



ROSSENDALE SUBMISSION LOCAL PLAN - Legal Compliance Checklist

Introduction

1.1 The Rossendale Local Plan (also referred to as “the Plan”) has been formally submitted to the Secretary of State. The Plan will now be examined by an independent inspector to assess whether it has been prepared in accordance with the legal and procedural requirements as set out by the Town and Country Planning (Local Planning) (England) Regulations 2012 (“2012 Regulations”) and whether the plan is “sound”.

1.2 To facilitate the examination process and for the benefit of the planning inspector and other examination participants, local planning authorities are encouraged to submit a completed Legal Compliance Checklist.

1.3 This document seeks to provide succinct reference points that demonstrate how the Local Plan is legally compliant. It also points out a range of other supporting evidence that has been prepared and the processes undertaken to get the Plan to this point. Through the examination process, additional information may need to be produced in support of the Plan. All such information will be published on the Council’s website and clearly referenced and recorded as additional documents submitted to inform the examination process.

1.4 Table 1 below summarises the key stages in preparing the Plan to the point of submission.

Table 1: Key stages in preparing the Rossendale Local Plan

Stage	Publication Date
Draft Local Plan (Regulation 18 consultation)	Consulted on 24th July 2017 to 9th October 2017
Draft Local Plan Pre-Submission Publication Version (Regulation 19 Consultation)	Consulted on 23 August to 5 October 2018
Local Plan Submission	Submitted March 2019

Background to Checklist

2.1 This checklist has been produced by the Planning Advisory Service (PAS), with legal advice provided, and supersedes the previous checklist. It is based on the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012. It should be used with the Soundness Self-Assessment Checklist.

2.2 Evidence provided to support the plan should be relevant and proportionate; use of this checklist is not to be taken as a reason to assemble more than is needed.

Glossary:

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

"NPPF" means the **National Planning Policy Framework**

"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**

2.3 Where the ‘possible evidence’ column refers to a document that will not be complete until a later stage, 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.

2.4 In terms of legal compliance, the main issues for the early stage of Local Plan preparation 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; and
- 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.

2.5 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 kit, the term 'consultation statement' is used to describe this statement.

2.6 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. This is set out in the associated Duty to Co-operate Statement, which includes a draft Statement of Common Ground. This has been prepared with neighbouring authorities and other key consultees.

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 15		<ul style="list-style-type: none"> i. The adopted LDS at the time of commencement, publication and submission of the DPD ii. The relevant authority monitoring report (if changes need to be explained) 	Yes – the latest LDS was published in December 2018 and identifies the timetable for preparation of the Local Plan and its submission. The LDS states that the Plan is due to be submitted in February 2019.
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 16, 25	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.	<ul style="list-style-type: none"> i. The SCI ii. The project plan for the DPD 	<p>Details of how community engagement has been undertaken are set out in the Regulation 22 Statement of Consultation.</p> <p>The Statement of Community Involvement (SCI) was published in February 2019 after being consulted on during Regulation 19. This updated the previous version which was adopted in 2014. The review was necessary to reflect changes in planning legislation and guidance (including that on Neighbourhood Planning) and to reassess consultation practices to ensure the Council continues to consult effectively.</p>
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 24, 25	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<ul style="list-style-type: none"> i. The SCI ii. Reports and decisions setting out the approach to specific and general consultation bodies iii. Consultation statement 	<p>Yes – the range of consultees that the Council consults is set out in the SCI and reported in the Statement of Consultation (in particular Appendix C). The Council also maintains a consultee database which is kept in line with the General Data Protection Regulations (GDPR) 2018.</p>
4. How you will co-operate with	The Act section 33A(1)(a) and (b),	NPPF paras 26, 27	Section 33A(4) defines a "strategic	<ul style="list-style-type: none"> i. Reports and decisions setting 	The Duty to Cooperate and Statement of Common Ground have been produced alongside the

