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## Local Plan Legal Compliance Checklist (April 2013)

This checklist has been updated for PAS by SNR Denton. It supersedes the previous checklist and is based on **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**. 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**

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Activity	Legal requirement	Guidance reference	Evidence
<p><b>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</b></p>	<p>The Act section 15(2) and section 19(1)</p>	<p>NPPF para 153</p>	<p>Yes</p> <p>Croydon Local Development Scheme (2018):  <a href="https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%20June%202018.pdf">https://www.croydon.gov.uk/sites/default/files/articles/downloads/Local%20Plan%20Programme%20%28Local%20Development%20Scheme%29%20documents%20June%202018.pdf</a></p> <p>Amendment to Kingston Local Development Scheme (2019):  <a href="https://moderngov.kingston.gov.uk/documents/s85132/Amendment%20to%20Local%20Development%20Scheme.pdf">https://moderngov.kingston.gov.uk/documents/s85132/Amendment%20to%20Local%20Development%20Scheme.pdf</a></p> <p>Merton Local Development Scheme (2019):  <a href="https://www.merton.gov.uk/assets/Documents/Local%20Development%20Scheme%20%202019%20.%202022.pdf">https://www.merton.gov.uk/assets/Documents/Local%20Development%20Scheme%20%202019%20.%202022.pdf</a></p> <p>Sutton Local Development Scheme (2018)  <a href="https://moderngov.sutton.gov.uk/documents/s57434/8%20Local%20Development%20Scheme%20-%20Appendix%20A.pdf">https://moderngov.sutton.gov.uk/documents/s57434/8%20Local%20Development%20Scheme%20-%20Appendix%20A.pdf</a></p>
<p><b>2. How will community engagement be programmed into the preparation of the DPD?</b></p>	<p>The Act section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150, 155 and 157</p>	<p>Croydon Statement of Community Involvement (2018)  <a href="https://www.croydon.gov.uk/sites/default/files/articles/downloads/Statement%20of%20Community%20Involvement.pdf">https://www.croydon.gov.uk/sites/default/files/articles/downloads/Statement%20of%20Community%20Involvement.pdf</a></p> <p>Kingston Statement of Community Involvement  <i>Older than five years – defaulted to Local Plan regulations</i></p> <p>Merton Statement of Community Involvement  <i>Older than five years – defaulted to Local Plan regulations</i></p> <p>Sutton Statement of Community Involvement (2019)  <a href="https://drive.google.com/file/d/1bODFqsgdm_C6dN6SopgDFblijAXSzmtD/view">https://drive.google.com/file/d/1bODFqsgdm_C6dN6SopgDFblijAXSzmtD/view</a></p>



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<p><b>3. Have you considered the appropriate bodies you should consult?</b></p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 -4.26</p>	<p>Yes. The four councils used each of their own consultation databases, which included relevant specific consultees and general consultees. See also the Statement of Consultation (Regulation 18)</p>
<p><b>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?</b></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 four councils employed consultants Anthesis to identify strategic waste movements between the four boroughs and other local planning authorities.</p> <p>The four councils are in regular contact with many of the prescribed bodies relevant to waste planning.</p> <p>The councils decided to produce an Interim Statement of Cooperation following the Issues and preferred Options consultation to ascertain the exact situation.</p>
<p><b>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?</b></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>Within Greater London, the Mayor of London acts as both the head of the LEP and the principal contact for the LNP. He was contacted during the Issues and Preferred Options Consultation. LB Croydon is also part of the Coast to Capital LEP, however, the plan has minimal effect on the work of this LEP.</p>
<p><b>6. Is baseline information being collected and evidence being gathered to keep the matters which</b></p>	<p>The Act section 13</p>	<p>NPPF paras 158 - 177</p>	<p>Yes. See Technical Report</p>

<p>affect the development of the area under review?</p>			
<p><b>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</b></p>	<p>The Act section 19(5)</p>	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>	<p>Yes, See Sustainability Scoping Report</p>
<p><b>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?</b></p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>NPPF paras 165 and 167</p> <p>SEA Guide chapter 3</p>	<p>Yes. The Environment Agency, Historic England and Natural England were consulted on the Sustainability Appraisal Scoping Report from 16 September 2019 to 22 October 2019.</p>



## Stage Two: Plan Preparation - Frontloading Phase

Information assembled during this phase contributes to:

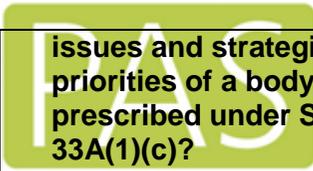
- showing that the procedures have been complied with
- demonstrating cooperation with statutory cooperation bodies
- developing alternatives and options and appraising them through sustainability appraisal and against evidence.

