



Legal Compliance
Self-Assessment Checklist

New Forest National Park Local Plan 2016 – 2036

May 2018

Local Plan Legal Compliance Checklist

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**.

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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

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

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

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		<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) 	<p>The Authority's current Local Development Scheme (October 2017) sets out the timetable for the latter stages of the Local Plan review process.</p> <p>The preceding version of the LDS (March 2016) set out the timetable for the early stages of the Local Plan review process.</p> <p>The Authority's Annual Monitoring Reports have reported on progress made against the relevant LDS timetable.</p>
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	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 	The process for community engagement in the early stages of the Local Plan review is set out in the Authority's adopted Statement of Community Involvement (December 2013). The LDS timetables have factored in the requirements of community consultation.
3. Have you considered the appropriate bodies you	Regulation 18	NPPF paras 4.25 -4.26	Regulation 2 defines the general and specific	<ul style="list-style-type: none"> i. The SCI ii. Reports and decisions setting out the approach to 	The Authority's adopted Statement of Community Involvement (December 2013) sets out who would be consulted

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
should consult?			<p>consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>specific and general consultation bodies</p> <p>iii. Consultation statement</p>	<p>at each stage in the Plan-making process.</p> <p>The Authority has also complied with the relevant Planning Regulations and more detail on the consultation undertaken at each of the statutory stages can be found in the 'Consultation Statement' (May 2018).</p>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p>	<p>As set out in the Authority's 'Duty to Cooperate Statement' (May 2018), cooperation with neighbourhood planning authorities and others is at the heart of the Authority's work, given the composition of the Authority's membership and the work on the National Park Partnership Plan.</p> <p>The 'Duty to Cooperate Statement' highlights the work undertaken by the Authority on cross-boundary matters including habitat mitigation measures; addressing identified housing needs; and the Fawley Power Station major development site.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
		listed at NPPF Para 156	development documents under section 28. The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).		
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?	The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e) The Act section 20(5)(c). Regulation 4	NPPF paras 178 to 181	Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156. Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9). Under section 33A(6) the required engagement includes consulting on	i. Reports and decisions setting out the approach to be taken. ii. Consultation statement	The New Forest National Park is covered by two LEPs and is most involved with the work of the Enterprise M3 LEP which covers the majority of the National Park. The Authority is an active participant in the work of the LEP and in the early stages of the Local Plan review process two meetings were held focusing specifically on the Local Plan review. The LEP's strategic plans for the area recognise the economic value of a high quality environment and the important role this plays in the economy of the region. The Authority is also represented on the Hampshire & Isle of Wight Local Nature Partnership Steering Group which co-ordinates the

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
			joint approaches to relevant activities.		work of the Partnership.
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF paras 158 - 177		<ul style="list-style-type: none"> i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report 	<p>A full list of the relevant background information and evidence base studies can be found in the Core Documents library. The Authority has commissioned (jointly in many cases) a wide range of evidence base studies that have been made available during the public consultation periods.</p> <p>Further baseline information is contained within the Authority's Annual Monitoring Reports and the State of the Park Reports.</p>
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<ul style="list-style-type: none"> i. Sustainability report scoping document ii. Sustainability appraisal report 	<p>This information is set out in the Sustainability Appraisal Scoping Report (2016). The Scoping Report was consulted on and the responses received fed into the subsequent Sustainability Appraisal reports published at the later stages in the Plan-making process.</p> <p>The Authority published a draft Sustainability Appraisal alongside</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					the non-statutory draft Local plan in October 2016; and an updated Sustainability Appraisal alongside the Regulation 19 Submission draft Local Plan in January 2018.
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167 SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	Copies of the consultation letters sent to and any responses from the bodies	The Authority consulted the Environment Agency, Natural England and Historic England on the Sustainability Appraisal Scoping Report for a five week period from April – June 2016. Responses were received from each of the statutory consultation bodies.

