



# Local Plan Legal Compliance Checklist

OCTOBER 2017

This legal compliance self assessment checklist was produced by the Planning Advisory Service (PAS) in April 2013. Colchester Borough Council has used this checklist to demonstrate that the Local Plan and supporting documents meet the legal and procedural requirements as set out in the relevant legislation.

**Stage one: The beginning – Focused Review and early phases of Local Plan preparation 2013-14**

| Activity  | Legal requirement                              | Guidance reference                 | Colchester Borough Council Evidence Provided   |
|---|--|------------------------------------|--|
| <p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p> | <p>The Act section 15(2) and section 19(1)</p> | <p>NPPF para 153</p>               | <p>The LDS has been revised as required to update the timetable for the production of the Local Plan. Revisions in March and September 2013 provided for a two-part review of the Local Plan, which entailed first a Focused Review adopted in July 2014 which updated selected Local Plan policies. This was followed by a full review of the Local Plan.</p> <p>Local Plan Committee meeting reports for March and September 2013.</p> <p><b>Update of Local Development Scheme Report and Local Development Scheme Document</b></p>                               |
| <p>2. How will community engagement be programmed into the preparation of the DPD?</p>                  | <p>The Act section 19(3)<br/>Regulation 18</p> | <p>NPPF paras 150, 155 and 157</p> | <p>Colchester Borough Council first adopted an SCI in 2006 which detailed how the Council will consult and engage with all stakeholders across the Borough. The SCI has been subject to various revisions with the most recent being adopted in March 2013 by the Local Plan Committee. Community engagement has been carried out in accordance with the SCI and the relevant Regulations.</p> <p><b>(document held in archive committee papers folder)</b><br/><b>Statement of Community Involvement Report and Statement of Community Involvement Document</b></p> |
| <p>3. Have you considered the appropriate bodies</p>  | <p>Regulation 18</p>                           | <p>NPPF paras 4.25 -4.26</p>       | <p>The <b>Duty to Cooperate statement</b> provides evidence on consultation with appropriate bodies</p>  |

| Activity  | Legal requirement   | Guidance reference   | Colchester Borough Council Evidence Provided   |
|---|---|--|--|
| you should consult?   |   |  |  |
| 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>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>       | <p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p> | <p>The <b>Duty to Cooperate statement</b> provides evidence on cooperation with other local planning authorities to identify and address cross-boundary strategic issues and priorities.</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>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p> | <p>NPPF paras 178 to 181</p>   | <p>Colchester Borough Council is a part of the South East Local Enterprise Partnership which includes authorities and stakeholders from East Sussex, Kent and Essex. In line with the Statement of Consultation and as evidenced in the Duty to Cooperate Statement, appropriate consultation has been undertaken to provide other relevant members of the LEP with the opportunity to engage with the Local Plan.</p> |

| Activity  | Legal requirement  | Guidance reference  | Colchester Borough Council Evidence Provided  |
|---|--|---|---|
| 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  | The Council has been continually collecting information and adding to the comprehensive evidence base which supports the Local Plan and is available to view on <a href="#">the Council's evidence base webpage</a> .   |
| 7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?   | The Act section19(5)   | NPPF paras 165 and 167<br><br>Strategic Environmental Assessment Guide, chapter 5 | Baseline information was collected, and evidence gathered to inform the development of the framework, as part of the scoping stage of the Sustainability Appraisal process. A scoping workshop was held on 28 April 2014 to gather baseline information to set the framework for the sustainability appraisal. The SA scoping report was published for consultation from 1 July to 5 August 2014. |
| 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<br><br>SEA Guide chapter 3                                 | Yes, consultation with 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 was carried out between 1 July to 5 August 2014.  |