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
<p>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>section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>Under NPPF Para 35, 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 21</p>	<p>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>out the approach to be taken</p> <p>ii. Consultation statement</p>	<p>submission of the Local Plan. This sets out the outcome of cooperation and demonstrates continuous engagement with those parties.</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant 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 24 to 27</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</p>	<p>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p>	<p>Rossendale Borough Council (RBC) officers attend quarterly meetings of the Lancashire Development Plan Officers Group (DPOG) which comprises all the districts in Lancashire as well as the two unitary authorities (Blackpool and Blackburn) and Lancashire County Council. A representative from the Lancashire Local Economic Partnership (LEP) often attends and colleagues in Public Health (a county function) have recently requested to attend this group too. Progress on Local Plans is a standing agenda item and specific pertinent items can be added to the agenda, with presentations invited from other key organisations.</p> <p>RBC officers participate in a South Pennines working group, attended by the South Pennines LNP (Pennine Prospects) and other local authorities in the area. The Duty to Cooperate Statement confirms that RBC are willing to work with the LNP (for example on</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
			includes consulting on joint approaches to relevant activities.		progressing the proposed Regional Park and Visitor Management Plan).
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF para 31		<ul style="list-style-type: none"> i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report 	A large amount of evidence has been gathered on a variety of Local Plan issues including studies and assessment on housing, employment, viability, infrastructure delivery and so on. The evidence base underpinning the Local Plan is reviewed within the Topic Papers submitted as part of the Examination. Monitoring information is updated annually as part of the Authority Monitoring Report (AMR) and housing assessments such as the annual Five Year Housing Land Supply report and Strategic Housing Land Availability Assessment (SHLAA) reviews.
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	NPPF para 31 Strategic Environmental Assessment Guide, chapter 5		<ul style="list-style-type: none"> i. Sustainability report scoping document ii. Sustainability appraisal report 	The following SA documents were prepared for the Local Plan: <ul style="list-style-type: none"> • Sustainability Appraisal of the Local Plan 2017 • Sustainability Appraisal of the Rossendale Draft Local Plan Pre-Submission Publication Version 2018 • Sustainability Appraisal Addendum 2019
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 para 32 SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the ‘specific consultation bodies’ which are defined in Regulation 2).	Copies of the consultation letters sent to and any responses from the bodies	Yes – the Council consulted the statutory consultation bodies as required by the Regulations on the Scoping stage of SA and during the various consultation stages of the Local Plan. There was also wider consultation with other organisations with social, environmental and economic concerns and responsibilities. Any comments received were duly considered and taken account of in the Reports.

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	Rossendale Local Plan – evidence provided
1. Have you notified: <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 16, 25	Specific and general consultation bodies are defined in Regulation 2.	i. Consultation statement ii. Copies of documents consulting these bodies iii. Record of discussions iv. Copies of representations made v. A brief statement setting out the reasons why any bodies have been omitted from or included in consultation	Yes – to each stage, the Specific and General consultation bodies were consulted according to Regulation 18 and the Council's relevant SCI in place at that time of publication.
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 para 16		i. Consultation statement ii. Copies of documents consulting these	Yes – as above and see Statement of Consultation for further details. All responses have been published.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
				persons iii. Record of discussions iv. Copies of representations made	
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 16	NPPF para 25 gives examples of relevant bodies which should be consulted.	i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions	Yes, the Council is working closely with a number of bodies who will be involved in implementation and delivery of the Plan's proposals. A specific Infrastructure Delivery Plan has been produced in support of the Plan. Contact has been made with landowners and developers in relation to the likely deliverability including as part of the SHLAA and when undertaking general housing monitoring.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 15 and 25-27	Evidence from participation is part of the justification. Show how you have taken representations into account.	i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD	Yes – see Statement of Consultation for further details on how the Plan has been amended as the consultation has progressed, in response to representations
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 32 and 35 SEA Guide, chapter 3		i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report	The engagement has included publication of an SA report at each stage of the consultation process with feedback considered and taken account of. The comments to the Local Plan have informed its approach and resulting changes have been considered through the SA.
6. Is the participation: • following the principles set out in your SCI?	The Act section19(3)	NPPF para 16		i. Consultation Statement ii. The SCI	See Statement of Consultation for further details. At each stage, the Council has raised awareness of the consultation through:

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
<ul style="list-style-type: none"> integrating involvement with the sustainable community strategy? proportionate to the scale of issues involved in the DPD? 				iii. The relevant sustainable community strategies	<p>Informing people of the existence of the consultation database and that they can be added to this mailing list in order to receive notifications of any consultation;</p> <p>Contacting people on the Local Plan database;</p> <p>Providing details on the Council's website www.rossendale.gov.uk/localplan</p> <p>Press releases and notices in the local press;</p> <p>Holding several drop-in sessions.</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? the main issues raised? 	<p>The Act section 20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 16 and 35</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>i. Consultation statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</p>	<p>The Council maintains a consultee database, which is kept in accordance with GDPR. Those who have expressed an interest in being notified of consultation were contacted at each stage by email and post.</p> <p>The Statement of Consultation sets out more details and all consultation responses have been published. A summary of all the responses has also been collated.</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</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 24 to 27</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>i. Consultation statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</p>	<p>Adjoining local planning authorities have been consulted at every stage of the Plan's preparation. This has also included Lancashire County Council (LCC) and Greater Manchester Combined Authority (GMCA). This is set out in the Duty to Cooperate statement.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
body prescribed under Section 33A(1)(c)?					
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	<p>NPPF paras 24 to 27</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>i. Consultation statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</p>	<p>See response to Q. 5 to Stage One of this checklist.</p>
10. Are you developing a framework for monitoring the effects of the DPD?	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>NPPF para 31</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>i. Sustainability appraisal report</p> <p>ii. The authority monitoring report</p> <p>iii. Reports or documents setting out the appraisal and monitoring framework</p>	<p>The Plan contains a housing trajectory for delivery of dwellings over the Plan period and which will be used to assess performance against these housing targets; The Plan also contains a number of monitoring indicators; The Authority Monitoring Report (AMR) and annual Five Year Housing Land Supply reports will provide updates on the Plan’s performance and effectiveness; The SA sets out a number of monitoring mechanisms and indicators which can be used to assess environmental effects of the Plan and which can be carried forward through the AMR.</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 35 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	Rossendale Local Plan – evidence provided
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 para 35 SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	Documents supporting decisions on alternatives and any preferred strategy	A number of options were published as part of the preparation of the Regulation 18 stage and alternative development strategies were assessed in the SA published and consulted on at Regulation 19 stage.
2. Have you assessed alternatives against: <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where still in force? 	The Act section 19 (2), section 24	NPPF para 35	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.	i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)	Alternatives were assessed against the relevant objectives in the SA, which was undertaken and consulted on in line with national policy.
3. Are you having regard to: <ul style="list-style-type: none"> • adjoining regional spatial strategies? 	The Act sections 19 (2) and 24 (1) and (4) Regulation 10 and 21	NPPF paras 24 to 27	Where the regional strategy has been revoked you should record that fact.	i. Supporting documents ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as	The Duty to Cooperate Statement sets out how the Council has engaged with adjoining authorities who are jointly preparing (as part of the GMCA) the Greater Manchester Spatial Framework.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
				appropriate) iii. CLG notice of revocation of the regional strategy	
4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?	The Act section 33A(2)(a) Section 33A(6)(a)(b) Section 20(5)(c)	NPPF paras 24 to 27	.	i. Supporting documents ii. Correspondence with LPA/County Council	The Duty to Cooperate Statement outlines how the Council has and continues to cooperate on a range of cross boundary issues with other local authorities and LCC.
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?	The Act section 33A(2)(a), section 33A(6)(a) The Act section 20 (5) (c) Regulation 4	NPPF paras 24 to 27	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	i. Supporting documents ii. Correspondence with prescribed bodies	The Duty to Cooperate Statement outlines how the Council has and continues to cooperate on a range of issues with prescribed bodies and key agencies.
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 paras 24 to 27		i. Supporting documents ii. Correspondence with LEP/LNP	See response to Q. 5 to Stage One of this checklist.
7. Are you having regard to: <ul style="list-style-type: none">your sustainable community strategy or of	The Act section 19(2)			i. Supporting documents ii. The sustainable community strategies	The Local Plan is aligned with other objectives and priorities of other Council strategies, including the Corporate Strategy.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
<p>other authorities whose area comprises part of the area of the council?</p> <ul style="list-style-type: none"> any other local development documents adopted by the council? 				<ul style="list-style-type: none"> iii. Relevant local development documents iv. Correspondence with the local strategic partners 	
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> resources the local/regional economy the local transport plan and transport facilities and services waste strategies hazardous substances 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with the relevant bodies 	<p>The Local Plan has had regard to wider strategies and wherever possible these are referenced within the Plan or taken account of in the evidence papers. Various issues are addressed through the Duty to Cooperate Statement.</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 149 to 154</p>		<p>Supporting documents</p>	<p>Yes, as detailed in the Soundness Self-Assessment in relation to NPPF paras 148-165.</p>
<p>10. Have you undertaken the sustainability appraisal of</p>	<p>The Act section19(5)</p>	<p>NPPF para 32</p>	<p>Regulation13 of The Environmental Assessment of</p>	<ul style="list-style-type: none"> i. Reports on the sustainability of alternatives ii. Record of work 	<p>See response to Q 1.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
alternatives, including consultation on the sustainability appraisal report?	Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	SEA Guide, Chapter 5	Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	undertaken on sustainability appraisal iii. Supporting documents	
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF paras 32 and 35	This will include Information from the sustainability appraisal.	i. Any reports setting out alternatives and choices considered ii. Supporting documents	See response to Q 1.
12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?	Regulations 17, 18(3) and 22 (1) (c) (iv) Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 16 and 32	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report	All responses have been given a reference number, entered into a consultation database and collated in a published document. The Statement of Consultation summarises the main issues from these sets out details of how they have informed the Plan preparation.
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to: • enable you to amend the currently	Regulations 5 (1)(b) and 9	NPPF para 20 to 23	Regulation 2 defines the terms 'submission' and 'adopted' proposals map. A map showing changes to the adopted policies	i. Adopted policies map ii. Any reports on proposals to amend the policies map iii. Illustrative material that shows how the policies map will	A policies map has been produced and updated accordingly throughout the preparation of the Plan, along with other illustrative materials. The policies map is also available as an interactive online map which allows users to search for specific locations and bring up all the relevant Local Plan information for that area. The Policies Map is on the Council's website and paper copies are available from the Council's offices.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
<p>adopted policies map?</p> <ul style="list-style-type: none"> inform the community about the location of proposals? 			<p>map is part of the proposed submission documents defined in Regulation 17.</p>	<p>be amended or replaced</p>	
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3) Regulation 18</p>	<p>NPPF paras 16 and 25</p>		<p>i. The SCI ii. Consultation statement</p>	<p>The arrangements for the consultations align with the SCI in place. Further details are also set out in the Council's Consultation Statement.</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	Rossendale Local Plan – evidence provided
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 para 32 SEA Guide Chapter 5		Sustainability appraisal report	Yes – the SA report was published alongside the Draft Local Plan Pre-submission Publication version and at other consultation stages.
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).	i. Report or record of decisions ii. The statement of community interest	Agreement to publish the Plan for publication was given at the Full Council meeting of 11 th July 2018. The consultation lasted 6 weeks. A Statement of Representations Procedure was published and clearly set out how and when representations could be made. This was also made clear in other documentation and webpages relating to the consultation. Details can be found in the Statement of Consultation.
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.	i. Copies of the relevant statements ii. Report on where and when made available iii. Record of where and when made available	The proposed submission documents and Statement of Representations Procedure were made available for inspection on the Council's website and hard copies were made available at the Council's principal offices in Bacup and at public libraries in the Borough. Further details are set out in the Statement of Consultation.
4. Have you published on your website: <ul style="list-style-type: none">the proposed	Regulations 19 and 35		Regulations 2 and 17 give definitions.	Record of publication	All documents were made available on the Council's website: https://www.rossendale.gov.uk/localplan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
submission documents? <ul style="list-style-type: none"> • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 					Further details are set out in the Statement of Consultation.
5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	i. Copies of correspondence ii. Record of sending	Letters and emails were sent to all consultees setting out where the documents could be inspected and how and when representations could be made. Further details are set out in the Statement of Consultation.
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"> • the statement of the representations procedure? • where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	i. Copies of correspondence ii. Record of sending	Letters and emails were sent to all consultees identifying where the documents could be inspected and how and when representations could be made. Further details are set out in the Statement of Consultation.