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

Activity	Legal requirement	Guidance reference	Evidence
<p><b>1. Have you notified:</b></p> <ul style="list-style-type: none"> <li>● the specific consultation bodies?</li> <li>● the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	<p>Yes.</p> <p>The four councils used each of their consultee databases to notify specific and general consultees.</p> <p>See Statement of Consultation (Regulation 18)</p>
<p><b>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</b></p>	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173	<p>Yes.</p> <p>The four councils used each of their consultee databases to notify specific and general consultees.</p> <p>See Statement of Consultation (Regulation 18)</p>
<p><b>3. Are you engaging with stakeholders responsible for delivery of the strategy?</b></p>	Regulation 18	NPPF para 155	<p>Yes.</p> <p>The four councils wrote to the operator of each identified waste site and also asked the operator to pass the letter on to the landowner.</p> <p>See Statement of Consultation (Regulation 18)</p>
<p><b>4. Are you taking into account representations made?</b></p>	Regulation 18(3)	NPPF para 155	<p>Yes.</p> <p>See the table in the Statement of Consultation (Regulation 18)</p>
<p><b>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</b></p>	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>	<p>Yes.</p> <p>A Sustainability Appraisal on the Issues and Preferred Options document was made available for consultation alongside the South London Waste Plan Issues and Preferred Options Document.</p>



	Environmental Assessment of Plans and Programmes Regulations 2004 No 1633		
<b>6. Is the participation:</b> <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	Yes. See Statement of Consultation (Regulation 18) N/A Sustainable Community Strategies no longer exist Yes. The councils have tailored the consultation to the areas and stakeholders particularly affected by or involved in waste management See Statement of Consultation (Regulation 18)
<b>7. Are you keeping a record of:</b> <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>	The Act section20(3)  Regulation 17	NPPF paras 158 - 171	Yes. See Statement of Consultation (Regulation 18) for overview. Lists of those invited to make representations are available on request but subject to data privacy laws. Yes. See Statement of Consultation (Regulation 18) Yes See Statement of Consultation (regulation 18) for summary and Representations Schedule (regulation 18) for complete record of all representations and officer responses.
<b>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</b>	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)	NPPF paras 178 to 181	Yes. See Duty to Cooperate Statement Part 1

 <b>issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</b>	The Act section 20 (5)(c)		
<b>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</b>	The Act section 33A(1)(c) and Section 33A(9).  The Act section 20(5) (c).  Regulation 4	NPPF paras 178 to 181	Yes. See Duty to Cooperate Statement Part 1
<b>10. Are you developing a framework for monitoring the effects of the DPD?</b>	The Act section 35  Regulation 34  Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	NPPF paras 165 - 1687  SEA Guide, Chapter 5	Yes. This will appear in the Draft South London Waste Plan (Publication stage)



## 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	Evidence
<p>1. <b>Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</b></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>Yes. See Sustainability Appraisal on the South London Waste Plan Issues and Preferred Options and the Site Appraisals Document</p>
<p>2. <b>Have you assessed alternatives against:</b></p> <ul style="list-style-type: none"> <li>● consistency with national policy?</li> <li>● general conformity with the regional spatial strategy where still in force?</li> </ul>	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>Yes. The Councils consider it meets the National Planning Policy for Waste (October 2014), the National Planning Policy Framework (June 2019) and the Planning Practice Guidance Yes See Representation from the Mayor of London to the South London Waste Plan Issues and Preferred Options document</p>
<p>3. <b>Are you having regard to (where relevant):</b></p> <ul style="list-style-type: none"> <li>● adjoining regional spatial strategies?</li> <li>● the spatial development strategy for London?</li> <li>● Planning Policy for Wales?</li> <li>● the National Planning Framework for Scotland?</li> </ul>	<p>The Act sections 19 (2) and 24 (1) and (4)  Regulation 10 and 21</p>		<p>N/A There are no adjoining regional spatial strategies Yes. See Representation from The Mayor of London on the South London Waste Plan Issues and Preferred Options document N/A  N/A</p>