## Stage two: Plan preparation - frontloading phase

### Stage two: Plan preparation – Issues and Options 2015

| Activity  | Legal requirement                      | Guidance reference                 | Colchester Borough Council Evidence Provided  |
|---|--|------------------------------------|---|
| 1. Have you notified: <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul> | Regulation 18(1) and (2)(a) (b)        | NPPF paras 159 – 173               | The Local Plan Issues and Option document identifying issues that should be address in a new Local Plan and some of the options for addressing them was subject to a 6 week period of public consultation from 16 January to 27 February 2015. Specific and general consultation bodies were notified in line with the Statement of Community Involvement. Full details of the consultation can be found in the Council’s Consultation Statement. |
| 2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?  | Regulation 18(1) and (2)(c)            | NPPF paras 159 – 173               | The Council’s consultation database contains details of both residents and businesses in the Colchester area.   |
| 3. Are you engaging with stakeholders responsible for delivery of the strategy?   | Regulation 18                          | NPPF para 155                      | Full details on engagement with stakeholders responsible for delivery of the strategy can be found in the Council’s Consultation Statement and Duty to Cooperate Statement.   |
| 4. Are you taking into account representations made?  | Regulation 18(3)                       | NPPF para 155                      | Representations made at the Issues and Options stage informed the next Preferred Options stage. Full details of representations and how they were taken into account can be found in the Council’s Consultation Statement.  |
| 5. Does the consultation contribute to the development and sustainability appraisal   | The Act section19(5)<br>Regulations 12 | NPPF paras 165 – 168<br>SEA Guide, | The early consultation contributed to the development of and sustainability appraisal of the alternatives. The options included in the Issues and Options were subject to sustainability appraisal. Consideration was given to alternative options promoted through consultation and reasonable options were subject to   |

| Activity   | Legal requirement   | Guidance reference    | Colchester Borough Council Evidence Provided   |
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| of alternatives?   | and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 | chapter 3             | sustainability appraisal.  |
| <p>6. Is the participation:</p> <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable community strategy?</li> <li>• proportionate to the scale of issues involved in the DPD?</li> </ul> | The Act section19(3)  | NPPF para 155         | <p>Participation proportionate to the scale of issues involved in the Local Plan followed the principles set out in the Statement of Community Involvement adopted March 2013.</p> <p>NA – integration with sustainable community strategy</p> |
| <p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <li>• the individuals or bodies invited to make representations?</li> <li>• how this was done?</li> <li>• the main issues raised?</li> </ul>   | <p>The Act section20(3)</p> <p>Regulation 17</p>  | NPPF paras 158 - 171  | Full details on the record of consultation is available in the Consultation Statement.   |
| 8. Are you inviting representations on issues that would have  | The Act section 33A(1)(a) (b) and (c), section  | NPPF paras 178 to 181 | The Issues and Options stage involved agreement on plan alignment and joint working with Braintree and Tendring Councils. This initial joint work led to agreement with Braintree and Tendring to produce a joint Section 1 of the             |

| Activity  | Legal requirement   | Guidance reference                                       | Colchester Borough Council Evidence Provided   |
|---|---|--|--|
| <p>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>33A(3)(d) &amp; (e)<br/>section 33A(4)<br/>section 33A(9)</p> <p>The Act section 20 (5)(c)</p>                           |  | <p>Preferred Options Local Plan. The <b>Duty to Cooperate statement</b> contains full details on the involvement of relevant parties on significant cross-boundary issues and strategic priorities.</p>  |
| <p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>   | <p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>                  | <p>NPPF paras 178 to 181</p>                             | <p>Colchester Borough Council is a part of the South East Local Enterprise Partnership which includes authorities and stakeholders from East Sussex, Kent and Essex. In line with the Statement of Consultation and as evidenced in the Duty to Cooperate Statement, appropriate consultation has been undertaken to provide other relevant members of the LEP with the opportunity to engage with the Local Plan.</p> |
| <p>10. Are you developing a framework for monitoring the effects of the DPD?</p>  | <p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes</p> | <p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p> | <p>The Council produces an <b>Authority Monitoring Report</b> to monitor the effects of adopted plans and potential requirements for review.</p>   |

| Activity | Legal requirement          | Guidance reference | Colchester Borough Council Evidence Provided |
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|          | Regulations 2004<br>No1363 |                    |  |



