in VALP.</p>
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	<p>The Consultation Statement (CD/SUB/011) summarises the representations that were made at each stage of plan preparation and how these have been taken into consideration as the plan has evolved.</p> <p>The topic papers detail further how representations have helped to shape the policies in the Plan.</p>
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>	<p>The Consultation Statement (CD/SUB/011) details the different stages of plan preparation including scoping, issues and options, draft plan and proposed submission. Throughout the process of developing the Plan, a number of different options were subject to a Sustainability Appraisal. A Sustainability Appraisal was published at each key stage for comment and these were taken into account as appropriate. The final Sustainability Appraisal report (CD/SUB/004) draws together the previous Sustainability Appraisals that were carried out for each stage of the plan preparation. Part 1 of this gives</p>



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Activity	Legal requirement	Guidance reference	Evidence available
	Regulations 2004 No 1633		<p>information about the development and appraisal of the reasonable alternatives.</p> <p>The topic papers also contain information about options that have been considered and the reasons behind the approach taken in VALP.</p>
<p>6. Is the 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>Consultation throughout the preparation of VALP has been guided by the SCI (CD/SUB/017). Appendix A in the Consultation Statement (CD/SUB/011) sets out what is required by the SCI in consultations and how we have met this. The rest of the Consultation Statement then details each stage to meet these requirements.</p> <p>Recognising the wide ranging impact of the proposals within the VALP, we have sought to engage in a proportionate and meaningful way as the plan has been prepared. It has included direct communication with general and specific consultation bodies, as well as other bodies and individuals who have expressed an interest in the Plan, workshops, specific newsletters, press releases, public exhibitions, the council's website, social media and articles in Vale Times.</p> <p>There is no sustainable community strategy for Aylesbury Vale.</p>
7. Are you keeping a record of:	The Act section20(3)	NPPF paras 158 - 171	The appendices in the Consultation Statement (CD/SUB/011) lists all those consulted at each stage. The main report details how each



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Activity	Legal requirement	Guidance reference	Evidence available
<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 raised?</li> </ul>	Regulation 17		<p>consultation stage was publicised and carried out.</p> <p>The main issues raised for each consultation stage have been summarised and are also in the Consultation Statement.</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) &amp; (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	<p>Representations have been invited at formal stages from Buckinghamshire County Council and all neighbouring authorities and County Councils. Details of this are in the Consultation Statement (CD/SUB/011).</p> <p>There has also been on-going, constructive and active dialogue throughout the plan outside the formal consultation stages on strategic or cross boundary issues, as detailed in the Duty to Cooperate Topic Paper (CD/DTC/001).</p>
<p>9. Are you inviting representations on cross-boundary issues</p>	The Act section 33A(1)(c) and	NPPF paras 178 to 181	The Duty to Cooperate Topic Paper (CD/DTC/001) details how LEPs and the LNP have been involved in work on strategic issues in the preparation of the VALP.



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Activity	Legal requirement	Guidance reference	Evidence available
<p>and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>Section 33A(9).  The Act section 20(5) (c).  Regulation 4</p>		
<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>Policy S9 in the Plan sets out our approach to monitoring and review. This is supplemented by a monitoring framework setting out indicators and targets for each of the policies in the Plan (CD/MIS/005).</p>



### **Stage three: Plan preparation - formulation phase**

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

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

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

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

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

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

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

**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.



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### Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Evidence available
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182  SEA Guide, Chapter 5	A number of reasonable alternatives have been considered during the development of the Plan. Part 1 of the Sustainability Appraisal report (CD/SUB/004) sets these out in detail.
2. Have you assessed alternatives against: <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>	The Act section 19 (2), section 24	NPPF para 151	The Housing and Economic Land Availability Assessment process was an early consideration of alternatives and sites that were found to be unsuitable were not taken further in the plan making process.  The reasonable alternatives were considered against the SA objectives. The VALP is consistent with the National Planning Policy Framework (NPPF), as detailed in the Soundness Checklist (CD/SUB/013).
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development</li> </ul>	The Act sections 19 (2) and 24 (1) and (4)  Regulation 10 and 21		The RSS has been revoked, and none of the other documents listed have any direct impact on the VALP.