<p><b>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</b></p> <p><b>Have you discussed doing joint local development documents?</b></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>Yes.</p> <p>See Duty to Cooperate Statements Parts 1 and 2</p> <p>Yes.</p> <p>The South London Waste Plan is a joint Development Plan Document</p>
<p><b>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?</b></p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>NPPF paras 181 and 182</p>	<p>Yes.</p> <p>See Duty to Cooperate Statements Parts 1 and 2</p>
<p><b>6. Are you cooperating with having regard to the activities of the LEP and LNP?</b></p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>NPPF para 181 and 182</p>	<p>Yes.</p> <p>See Duty to Cooperate Statements Part 1 and 2</p>
<p><b>7. Are you having regard to:</b></p> <ul style="list-style-type: none"> <li>● <b>your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</b></li> <li>● <b>any other local development documents adopted by the council?</b></li> </ul>	<p>The Act section 19(2)</p>		<p>N/A</p> <p>Sustainable Community Strategies no longer exist.</p> <p>Yes.</p> <p>The councils are having regard to all their adopted Local Plans and the emerging Local Plans in Merton and Croydon.</p>

<p><b>8. Do you have regard to other matters and relevant strategies relating to:</b></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>Yes.</p> <p>The plan has regard to existing waste management sites</p> <p>Yes.</p> <p>The plan has regard to developments in waste management, such as the circular economy</p> <p>Yes.</p> <p>The plan has regard to traffic generation and the cumulative effect of transport on the road network</p> <p>Yes.</p> <p>The plan has regard to the plans of the waste collection agency across the four boroughs: the South London Waste Partnership</p> <p>Yes.</p> <p>The councils have regard to hazardous substances through their adopted Local Plans</p>
<p><b>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</b></p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 -108</p>	<p>Yes.</p> <p>The plan's Key Issue 5 is "Climate Change, the End of Landfill and the Circular Economy"</p>
<p><b>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</b></p>	<p>The Act section19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>Yes.</p> <p>See the Sustainability Appraisal on the Draft Plan, the Sustainability Appraisal on the Issues and Preferred Options Document and the Sustainability Appraisal Scoping Report</p>
<p><b>11. Are you setting out reasons for any preferences between alternatives?</b></p>	<p>Regulation 8(2)</p>	<p>NPPF para 182</p>	<p>Yes.</p> <p>See the Sustainability Appraisal on the Draft Plan, the Sustainability Appraisal on the Issues and Preferred Options Document and the Sustainability Appraisal Scoping Report and the Site Appraisals evidence base document.</p>

<p><b>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal?</b></p> <p><b>Are you keeping a record?</b></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>Yes.</p> <p>See Representations on the Sustainability Appraisal Scoping Report and the Representations on the Sustainability Appraisal to the South London Waste Plan Issues and Preferred Options Document</p> <p>Yes.</p> <p>See Representations on the Sustainability Appraisal Scoping Report and the Representations on the Sustainability Appraisal to the South London Waste Plan Issues and Preferred Options Document</p>
<p><b>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</b></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>Yes.</p> <p>If adopted, all four councils' policies maps will be amended to reflect the newly adopted South London Waste Plan.</p> <p>Yes.</p> <p>Each proposed safeguarded site includes the postcode and a map with the site lined in red and sufficient context for residents to locate the site.</p>
<p><b>14. Are the participation arrangements compliant with the SCI?</b></p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150 and 155</p>	<p>Yes.</p> <p>See Statement of Consultation (Regulation 18)</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'.