### Stage three: Plan preparation – writing the plan – Preferred Options 2016

| Activity   | Statutory requirement  | Guidance reference  | Colchester Borough Council 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<br/><br/>SEA Guide, Chapter 5</p> | <p>Preparation of the Preferred Options Local Plan involved joint working with Braintree and Tendring Councils to agree the location of 3 cross-boundary Garden Communities, proposals for which were contained in the joint Section 1 common to all three authorities. The evidence base concerning reasonable alternatives is contained in the Section One Sustainability Appraisal and the North Essex Garden Communities Concept Feasibility Study (June 2016). The Section Two Sustainability Appraisal also includes an appraisal of reasonable alternatives.</p> |
| <p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> <li>• consistency with national policy?</li> <li>• general conformity with the regional spatial strategy where still in force?</li> </ul> | <p>The Act section 19 (2), section 24</p>  | <p>NPPF para 151</p>                                      | <p>The alternatives were assessed against national policy and other material considerations. The evidence for this is contained in the Section One Sustainability Appraisal and the North Essex Garden Communities Concept Feasibility Study (June 2016). The Section Two Sustainability Appraisal also includes an appraisal of reasonable alternatives.</p>   |
| <p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development</li> </ul>   | <p>The Act sections 19 (2) and 24 (1) and (4)<br/><br/>Regulation 10 and 21</p>                            |   | <p>NA</p>   |

| Activity   | Statutory requirement   | Guidance reference            | Colchester Borough Council Evidence Provided  |
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| <p>strategy for London?</p> <ul style="list-style-type: none"> <li>• Planning Policy for Wales?</li> <li>• the National Planning Framework for Scotland?</li> </ul>                                |   |                               |   |
| <p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p> | <p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>                     | <p>NPPF paras 181 and 185</p> | <p>Section 1 of the Preferred Options explains the cross-boundary approach to strategic issues and Garden Communities pursued by Braintree, Colchester and Tendring Councils. Further evidence on cooperation with other local planning authorities is contained in the <b>Duty to Cooperate Statement.</b></p> |
| <p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>                 | <p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p> | <p>NPPF paras 181 and 182</p> | <p>See <b>Duty to Cooperate Statement.</b></p>  |

| Activity  | Statutory requirement   | Guidance reference    | Colchester Borough Council Evidence Provided   |
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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).<br>Regulation 4 (2) | NPPF para 181 and 182 | See <b>Duty to Cooperate Statement</b> .   |
| 7. Are you having regard to: <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>• any other local development documents adopted by the council?</li> </ul> | The Act section 19(2)   |                       | The Preferred Options had regard to the policies and allocations in the existing Local Plan, including the Core Strategy (adopted 2008 and subject to a Focused Review in 2014), Site Allocations (adopted 2010) and Development Policies (adopted 2010) |
| 8. Do you have regard to other matters and relevant strategies relating to: <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> <li>• the local transport plan</li> </ul>   | The Act section 19(2)<br><br>Regulation 10                        |                       | See <b>Duty to Cooperate Statement</b> for regard paid to economy and transport issues.<br><br>The Council has engaged with Essex County Council on waste matters affecting the Colchester area.   |