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Activity	Statutory requirement	Guidance reference	Evidence available
<p>strategy for London?</p> <ul style="list-style-type: none"> <li>• Planning Policy for Wales?</li> <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>NPPF paras 181 and 185</p>	<p>We have been actively and constructively engaging with Buckinghamshire County Council and all neighbouring authorities and County Councils (all listed in Duty to Cooperate Statement of Compliance (CD/DTC/001) paragraph 1.3) to address strategic cross boundary issues as detailed in the Duty to Co-operate Topic Paper. This document looks at each strategic issue in depth.</p> <p>A joint development plan rather than VALP was not considered to be appropriate at this time, either due to timetable differences or because unmet need meant the councils decided to maintain separate plans. However, a great deal of evidence gathering was done jointly with other HMA authorities including the Housing and Economic Development Needs Assessment.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p>	<p>NPPF paras 181 and 182</p>	<p>The Duty to Co-operate Statement of Compliance (CD/DTC/001) identifies the agreed strategic issues that engage the duty to co-operate with duty to co-operate bodies and outlines the discussions and engagement that has taken place. AVDC has engaged with all</p>





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Activity	Statutory requirement	Guidance reference	Evidence available
33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 20 (5) (c)  Regulation 4		the relevant bodies. The topic paper also sets out detail about the nature of the co-operation and how it has been constructive, active and on-going.
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182	The Duty to Co-operate Statement of Compliance (CD/DTC/001) sets out how the Council and the South East Midlands Local Enterprise Partnership (SEMLEP), Buckinghamshire and Thames Valley Local Enterprise Partnership (BTVLEP) and Bucks and Milton Keynes Natural Environment Partnership have worked together. BTVLEP attend the Bucks Planning Group and have signed the county-wide MoU. The statement sets out how the engagement has been constructive, active and on-going throughout the process.
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</li> </ul>	The Act section 19(2)		There is no Sustainable Community Strategy for Aylesbury Vale.  We have had regard to the adopted minerals and waste planning policy documents produced by Buckinghamshire County Council and no inconsistencies have been identified.



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Activity	Statutory requirement	Guidance reference	Evidence available
documents adopted by the council?			
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> <li>• the local transport plan and transport facilities and services</li> <li>• waste strategies</li> <li>• hazardous substances</li> </ul>	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As set out in the Transport Topic Paper (CD/TP/004), VALP takes into account the Local Transport Plan produced by Buckinghamshire County Council. Also, as set out in the Employment Topic Paper (CD/TP/002), the Plan also takes into account AVDC's Economic Development Strategy (2016-2033) (CD/EMP/002), and the LEP priorities.</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 - 108</p>	<p>One of the overall objectives of VALP is to manage development in a way that ensures that climate change is adapted to and mitigated against. This is carried through in a number of policies in the Plan including S1 (j) (meeting the effects of climate change and flooding), I4 (Flooding), I5 (Water Resources), C3 (Renewable Energy) and NE2 (Biodiversity and Geodiversity).</p> <p>The Sustainability Appraisal Report (CD/SUB/004) also assesses the reasonable alternatives against climate change objectives 2</p>



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Activity	Statutory requirement	Guidance reference	Evidence available
			'Minimise the District's Contribution to Climate Change (mitigation)' and 3 'Plan for the anticipated levels of climate change ('adaptation)'.
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182  SEA Guide, Chapter 5	The Sustainability Appraisal Report (CD/SUB/004) sets out the appraisal of reasonable alternatives. This was published alongside the Proposed Submission VALP and as such was available for comment at the same time. The SA was referred to in the Regulation 19 Statement of Representations Procedure and Statement of Availability. The guidance note and response form that accompanied the Proposed Submission VALP made it clear that respondents considering whether or not the Plan met the legal compliance test should consider the Sustainability Appraisal report. and 5 comments on the SA were received at Proposed Submission stage.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	The Sustainability Appraisal Report (CD/SUB/004) part 1 contains detailed information about establishing the reasonable alternatives, how these have been appraised through the SA process and how the preferred approach was developed.
12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal?	Regulations 17, 18(3) and 22 (1) (c) (iv)  Regulation 13(4) of The Environmental	NPPF paras 150, 155, 157 and 159-171	The Consultation Statement (CD/SUB/011) summarises all the representations that have been made and how they have been addressed at each stage of Plan preparation.