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**Stage Four: Publication**

Activity	Statutory requirement	Guidance reference	Evidence
<b>1. Have you prepared the sustainability appraisal report?</b>	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	Yes. See Sustainability Appraisal
<b>2. Have you made clear where and within what period representations must be made?</b>	Regulation 17, 19, 20 and 35		Yes. See individual council websites and Statement of Representations Procedure
<b>3. Have you made copies of the following available for inspection:</b> <ul style="list-style-type: none"> <li>● the proposed submission documents?</li> <li>● the statement of the representations procedure?</li> </ul>	Regulation 19(a)		Yes. Copies are available at main offices and libraries, subject to Covid-19 restrictions but with alternative arrangement in place
<b>4. Have you published on your website:</b>	Regulations 19 and 35		Yes. See individual council websites



<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><b>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</b></p> <ul style="list-style-type: none"> <li>• A copy of each of the proposed submission documents</li> <li>• The statement of the representations procedure?</li> </ul>	Regulation 19(b)		<p>Yes. Emails as evidence are available on request but subject to data privacy permissions</p>
<p><b>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</b></p> <ul style="list-style-type: none"> <li>• the statement of the representations procedure?</li> <li>• where and when the documents can be inspected?</li> </ul>	Regulation 19(b)		<p>Yes. Emails as evidence are available on request but subject to data privacy permissions</p>
<p><b>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC)</b></p>	<p>The Act section 24 Regulation 21</p>		<p>Yes. See Regulation 19 – Statement of Consultation</p>



**on the general conformity  
of the DPD spatial  
development strategy?**

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## 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.



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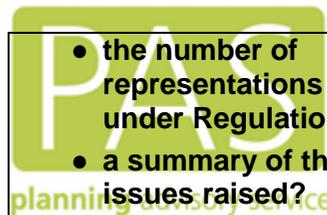
Stage Five: Submission

Activity	Legal requirement	Guidance reference	Evidence
<p><b>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?</b></p>	<p>The Act section 19(1)</p>		<p><b>Croydon Local Development Scheme</b>  <a href="https://new.croydon.gov.uk/sites/default/files/2021-01/Local_Development_Scheme_November_2020.pdf">https://new.croydon.gov.uk/sites/default/files/2021-01/Local_Development_Scheme_November_2020.pdf</a>  <i>In accordance with LDS?</i> Yes  <i>Description match?</i> Broadly – “South London Waste Plan Review”  <i>Timescales?</i> Stated submission would be in December 2020</p> <p><b>Kingston Local Development Scheme</b>  <a href="https://www.kingston.gov.uk/downloads/file/3028/local_development_scheme_2019_to_2022">https://www.kingston.gov.uk/downloads/file/3028/local_development_scheme_2019_to_2022</a>  <i>In accordance with LDS?</i> Yes  <i>Description match?</i> Yes  <i>Timescales?</i> Stated submission in November 2020.</p> <p><b>Merton Local Development Scheme</b>  <a href="https://www.merton.gov.uk/assets/Documents/Local%20Development%20Scheme%20%202019%20.%202022.pdf">https://www.merton.gov.uk/assets/Documents/Local%20Development%20Scheme%20%202019%20.%202022.pdf</a>  <i>In accordance with LDS?</i> Yes  <i>Description match?</i> Yes  <i>Timescales?</i> Yes. Submission in Q4 2020</p> <p><b>Sutton Local Development Scheme</b>  <a href="https://drive.google.com/file/d/1H37Lrsp6OX50O2BSyeTGfXrO8aOuLDBa/view">https://drive.google.com/file/d/1H37Lrsp6OX50O2BSyeTGfXrO8aOuLDBa/view</a>  <i>In accordance with LDS?</i> Yes</p>

			<i>Description match? Yes</i> <i>Timescales? Stated submission would be in August 2020</i>
<b>2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?</b>	The Act section 19(2)	NPPF para 182	N/A. Sustainable Community Strategies no longer exist.
<b>3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?</b>	The Act section 19(3)  Regulation 22(1)(c)		Yes. See Regulation 18 – Statement of Consultation Regulation 19 – Statement of Consultation
<b>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-boundary issues  If you have not agreed on the approach is there a justification?</b>	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Yes. See Duty to Cooperate Statements Parts 1 and 2
<b>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</b>	The Act section 19(5)  Regulation 22(1)(a)	NPPF para 165  SEA Practical Guide, chapter 5	Yes. See Sustainability Appraisal