| Activity  | Statutory requirement  | Guidance reference                               | Colchester Borough Council Evidence Provided   |
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| <p>and transport facilities and services</p> <ul style="list-style-type: none"> <li>• waste strategies</li> <li>• hazardous substances</li> </ul> |  |  |  |
| <p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>                                     | <p>The Act section19(1A)</p>   | <p>NPPF paras 93 -108</p>                        | <p>Policy CC1 in the Preferred Options deals with climate change issues.</p>   |
| <p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>       | <p>The Act section19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p> | <p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p> | <p>Both the Section One and Section Two Sustainability Appraisal (SA) reports include an appraisal of alternatives and reasons for choosing the preferred approach. A Section One SA report and Section Two SA report were published for the statutory six week consultation alongside the Preferred Options Local Plan consultation and Publication Draft consultation.</p> |
| <p>11. Are you setting out reasons for any preferences between alternatives?</p>  | <p>Regulation 8(2)</p>   | <p>NPPF para 182</p>                             | <p>The Preferred Options document set out alternatives for each proposed policy.</p>   |
| <p>12. Have you taken into account any representations made on the</p>  | <p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p>   | <p>NPPF paras 150, 155, 157 and 159-171</p>      | <p>The Publication Draft version of the plan was developed having regard to the responses made to the Preferred Options version of the plan. The Statement of Consultation provides a record of representations made on the document and how these representations were taken into</p>   |

| Activity   | Statutory requirement  | Guidance reference            | Colchester Borough Council Evidence Provided   |
|--|--|-------------------------------|--|
| <p>content of the DPD and the sustainability appraisal?<br/>Are you keeping a record?</p>  | <p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p> |                               | <p>account. Annex C Section 4 of the Section One SA report includes a record of representations made on the Section One SA. Appendix 2 of the Section Two SA report includes a record of representations made on the Section Two SA.</p> |
| <p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> <li>• enable you to amend the currently adopted policies map?</li> <li>• inform the community about the location of proposals?</li> </ul> | <p>Regulations 5 (1)(b) and 9</p>  | <p>NPPF para 157</p>          | <p>The Preferred Options document included maps illustrating all proposed new allocations in the plan.</p>   |
| <p>14. Are the participation arrangements compliant with the SCI?</p>  | <p>The Act, section 19(3)<br/><br/>Regulation 18</p>   | <p>NPPF paras 150 and 155</p> | <p>The participation arrangements were compliant with the SCI and are set out in the Statement of Consultation.</p>  |

**Stage four: Publication: July 2017**

| Activity   | Statutory requirement   | Guidance reference                              | Colchester Borough Council Evidence Provided  |
|--|---|---|---|
| 1. Have you prepared the sustainability appraisal report?  | The Act section 19(5)<br><br>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 | NPPF paras 165 - 168<br><br>SEA Guide Chapter 5 | Colchester Local Plan<br>Sustainability Appraisal Report Section One<br>Sustainability Appraisal Report Section Two   |
| 2. Have you made clear where and within what period representations must be made?  | Regulation 17, 19, 20 and 35  |   | The representation period was set out within the Local Plan; notification e-mails and letters; press releases; and on the website.<br>See Statement of Consultation   |
| 3. Have you made copies of the following available for inspection:<br><ul style="list-style-type: none"><li>• the proposed submission documents?</li><li>• the statement of the representations procedure?</li></ul> | Regulation 19(a)  |   | Copies of the plan and supporting documents were available to view online and at the Council offices at Rowan House and the main library during normal opening hours.<br>The supporting documentation included guidance notes on how to respond.<br>The Statement of Representations Procedure is included as an appendix to the Statement of Consultation. |
| 4. Have you published on your website:   | Regulations 19 and 35   |   | The Plan and supporting documents were made available on the website:   |

| Activity   | Statutory requirement | Guidance reference | Colchester Borough Council Evidence Provided   |
|--|-----------------------|--------------------|--|
| <ul style="list-style-type: none"> <li>• the proposed submission documents?</li> <li>• the statement of the representations procedure?</li> <li>• statement and details of where and when documents can be inspected?</li> </ul>   |                       |                    | <p>Publication Draft webpage</p>   |
| <p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• A copy of each of the proposed submission documents</li> <li>• The statement of the representations procedure?</li> </ul> | Regulation 19(b)      |                    | <p>Specific consultation bodies were invited to make representations and were sent a copy of the Local Plan and details of the representations procedure.</p> <p>See Statement of Consultation</p> |
| <p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation</p>  | Regulation 19(b)      |                    | <p>General consultation bodies were invited to make representations and were sent details of the representations procedure.</p> <p>See Statement of Consultation</p>                               |