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Activity	Statutory requirement	Guidance reference	Evidence available
<p>Are you keeping a record?</p>	<p>Assessment of Plans and Programmes Regulations 2004 No 1633</p>		
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> <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>NPPF para 157</p>	<p>Both the Draft Plan and the Proposed Submission Plan were accompanied by a set of Policies Maps showing the extent of proposals in each of the plans.</p> <p>There are a number of adopted Neighbourhood Plans in the district which contain policies maps. These are not repeated in VALP.</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)  Regulation 18</p>	<p>NPPF paras 150 and 155</p>	<p>Appendix A in the Consultation Statement (CD/SUB/011) sets out what is required by the SCI in consultations and how we have met this. The rest of the Consultation Statement then details each stage to meet these requirements.</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'.

### Stage four: Publication

Activity	Statutory requirement	Guidance reference	Evidence available
1. Have you prepared the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 - 168</p> <p>SEA Guide Chapter 5</p>	<p>A final Sustainability Appraisal Report (CD/SUB/004) has been produced and is accompanied by a non-technical summary (CD/SUB/003) and a technical annex (CD/SUB/005) which supplements the main SA report relating to establishing the reasonable alternatives.</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 six week period ran between the 2 November and 14 December 2017. This was made clear on the Council's website and on publication material which included the comments form, online consultation portal, Statement of Representations Procedure, Statement of Availability, in social media, press releases and in letters or emails sent to those on our consultation database.</p>
3. Have you made copies of the following available for inspection:	<p>Regulation 19(a)</p>		<p>All proposed submission documents and the Statement of Representations Procedure (CD/PRO/006) were made available on the Council's website. The key documents were printed along with a USB stick containing of all the proposed submission</p>



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Activity	Statutory requirement	Guidance reference	Evidence available
<ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> </ul>			<p>documents. All documents were available for public inspection at the Council offices in Aylesbury, and a selection of the proposed submission documents including the Plan and the SA were available for inspection at libraries in the district, along with a USB stick.</p>
<p>4. Have you published on your website:</p> <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>	<p>Regulations 19 and 35</p>		<p>All the proposed submission documents (including the Plan and Policies Maps, Consultation Statement, Sustainability Appraisal, Habitats Regulations Assessment, Topic Papers, Evidence Base Documents), the Statement of Availability and the Statement of Representations Procedure were all published on AVDC's website from the start of the consultation period.</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</li> </ul>	<p>Regulation 19(b)</p>		<p>In accordance with Regulation 19 (b) all consultees were either sent a letter or email informing them that the Plan had been published for comment. Copies of the Statement of Representations Procedure and Statement of Availability were attached to the email or sent in paper copy with the letters where these were posted.</p>



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Activity	Statutory requirement	Guidance reference	Evidence available
submission documents <ul style="list-style-type: none"> <li>• The statement of the representations procedure?</li> </ul>			
6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1): <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)		In accordance with Regulation 19 (b) all consultees were either sent a letter or email informing them that the Plan had been published for comment. Copies of the Statement of Representations Procedure and Statement of Availability were attached to the email or sent in paper copy with the letters where these were posted.
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		Not applicable because AVDC is not a London Borough.





## 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	Evidence available
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document?	The Act section 19(1)		The VALP has been prepared in accordance with the LDS (CD/SUB/015). This has been updated during the plan preparation to reflect changes to the timetable which have been necessary to ensure a sound plan.

Activity	Legal requirement	Guidance reference	Evidence available
Have the timescales set out in the LDS been met?			<p>The listing and description of VALP in the LDS matches the document.</p> <p>The timescales set out in the current LDS for VALP have been met.</p>
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182	There is no sustainable community strategy for the district.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	<p>The Act section 19(3)</p> <p>Regulation 22(1)(c)</p>		Appendix A in the Consultation Statement (CD/SUB/006) sets out what is required by the SCI in consultations and how we have met this. The rest of the Consultation Statement then details each stage to meet these requirements.
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 Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	<p>The Duty to Cooperate Statement of Compliance (CD/DTC/001) identifies strategic cross-boundary issues or impacts and the relevant duty to cooperate bodies. It explains the processes followed to actively and constructively engage with the relevant bodies during the preparation of the plan.</p> <p>Memorandums of Understanding (MoUs) have been agreed with Buckinghamshire Country Council and all adjacent local planning authorities apart from one – this has been published in draft.</p>



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Activity	Legal requirement	Guidance reference	Evidence available
<p>the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>			
<p>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 final Sustainability Appraisal report (CD/SUB/004) has informed the contents of the Submission VALP and was published alongside the Proposed Submission plan.</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>A Soundness Self-Assessment checklist (CD/SUB/013) has been carried out. This demonstrates how the Plan is consistent with national policy in the NPPF and other relevant policy and guidance.</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>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>There is no Regional Spatial Strategy and AVDC is not a London Borough.</p>