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	Evidence Provided
<p>1. Have you notified:</p> <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	<ul style="list-style-type: none"> 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. The Authority's 'Consultation Statement' (May 2018) outlines the consultation undertaken at the Regulation 18 stage and Annex 1 of the Statement lists all of the specific and general consultation bodies consulted. The consultation lasted 6 weeks and was widely publicised in accordance with the requirements of our adopted SCI (2013) and the relevant Planning Regulations.
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these persons iii. Record of discussions iv. Copies of representations made 	Yes. The Authority's 'Consultation Statement' highlights the consultation undertaken at the Regulation 18 stage. This was followed by a series of workshops in Spring 2016, with the socio-economic workshop in March 2016 including representatives of a wide range of business groups.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions 	Yes. The Regulation 18 consultation undertaken by the Authority and the follow up workshops engage with landowners, utility providers, and the statutory housing and highway authorities within the National Park. All of the sites subsequently proposed for development in the Local Plan are supported by the respective landowners.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD 	Pages 3 – 6 of the Authority's 'Consultation' Statement' (May 2018) set out how the representations received at the Regulation 18 stage were taken into account.
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</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report 	Yes – The Sustainability Appraisal has evolved as the Local Plan review process has gone on. Where appropriate, the Sustainability Appraisals have identified and appraised reasonable

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
	Programmes Regulations 2004 No 1633				alternatives.
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	The Act section19(3)	NPPF para 155		<ul style="list-style-type: none"> i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies 	<p>The process has followed the requirements set out in the Authority’s adopted Statement of Community Involvement (2013) and this is recorded in the ‘Consultation Statement’ (May 2018).</p> <p>The New Forest National Park has never had its own Sustainable Community Strategy and instead the New Forest National Park Partnership Plan (2015 – 2020) has informed the Local Plan.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations ? • how this was done? 	<p>The Act section20(3)</p> <p>Regulation 17</p>	NPPF paras 158 - 171	You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below. Regulation 35	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	In accordance with Regulation 22 (1) (c), the Authority’s ‘Consultation Statement’ (May 2018) sets out who was invited to make representations at the Regulation 18 stage. A consultee database was prepared by the Authority as part of the Local Plan

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<ul style="list-style-type: none"> the main issues raised? 			deals with the availability of documents and the time of their removal.		review process.
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	<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>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>Yes. All of the Authority's neighbourhood planning authorities were statutory consultees on the Local Plan review. The Authority held a 'Neighbouring Authorities Workshop' in Spring 2016 to specifically discuss cross-boundary matters and has continued to actively engage neighbouring authorities. This has included meetings under the duty to cooperate in Summer 2017 and more detail is provided in both the 'Consultation Statement' and the 'Duty to Cooperate Statement'.</p> <p>The Regulation 18 consultation specifically invited representations from neighbouring authorities on cross-boundary matters.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>The relevant LEPS have been consulted at each stage of the Local Plan Review process. The Enterprise M3 LEP responded to the Regulation 18 Local Plan consultation and a further workshop was held with the LEP in Lyndhurst in Spring 2016 on the economic policies and vision in the Local Plan Review</p> <p>The Authority is represented on the Hampshire & Isle of Wight Local Nature Partnership Steering Group which co-ordinates the work of the Partnership.</p>
<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of</p>	<p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p>	<p>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant</p>	<ul style="list-style-type: none"> i. Sustainability appraisal report ii. The authority monitoring report iii. Reports or documents setting out the appraisal and monitoring framework 	<p>The Authority's Annual Monitoring Reports monitor the performance of existing Local Plan policies. The Local Plan review provides the opportunity to review these monitoring indicators. Chapter 10 of the Submission draft Local Plan sets out proposed</p>

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	Plans and Programmes Regulations 2004 No1363		UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.		monitoring framework.

Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

The council should tell all parties that this is the main participation opportunity on the emerging plan. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>NPPF paras 152 - 182 SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>Documents supporting decisions on alternatives and any preferred strategy</p>	<p>The Sustainability Appraisal process has appraised reasonable alternatives. This has been an iterative process throughout the Plan-making process.</p> <p>In addition, the Authority's non-statutory draft Local Plan (October 2016) highlighted a number of policy alternatives and invited representations on these. The Authority also held a 6-week public consultation on alternative housing sites in Summer 2017.</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional 	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation</p>	<p>i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)</p>	<p>The Sustainability Appraisal process has appraised reasonable alternatives. This has been an iterative process throughout the Plan-making process. The Authority has also published a series of background topic papers which provide more detail on the national policy</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
spatial strategy where still in force?			of the DPD.		context.
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		Where the regional strategy has been revoked you should record that fact.	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate) iii. CLG notice of revocation of the regional strategy 	<p>The Regional Spatial Strategy for the South East was formally revoked in March 2012.</p> <p>The spatial development strategy for London; Planning Policy for Wales; and the National Planning Framework for Scotland are not relevant to the New Forest National Park Local Plan.</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	NPPF paras 181 and 185	.	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with LPA/County Council 	The Authority's 'Duty to Cooperate Statement' (May 2018) sets out the co-operation undertaken between the Authority and other local planning authorities in addressing significant cross-boundary issues. Statements of Common Ground have also been signed between the

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
joint local development documents?					Authority and New Forest District Council, Test Valley Borough Council, Wiltshire Council and Hampshire County Council which highlight the work done in addressing cross-boundary matters.
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 181 and 182	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 Authority acknowledges the requirement in section 33 of the Localism Act 2011 to engage constructively, actively and on an ongoing basis during the Plan-making process. Details of this engagement are set out in the 'Duty to Cooperate Statement' and the signed Statements of Common Ground between the Authority and the four constituent councils in the New Forest. This has included the joint commissioning of evidence base studies and the preparation of complementary policies for the future of the former Fawley Power Station site.

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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		<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with LEP/LNP 	<p>The relevant LEPs have been consulted at each stage of the Local Plan Review process.</p> <p>The Authority is represented on the Hampshire & Isle of Wight Local Nature Partnership Steering Group which co-ordinates the work of the Partnership.</p>
7. Are you having regard to: <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area comprises part of the area of the council? • any other local development documents adopted by the council? 	The Act section19(2)			<ul style="list-style-type: none"> i. Supporting documents ii. The sustainable community strategies iii. Relevant local development documents iv. Correspondence with the local strategic partners 	The New Forest National Park is not covered by a specific Sustainable Community Strategy. Instead regard has been given to the New Forest National Park Partnership Plan 2015 – 2020 during the preparation of the Local Plan. The Vision and Objectives within the Local Plan are based on those in the adopted Partnership Plan.
8. Do you have regard to other	The Act section19(2)		As well as the matters and	i. Supporting documents	Yes. The New Forest National Park Authority has

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>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 	Regulation 10		<p>strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>ii. Correspondence with the relevant bodies</p>	<p>had regard to other matters and relevant strategies. This is illustrated by the Infrastructure Delivery Plan for example.</p> <p>The Authority is separately part of the partnership of minerals and waste planning authorities in Hampshire that have prepared the joint Hampshire Minerals & Waste Local Plan (2013).</p> <p>The Authority has had regard to the relevant Hampshire & Wiltshire Local Transport Plans in preparing the Local Plan.</p> <p>The 'Consultation Statement' (May 2018) highlights the work undertaken with economic bodies (including the LEPs) during the preparation of the Local Plan.</p>
<p>9. Are you having regard to the need to include policies on mitigating and</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 -108</p>		<p>Supporting documents</p>	<p>The Submission draft Local Plan includes a specific section on Climate Change and a strategic objective to</p>

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adapting to climate change?					'Plan for the likely impacts of climate change, particularly on the special qualities of the area'.
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	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents	Yes. The Sustainability Appraisal process has appraised reasonable alternatives. This has been an iterative process throughout the Plan-making process. The Sustainability Appraisal report published alongside the Authority's non-statutory draft Local Plan (October 2016) appraised alternatives and was the subject of an 8-week public consultation.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include information from the sustainability appraisal.	i. Any reports setting out alternatives and choices considered ii. Supporting documents	Yes. The Authority's non-statutory draft Local Plan (October 2016) highlights where alternatives had been identified and the Authority's preference at the time. Background papers were also published setting out the rationale behind the options chosen.