| Activity   | Statutory requirement                   | Guidance reference | Colchester Borough Council Evidence Provided |
|--|---|--------------------|--|
| 18(1): <ul style="list-style-type: none"> <li>• the statement of the representations procedure?</li> <li>• where and when the documents can be inspected?</li> </ul> |   |                    |  |
| 7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?      | The Act section 24<br><br>Regulation 21 |                    | NA   |



## Stage five: Submission

| Activity   | Legal requirement   | Guidance reference            | Colchester Borough Council Evidence   |
|--|---|-------------------------------|---|
| <p>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?</p> | <p>The Act section 19(1)</p>                              |                               | <p>Local Plan Committee approved a revised LDS on 7 February 2017<br/> <a href="#">Local Plan Committee report and LDS document</a></p>   |
| <p>2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?</p>  | <p>The Act section 19(2)</p>                              | <p>NPPF para 182</p>          | <p>NA</p>   |
| <p>3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?</p>  | <p>The Act section 19(3)<br/><br/>Regulation 22(1)(c)</p> |                               | <p>The Publication Draft Local Plan is in compliance with the Statement of Community Involvement adopted March 2013</p>   |
| <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,</p>                                      | <p>The Act section 33A(1) and section 20(5)</p>           | <p>NPPF paras 181 and 182</p> | <p>Section 1 of the Publication Draft Local Plan was prepared jointly with Braintree and Tendring Councils, in consultation with Essex County Council.<br/> Please see <a href="#">Duty to Cooperate Statement</a> for further details.</p> |

| Activity   | Legal requirement  | Guidance reference   | Colchester Borough Council Evidence  |
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| <p>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>5. Has the DPD been subject to sustainability appraisal?</p> <p>Has the council provided a final report of the findings of the appraisal?</p>   | <p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>        | <p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p> | <p>The Publication Draft Local Plan was subject to Sustainability Appraisal.</p> <p>Sustainability Appraisal Report Section One</p> <p>Sustainability Appraisal Report Section Two</p> |
| <p>6. Is the DPD to be submitted consistent with national policy?</p>  | <p>The Act section 19(2) and Schedule 8</p>                    | <p>NPPF para 151</p>                                       | <p>The Publication Local Plan and all its supporting evidence has been prepared to be in accordance with the NPPF.</p>   |
| <p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still</p>  | <p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p> | <p>NPPF para 218 footnote 41</p>                           | <p>NA</p>  |

| Activity  | Legal requirement  | Guidance reference   | Colchester Borough Council Evidence   |
|---|--|----------------------|---|
| <p>exists?<br/>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>   |  |                      |   |
| <p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of</p> | <p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p> | <p>NPPF para 182</p> | <p>The Council has published the prescribed documents and made them available at its principal offices and on its website:<br/><a href="#">Publication Draft webpage</a></p> <p>The Council notified the relevant statutory and non-statutory bodies and all persons invited to make representations on the plan.</p> <p>The plan does not contain a list of superseded saved policies.</p> |

| Activity  | Legal requirement  | Guidance reference | Colchester Borough Council Evidence   |
|---|--|--------------------|---|
| superseded saved policies?  |  |                    |   |
| <p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>                 | <p>Regulations 5(1) (b), 9 (1), 17 &amp; 22(1)</p>       |                    | <p>The Council has published a Policies Map illustrating proposed allocations and designations.</p> <p><a href="#">Publication Draft webpage</a></p>            |
| <p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p> | <p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>    |                    | <p>The Publication Draft Local Plan makes it clear that it would replace in full the adopted Core Strategy, Site Allocations and Development Policies DPDs.</p> |
| <p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> <li>• Which bodies and persons were invited to make representations under Regulation 18?</li> </ul>                        | <p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p> |                    | <p>The Council has prepared a Regulation 22 Statement of Consultation</p>   |