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Activity	Legal requirement	Guidance reference	Evidence available
<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>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>At the 'publicity stage' (November-December 2017) the Council published all the prescribed documents listed in Regulation 22(1) on its website, they were also all available for inspection at AVDC's office in Aylesbury. A selection of the main documents were also made available in the libraries in the district.</p> <p>The Council sent each of the specific and general consultation bodies, as well as those asked to be kept informed, a letter (via post or email) notifying them of the above documents being published and the places and times at which they could be inspected, and of the publication of the Local Plan. It also invited them to make representations on the Plan.</p> <p>The Glossary confirms that VALP will replace the saved policies from the adopted Aylesbury Vale District Local Plan 2004 (AVDLP).</p>



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Activity	Legal requirement	Guidance reference	Evidence available
<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 Map (CD/SUB/001a) has been produced and this will replace the adopted Proposals Map that accompanies AVDLP.</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 AVDLP (2004) is the only currently adopted DPD for the area. VALP will ultimately replace the AVDLP once adopted.</p> <p>We have had regard to the adopted minerals and waste planning policy documents produced by Buckinghamshire County Council and no inconsistencies have been identified.</p>
<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> </ul>	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>The Consultation Statement (CD/SUB/011) sets out the bodies and persons involved to make representations under Regulation 18 in the appendices. How they were invited to comment, a summary of the issues raised and how the representations have been taken into account is detailed throughout the document at the sections for the different consultation stages.</p>



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Activity	Legal requirement	Guidance reference	Evidence available
<ul style="list-style-type: none"> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>			
<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>Section 5 of the Consultation Statement (CD/SUB/011) sets out the number of representations made under Regulation 22 and a summary of the main issues raised.</p>
<p>13. Have you collected together all the representations made under Regulation 28?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>		<p>Copies of the representations have been collected and are available to view on our website via the consultation portal or as a report (CD/SUB/010).</p>
<p>14. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p>		<p>A Core Document List has been prepared which lists all the relevant documents to support submission of the Plan.</p>



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Activity	Legal requirement	Guidance reference	Evidence available
	Regulation 22(1)(g)		All of the documents are available on the council's website.
15. Has your council approved the DPD for submission?	The Act section 20		The Proposed Submission Vale of Aylesbury Plan Strategy was agreed by Council on the 18 October 2017 for submission following the necessary pre-submission publicity period. The report is 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: <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)		A letter has been sent to PINS with a paper and electronic copy of VALP, the policies map along with a USB stick containing all the documents on the Core Document List including copies of representations from Regulation 20 in accordance with the amended Regulations.
17. Have you made the following available at the same places where the proposed submission documents were to be seen:	Regulation 22(3)		The VALP and the other documents prescribed in regulation 22 (1) are available on the council's website, at AVDC's main office in Aylesbury, and a selection of the key documents will also be made available as soon as reasonably practicable at the libraries in the district.



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Activity	Legal requirement	Guidance reference	Evidence available
<ul style="list-style-type: none"> <li>• The DPD?</li> <li>• The documents prescribed in Regulation 22(1)?</li> </ul>			<p>The Submission Statement of Availability (CD/SUB/012) details where and when the above documents can be viewed.</p>
<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>	<p>Regulation 22(3) and 35(1)(b)</p>		<p>All of these documents are available on the Council's website.</p>
<p>19. For each general consultation body invited to make representations</p>	<p>Regulation 22(3)(b)</p>		<p>A letter via email or post of notification of submission together with the details of where and when they can be inspected, will be sent to all consultation bodies previously invited to make</p>





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Activity	Legal requirement	Guidance reference	Evidence available
under Regulation 18(1), have you sent: <ul style="list-style-type: none"> <li>• notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</li> <li>• where and when they can be inspected?</li> </ul>			representations under Regulation 19.
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		A letter via email or post of notification of submission together with the details of where and when they can be inspected will be sent to all those who requested to be notified during the Proposed Submission Publicity period.
21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <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</li> </ul>	The Act section 20  Regulations 24 and 35		Details of the Inspector and examination hearing sessions will be publicised and respondents notified as appropriate once known in accordance with the Regulations. The Programme Officer has been appointed.



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Activity	Legal requirement	Guidance reference	Evidence available
made representations on the published DPD which have not been withdrawn of these details?			