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<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal?</p> <p>Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 150, 155, 157 and 159-171</p>	<p>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<p>i. Correspondence from those making representations</p> <p>ii. Reports on issues raised</p> <p>iii. Consultation statement</p> <p>iv. Sustainability appraisal report</p>	<p>The Authority's 'Consultation Statement' (May 2018) summarises the main points raised and how the representations received at each stage in the Plan-making process have been taken into account and informed the next iteration of the Local Plan.</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"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>i. Adopted policies map</p> <p>ii. Any reports on proposals to amend the policies map</p> <p>iii. Illustrative material that shows how the policies map will be amended or replaced</p>	<p>Yes. Inset maps were published in the non-statutory draft Local Plan (October 2016) showing draft site allocations.</p> <p>Maps of the potential sites were also made available as part of the six week consultation on potential alternative housing sites held by the Authority in Summer 2017.</p> <p>Proposed updates to the adopted Policies Map were published in January 2018 alongside the proposed Submission draft Local Plan.</p>

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14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		i. The SCI ii. Consultation statement	As set out in the 'Consultation Statement' (May 2018), the consultation undertaken by the Authority on the Local Plan review between 2015 – 2018 significantly exceeds the commitments made in the Authority's adopted SCI and the relevant Planning Regulations.

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	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 paras 165 - 168 SEA Guide Chapter 5		Sustainability appraisal report	Yes. The Sustainability Appraisal Report was updated and published alongside the Authority's Regulation 19 proposed Submission draft Local Plan in January 2018.
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	i. Report or record of decisions ii. The statement of community interest	Yes. The Authority published a 'Statement of the Representations Procedure' alongside the proposed Submission draft Local Plan which set out the consultation period of 17 January – 28 February 2018 and how representations could be submitted. This statement was attached to the email and postal notifications sent to general and specific consultation bodies.
3. Have you made copies of the following available for inspection:	Regulation 19(a)		Regulation 17 gives definitions.	i. Copies of the relevant statements ii. Report on where	Yes. The proposed submission documents and the Statement of the Representations Procedure were published on the Authority's

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? 				<ul style="list-style-type: none"> and when made available iii. Record of where and when made available 	<p>website and paper copies were also made available for inspection at Lymington Town Hall.</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? statement and details of where and when documents can be inspected? 	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>Record of publication</p>	<p>Yes. The proposed submission documents and the Statement of the Representations Procedure were published on the Authority's website and paper copies were also made available for inspection at Lymington Town Hall.</p> <p>The website had a specific page on the proposed Submission draft Local Plan, with all of the main documents available to download electronically.</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation</p>	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	<p>Yes. A Statement of the Representations Procedure was sent to each of the specific consultation bodies. The vast majority of these were sent by email (the minority by post) on Wednesday 17 January 2018, with representations invited by</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
18(1): <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 					5pm on Wednesday 28 February 2018 (6-weeks later).
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	Yes. A Statement of the Representations Procedure was sent to each of the specific consultation bodies. The vast majority of these were sent by email (the minority by post) on Wednesday 17 January 2018, with representations invited by 5pm on Wednesday 28 February 2018 (6-weeks later).
7. Have you requested the opinion of the Mayor of London (if a London	The Act section 24 Regulation 21		The request must be made on the day you publish the	Copies of correspondence	Not applicable to the New Forest National Park Authority.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?			documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).		