<p><b>6. Is the DPD to be submitted consistent with national policy?</b></p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>	<p>Yes. The Councils consider it meets the National Planning Policy for Waste (October 2014), the National Planning Policy Framework (June 2019) and the Planning Practice Guidance</p>
<p><b>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists?</b> <b>If yes, is there local justification?</b></p> <p><b>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?</b></p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>The Councils consider the DPD is in general conformity with the London Plan and the Intend to Publish London Plan.</p> <p>Yes - See Letter of Conformity from the Mayor of London in the Examination Library.</p>
<p><b>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</b></p> <p><b>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</b></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>Yes. For exact details and Covid-19 modifications see Regulation 19 – Statement of Consultation</p>

<p><b>Does the DPD contain a list of superseded saved policies?</b></p>			<p>Paragraph 2.1 states that the plan is a replacement for the existing plan and so it follows that all policies from the 2011-21 South London Waste Plan are superseded and not saved.</p>
<p><b>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</b></p> <p><b>If yes, have you prepared a submission policies map?</b></p>	<p>Regulations 5(1) (b), 9 (1), 17 &amp; 22(1)</p>		<p>The site safeguarding maps serve as a submission Policies Map and Appendix 3 sets out the future planning designations for all the sites and areas in the 2011-21 South London Waste Plan.</p>
<p><b>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?</b></p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Yes.</p> <p>The Croydon Local Plan (2018), the Kingston Core Strategy (2012), the Merton Core Strategy (2011) and the Sutton Local Plan (2018) all refer to the South London Waste Plan as the repository for planning policies relating to waste facilities.</p> <p>Paragraph 2.1 states that the plan is a replacement for the existing plan and so it follows that all policies from the 2011-21 South London Waste Plan are superseded and not saved.</p>
<p><b>11. Have you prepared a statement setting out:</b></p> <ul style="list-style-type: none"> <li>● Which bodies and persons were invited to make representations under Regulation 18?</li> <li>● How they were invited?</li> <li>● A summary of the main issues raised?</li> <li>● How the representations have been taken into account?</li> </ul>	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>Yes. See Regulation 18 – Statement of Consultation</p>
<p><b>12. Have you prepared a statement giving:</b></p>	<p>The Act section 20(3)</p>		<p>Yes. See Regulation 19 – Statement of Consultation</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>	Regulation 22(1)(c)		
<b>13. Have you collected together all the representations made under Regulation 28?</b>	The Act section 20(3)  Regulation 22(1)(e)		Yes. See the Examination Library
<b>14. Have you assembled the relevant supporting documents?</b>	The Act section 20(3)  Regulation 22(1)(g)		Yes. See the Examination Library
<b>15. Has your council approved the DPD for submission?</b>			Yes. All four Councils have approved the submission of the DPD at Full Council meetings.
<b>16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following:</b> <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)		This will take place at submission. Due to Covid-19 restrictions PINS have advised that documents should be submitted electronic only. The Inspector will request hard copies at a later date.
<b>17. Have you made the following available at the</b>	Regulation 22(3)		Yes - This will take once the document is submitted.



<p>same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> <li>• The DPD?</li> <li>• The documents prescribed in Regulation 22(1)?</li> </ul>			
<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>Yes. See <a href="http://www.sutton.gov.uk/wasteplan">www.sutton.gov.uk/wasteplan</a></p>
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> <li>• notification that the documents prescribed in Regulation 22(3)(a)(i)-</li> </ul>	<p>Regulation 22(3)(b)</p>		<p>Yes - This will take once the document is submitted.</p>

 <p>(iii) are available for inspection</p> <ul style="list-style-type: none"> <li>• where and when they can be inspected?</li> </ul>			
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>		<p>Yes - This will take once the document is submitted.</p>
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> <li>• published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> <li>• notified those who have made representations on the published DPD which have not been withdrawn of these details?</li> </ul>	<p>The Act section 20</p> <p>Regulations 24 and 35</p>		<p>Yes - This will take once the document is submitted.</p>