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	Rossendale Local Plan – evidence provided
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.	<ul style="list-style-type: none"> i. The LDS ii. Explanation of any changes from the milestones set out in the LDS iii. Relevant authority monitoring reports 	The Plan has been prepared and submitted in line with the LDS, although the submission was a month later than stated in the LDS (it was submitted in March 2019, not February 2019).
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 35		<ul style="list-style-type: none"> i. The sustainable community strategy(ies) ii. Reference to sections of the DPD showing how regard has been had to them 	n/a
3. Is the DPD in compliance	The Act		Before the SCI is	<ul style="list-style-type: none"> i. The SCI 	Consultation has been carried out in line with the

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	section 19(3) Regulation 22(1)(c)		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).	ii. The Regulation 22(1)(c) statement	SCI, which has also been recently updated.
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?	The Act section 33A(1) and section 20(5)	NPPF paras 24 to 27	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	Statement identifying any strategic cross-boundary issues or impacts on county matters addressed in the document and explaining the approach taken to co-operate with the relevant bodies. Supporting correspondence and reports e.g. Memorandum of Understanding, shared and agreed evidence	The Duty to Co-operate Statement (incorporating Statements of Common Ground) sets out the approach to any issues which need to be addressed.
5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5) Regulation 22(1)(a)	NPPF para 32 SEA Practical Guide, chapter 5		Sustainability appraisal report	Yes at every stage of the preparation of the Local Plan.
6. Is the DPD to be submitted consistent with	The Act section 19(2)	NPPF para 35		i. Correspondence with PINS?	Yes, the Plan is considered to be consistent with national policy - see Soundness Self-Assessment