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	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 LDS was updated in October 2017. It sets out the timetable for the preparation of the Local Plan review. The LDS set a timetable for consultation on the Regulation 19 Local Plan in Quarter 1 of 2018 (which was met); and Submission to the Secretary of State in Quarter 2 of 2018 (which

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
					was met). The Authority had indicated the end of April 2018 for submission and the slight slippage (2 weeks) was highlighted on the Authority's Local Plan webpage.
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		<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 	The New Forest National Park is not covered by a specific Sustainable Community Strategy. Instead regard has been given to the New Forest National Park Partnership Plan 2015 – 2020 during the preparation of the Local Plan. The Vision and Objectives in the Local Plan are consistent with those contained within the Partnership Plan.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the	<ul style="list-style-type: none"> i. The SCI ii. The Regulation 22(1)(c) statement 	As set out in the 'Consultation Statement' (May 2018), the consultation undertaken by the Authority on the Local Plan review between 2015 – 2018 significantly exceeds the commitments made in the

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			community engagement that you carried out met the regulations (as amended).		Authority's adopted SCI and the relevant Planning Regulations.
<p>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</p> <p>If you have not agreed on the approach is there a justification?</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 181 and 182</p>	<p>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>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.</p> <p>Supporting correspondence and reports e.g. Memorandum of Understanding, shared and agreed evidence</p>	<p>The work undertaken to fulfil the requirements of the duty to co-operate is set out in the Authority's 'Duty to Cooperate Statement' (May 2018). A series of Statements of Common Ground have also been prepared between the Authority and neighbouring planning authorities setting out where agreement has been reached on strategic boundary matters.</p> <p>The main issues relate to housing provision and habitat mitigation measures. Good progress has been made on the latter. On the former, there remains a small unmet housing need arising in the National Park (circa 23 dwellings per annum).</p>

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<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5) Regulation 22(1)(a)</p>	<p>NPPF para 165 SEA Practical Guide, chapter 5</p>		<p>Sustainability appraisal report</p>	<p>Yes. The Sustainability Appraisal Report was published alongside the proposed Submission draft Local Plan in January 2018. This report also incorporate the requirement of the SEA Regulations.</p> <p>The Submission draft Local Plan has also been subject to a Habitats Regulations Assessment (January 2018).</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>i. Correspondence with PINS? ii. PAS Soundness self assessment checklist</p>	<p>The Authority has submitted a separate self-assessment of soundness. The Submission draft Local Plan is considered to be consistent with the NPPF and national policy specific to National Parks contained within the NPPG and the Government's National Parks Circular (2010).</p>
<p>7. Does the DPD contain any policies or proposals that are not in general</p>	<p>The Act section 24(1)(a) and 24(4)</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial</p>	<p>i. Correspondence with or representations from Mayor of</p>	<p>Not applicable - the Regional Spatial Strategy for the South East was formally revoked in March</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>conformity with the regional strategy where it still exists? If yes, is there local justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>	Regulation 21		development strategy (The London Plan).	<p>London (where appropriate)</p> <p>ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place</p>	2012.
<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-</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	NPPF para 182	Requirements relating to publication of the prescribed documents are listed later in this table.	<p>i. The documents prescribed at Regulation 22(1)</p> <p>ii. Relevant authority monitoring reports</p> <p>iii. Records of the actions undertaken (see below)</p>	The prescribed documents were made available for inspection at Lymington Town Hall and on the Authority's website between 17 January and 28 February 2018. All of the submission documents will be made available at the same locations as soon as is reasonable practicable after submission. Likewise, all general and specific

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>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>consultation bodies will be notified of the submission.</p> <p>The Local Plan 2016 – 2036 will replace in full the adopted New Forest National Park Core Strategy & Development Management Policies DPD (2010). There are no outstanding saved policies.</p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>			<p>i. Submission policies map ii. Brief statement if a submission policies map is not required</p>	<p>Yes. Updates to the Policies Map have been prepared and submitted alongside the Local Plan.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to</p>	<p>Regulation 8(3) and (4) Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>i. The core strategy ii. Documents or reports demonstrating conformity</p>	<p>The Local Plan takes account of the existing joint Hampshire Minerals & Waste Local Plan (2013) which will remain extant (as set out in paragraph 1.20 of</p>