| Activity  | Legal requirement                                       | Guidance reference | Colchester Borough Council Evidence   |
|---|---|--------------------|---|
| <ul style="list-style-type: none"> <li>• How they were invited?</li> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>   |   |                    |   |
| <p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> <li>• the number of representations made under Regulation 22?</li> <li>• a summary of the main issues raised?</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• that no representations were made?</li> </ul> | <p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p> |                    | <p>See the Statement of Consultation along with the <b>report on the Publication Draft Consultation considered by the 2 October Local Plan Committee.</b></p> |
| <p>13. Have you collected together all the representations made under Regulation 28?</p>  | <p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p> |                    | <p>Copies of the representation have been made available and can be viewed using the <b>Council's consultation portal.</b></p>                                |
| <p>14. Have you assembled the relevant supporting documents?</p>  | <p>The Act section 20(3)</p> <p>Regulation 22(1)(g)</p> |                    | <p>See list of submission documents</p>   |
| <p>15. Has your council</p>   | <p>The Act section 20</p>                               |                    | <p>The <b>12<sup>th</sup> June Local Plan Committee</b> approved publication of the</p>   |

| Activity  | Legal requirement   | Guidance reference | Colchester Borough Council Evidence   |
|---|---|--------------------|---|
| approved the DPD for submission?  |   |                    | Publication Draft Local Plan for consultation and authorised subsequent submission for examination. |
| <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"> <li>• the DPD?</li> <li>• the submission policies map (unless there are no site allocation policies)?</li> <li>• the documents prescribed in Regulation 22(1)?</li> </ul> | <p>The Act section 20(1) and 20(3)</p> <p>Regulations 22(1) and 22(2)</p> |                    | Submitted 9 October 2017  |
| <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"> <li>• The DPD?</li> <li>• The documents prescribed in Regulation 22(1)?</li> </ul>  | Regulation 22(3)  |                    | Submitted 9 October 2017.   |
| <p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> <li>• DPD?</li> </ul>  | Regulation 22(3) and 35(1)(b)   |                    | To be made available as soon as reasonably practicable after submission of the Plan.                |

| Activity  | Legal requirement   | Guidance reference | Colchester Borough Council Evidence   |
|---|---------------------|--------------------|---|
| <ul style="list-style-type: none"> <li>• submission policies map?</li> <li>• sustainability appraisal report?</li> <li>• Regulation 22(1)(c) statement?</li> <li>• supporting documents (where practicable) ?</li> <li>• representations made under Regulation 20 (where practicable) ?</li> <li>• statement as to where and when the DPD and the documents are available?</li> </ul> |                     |                    |   |
| <p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> <li>• notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for</li> </ul>   | Regulation 22(3)(b) |                    | To be carried out as soon as reasonably practicable after submission of the Plan. |

| Activity  | Legal requirement                               | Guidance reference | Colchester Borough Council Evidence  |
|---|---|--------------------|--|
| inspection <ul style="list-style-type: none"> <li>• where and when they can be inspected?</li> </ul>  |   |                    |  |
| 20. Have you given notice to persons who have requested to be notified that submission has taken place?   | Regulation 22(3)(c)                             |                    | To be carried out as soon as reasonably practicable after submission of the Plan.            |
| 21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <ul style="list-style-type: none"> <li>• published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> <li>• notified those who have made representations on the published DPD which have not been withdrawn of these details?</li> </ul> | The Act section 20<br><br>Regulations 24 and 35 |                    | The Programme Officer is in place. This activity will be undertaken at the appropriate time. |