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
national policy?	and Schedule 8			ii. PAS Soundness self assessment checklist	checklist
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?	The Act section 24(1)(a) and 24(4) Regulation 21		In London the requirement is for general conformity with the spatial development strategy (The London Plan).	i. Correspondence with or representations from Mayor of London (where appropriate) ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place	n/a
8. Has the council published the prescribed documents, and made them available at their principal offices and their website? Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan? Does the DPD contain a list of superseded saved policies?	The Act section 20(2), 20(3) and 20(5)(b) Regulations 8 and 19	NPPF para 35	Requirements relating to publication of the prescribed documents are listed later in this table.	i. The documents prescribed at Regulation 22(1) ii. Relevant authority monitoring reports iii. Records of the actions undertaken (see below)	A suite of relevant documents has been assembled and will be published on the Council's website under the Local Plan Examination webpages. Documents will be made available at the Council's principal office in accordance with Regulation 22. Relevant statutory and non-statutory bodies and those on the consultation mailing list will be notified that the Plan has been submitted.
9. Are there any policies applying to sites or areas by reference to an	Regulations 5(1) (b), 9 (1),			i. Submission policies map	A Submission Policies map has been prepared.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
<p>Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	17 & 22(1)			<p>ii. Brief statement if a submission policies map is not required</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>i. The core strategy</p> <p>ii. Documents or reports demonstrating conformity</p>	<p>The Local Plan will replace the adopted Core Strategy in full.</p>
<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>i. Consultation statement</p> <p>ii. The Statement as required in Regulation 22(1)(c)</p>	<p>This is set out in the Statement of Consultation.</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 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>The Statement as required in Regulation 22(1)(c)</p>	<p>This is set out in the Statement of Consultation.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
<p>main issues raised?</p> <p>OR</p> <ul style="list-style-type: none"> that no representations were made? 					
13. Have you collected together all the representations made under Regulation 20?	The Act section 20(3) Regulation 22(1)(e)			Copies of the representations	The representations made under Regulation 20 have been collated and published.
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			All necessary evidence and records of decisions relevant to the DPD	The relevant documentation has been assembled.
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.	Report and resolution of the appropriate council body	The Council, at its meeting of 11 th July 2018, agreed the publication of the Plan for consultation (as part of Regulation 19) and agreed that the Planning Manager/Director of Economic Development in consultation with the Portfolio Holder for Regulatory Services be given delegated authority following the six week consultation period to submit the Submission Draft of the Rossendale Local Plan to the Planning Inspectorate for examination.
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"> the DPD? the submission policies map (unless there are no site 	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 supporting documents may not be practicable.	<ul style="list-style-type: none"> i. Record of sending ii. Reasons why documents cannot be sent electronically 	The relevant documents will be sent by the end of March 2019.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
allocation policies)? <ul style="list-style-type: none"> the documents prescribed in Regulation 22(1)? 			Regulation 35 deals with the availability of documents and the time of their removal.		
17. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> The DPD? The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	Record of where and when made available	A suite of relevant documents has been assembled and will be published on the Council's website under the Local Plan Examination webpages. Documents will be made available at the Council's principal office in accordance with Regulation 22.
18. On your website, have you published the: <ul style="list-style-type: none"> DPD? submission policies map? sustainability appraisal report? Regulation 22(1)(c) statement? supporting documents (where practicable) ? representations made under Regulation 20 (where practicable) ? statement as to where and when the DPD and the documents are 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Record of publication	All relevant documentation will be made available on the Council's website.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Rossendale Local Plan – evidence provided
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.	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	Relevant statutory and non-statutory bodies and those on the consultation mailing list will be notified that the Plan has been submitted and provided with details of where and when these can be inspected.
<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.	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	Those on the consultation mailing list will be notified that the Plan has been submitted and provided with details of where and when these can be inspected.
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> • published the time and place of the examination and the name of the person appointed to carry out the examination on your website? • notified those who have made representations on the published DPD which have not been withdrawn of these details? 	<p>The Act section 20</p> <p>Regulations 24 and 35</p>			<ul style="list-style-type: none"> i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement 	A programme officer is in post and is making preparation for the Examination. Specific actions relating to this will be undertaken once the Inspector has been appointed and further details are known regarding the date of the Examination.