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<p>supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>					<p>the Submission draft Local Plan).</p> <p>There are currently no 'made' Neighbourhood Plans covering the Park.</p> <p>The Local Plan 2016 – 2036 will replace in full the adopted New Forest National Park Core Strategy & Development Management Policies DPD (2010).</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 	<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>	<ul style="list-style-type: none"> i. Consultation statement ii. The Statement as required in Regulation 22(1)(c) 	<p>The Authority has prepared a 'Consultation Statement' (May 2018) which meets the requirement of Regulation 22 (1) (c). The Statement sets out who was consulted at each of the main stages between 2015 - 2018; how the consultation was undertaken; summarises the main points raised; and (where appropriate) sets out how the representations have been taken account of.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
representations have been taken into account?					
12. Have you prepared a statement giving: <ul style="list-style-type: none"> the number of representations made under Regulation 22? a summary of the main issues raised? OR <ul style="list-style-type: none"> that no representations were made? 	The Act section 20(3) Regulation 22(1)(c)			The Statement as required in Regulation 22(1)(c)	The 'Consultation Statement' (May 2018) confirms that the Authority received a total of 645 individual representations at the Regulation 19 stage, made by 188 individual respondents. The 'Consultation Statement' also summarises the main points raised in the representations received on the Submission draft Local Plan.
13. Have you collected together all the representations made under Regulation 22?	The Act section 20(3) Regulation 22(1)(e)			Copies of the representations	Copies of all of the representations received on the Submission draft Local Plan (January 2018) were submitted to PINs in full.
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 supporting documents are all contained within the Core Documents list.
15. Has your council			Check the LPA's	Report and resolution	At the 14 December 2017

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<p>approved the DPD for submission?</p>			<p>constitution/standing orders for the authorisation process appropriate for the type of DPD.</p>	<p>of the appropriate council body</p>	<p>full National Park Authority meeting, members delegated authority to the Executive Director (Strategy & Planning) in consultation with the Chair of the Authority to submit the Local Plan to the Secretary of State for independent examination. The minutes of this meeting are publicly available.</p>
<p>16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? 	<p>The Act section 20(1) and 20(3)</p> <p>Regulations 22(1) and 22(2)</p>		<p>Regulation 35 deals with the availability of documents and the time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<ul style="list-style-type: none"> i. Record of sending ii. Reasons why documents cannot be sent electronically 	<p>Yes – electronic copies of the Submission documents and supporting documents (including evidence base studies) have been submitted to the Secretary of State. The Planning Inspectorate has recently confirmed that local planning authorities are required to submit the relevant information in electronic or paper form, but there is no longer a requirement to do both.</p>

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<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	Record of where and when made available	<p>In accordance with Regulation 22, all of the submission documents will be made available at Lymington Town Hall and on the Authority’s website as soon as is reasonable practicable after submission. Likewise, all general and specific consultation bodies will be notified of the submission.</p>
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Record of publication	<p>In accordance with Regulation 22, all of the submission documents and supporting documents (Including the Sustainability Appraisal and Consultation Statement) will be made available on the Authority’s website as soon as is reasonable practicable after submission.</p> <p>The website updates will also include a statement setting out where and when the Local Plan and supporting documents are available.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
<p>made under Regulation 20 (where practicable) ?</p> <ul style="list-style-type: none"> statement as to where and when the DPD and the documents are available? 					
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	In accordance with Regulation 22, all of the general consultation bodies will be directly notified of the submission of the Local Plan; and informed of where and when the documents can be inspected as soon as is reasonable practicable after submission.
<p>20. Have you given notice to persons who have requested to be</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	In accordance with Regulation 22, everyone who has requested to be notified that the submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence Provided
notified that submission has taken place?			submitting to the Secretary of State.		has taken place will be informed as soon as is reasonable practicable after submission.
<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 	<p>The National Park Authority has appointed Chris Banks of Banks Solutions as the Local Plan Programme Officer and these statutory requirements will be undertaken by the Programme Officer in due course.</p>