



Local Plan Legal Compliance Checklist (April 2013)

This checklist has been updated for PAS by SNR Denton. It supersedes the previous checklist and is based on **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**. It should be used with the Soundness Self Assessment Checklist (also updated January 2013).

Remember that the evidence you provide to support your plan should be relevant and proportionate. Please don't use this checklist as a reason to assemble more than is needed.

Glossary:

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

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



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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.



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Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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>i. The adopted LDS at the time of commencement, publication and submission of the DPD</p> <p>ii. The relevant authority monitoring report (if changes need to be explained)</p> <p>The Local Plan is identified in the current Local Development Scheme - August 2016 (SD15).</p> <p>Work commenced on the Local Plan under the LDS 2014. It proposed the preparation of the Local Plan during the period early 2014 to late 2017.</p> <p>The revised LDS was approved by the Council on 23 August 2016. It proposes the preparation of the Local Plan during the period early 2014 to early 2018.</p> <p>The LDS is reviewed and updated</p>



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				<p>regularly to maintain a flexible and realistic timetable for document production, ensuring that production programmes are aligned with resources. Updates are published on the Kirklees website and progress on delivery of plans is tracked through the Annual Monitoring Reports (AMR).</p>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3) Regulation 18</p>	<p>NPPF paras 150, 155 and 157</p>	<p>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.</p>	<p>i. The SCI ii. The project plan for the DPD</p> <p>Kirklees Cabinet adopted its Statement of Community Involvement (SCI) on 22nd September 2015 (SD16). This replaced the Statement of Community Involvement adopted in 2006.</p> <p>The SCI (2015) is up to date. It and the earlier version have guided the consultation process.</p> <p>The full history of the consultation</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>process is set out in the Kirklees Statement of Pre-submission Consultation November 2016 (SD12). This sets out how the council engaged with communities and Stakeholders in the preparation of the Kirklees Local Plan, it includes details of early engagement and of the latest Regulation 18 stage consultation and a summary of the main issues and the council's response on how the comments have shaped the local plan.</p> <p>The council notified everyone on its LDF database of the withdrawal of the Core Strategy and asked what issues should be addressed by a replacement plan. CD1 – 4 set out the council's early engagement activities.</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 - 4.26</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence</p>	<ul style="list-style-type: none"> i. The SCI ii. Reports and decisions setting out the approach to specific and general consultation bodies



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			<p>may duplicate each other. Only use what you need to.</p>	<p>iii. Consultation statement</p> <p>See above sections, the Statement of Community Involvement - September 2015 (SD16) and Kirklees Council Statement of Pre-submission Consultation November 2016 (SD12).</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 listed at NPPF Para 156</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 development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p> <p>See above sections.</p> <p>The council's Interim Duty to Co-operate Statement set out the first stages of DtC and outcomes.</p> <p>Additionally the Duty to Co-operate Statement (SD14) addresses the requirements set out in the Localism Act (2011), the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) for Local Plans to be prepared in a</p>



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				<p>manner that meets the Duty to Cooperate.</p> <p>It demonstrates how the Council has complied with its duty-to-cooperate and sets out how the relevant agencies and adjoining authorities have taken part and been involved in the Local Plan preparation process from the outset. The Statement also highlights how these bodies have been engaged, what dialogue has taken place, and the key outcomes of any discussions. It also documents how discussions over matters raised have helped shaped the policies and site allocations within the Local Plan, and details the processes, actions, and outcomes identified and carried out by the Council in discharging its duty to cooperate. Key stakeholders and other partners have also been engaged throughout the plan-making process and have also provided valuable input into the Local Plan evidence base.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>i. Reports and decisions setting out the approach to be taken.</p> <p>ii. Consultation statement</p> <p>The full history of the consultation process is set out in the Kirklees Statement of Pre-submission Consultation November 2016 (SD12). This sets out how the council engaged with communities and Stakeholders in the preparation of the Kirklees Local Plan, it includes details of early engagement and of the latest Regulation 18 stage consultation and a summary of the main issues and the council's response on how the comments have shaped the local plan.</p> <p>Additionally the Duty to Co-operate Statement (SD14) addresses the requirements set out in the Localism Act (2011), the National Planning Policy framework (NPPF) and National Planning Policy Guidance (NPPG)</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>for Local Plans to be prepared in a manner that meets the Duty to Cooperate.</p> <p>The council's Interim DtC Statement makes reference to engagement with the Local Nature Partnership and the Local Economic Partnership.</p> <p>It demonstrates how the Council has complied with its duty-to-cooperate and sets out how the relevant agencies and adjoining authorities have taken part and been involved in the Local Plan preparation process from the outset. The Statement also highlights how these bodies have been engaged, what dialogue has taken place, and the key outcomes of any discussions. It also documents how discussions over matters raised have helped shaped the policies and site allocations within the Local Plan, and details the processes, actions, and outcomes identified and carried out by the Council in</p>



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				<p>discharging its duty to cooperate. Key stakeholders and other partners have also been engaged throughout the plan-making process and have also provided valuable input into the Local Plan evidence base.</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section13</p>	<p>NPPF paras 158 - 177</p>		<ul style="list-style-type: none"> i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report <p>See the Core Document List for a full list of evidence base documents, technical papers and supporting evidence.</p> <p>The AMR updates annually and can be found on the Kirklees Website. The most recent AMR 2015/2016 forms part of the submission (SD17).</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section 19(5)</p>	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<p>i. Sustainability report scoping document</p> <p>ii. Sustainability appraisal report</p> <p>The Core Document List includes the full series of Sustainability Appraisal Reports (SD5 – SD9) and CD18 Sustainability Appraisal Scoping Report that have tracked the Local Plan process, including the scoping report and appraisal.</p>
<p>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?</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>NPPF paras 165 and 167</p> <p>SEA Guide chapter 3</p>	<p>The Strategic Environmental Assessment consultation bodies are also amongst the ‘specific consultation bodies’ which are defined in Regulation 2).</p>	<p>Copies of the consultation letters sent to and any responses from the bodies</p> <p>All relevant bodies have been included in consultations at Local Plan Regulation 18 and 19 stages.</p> <p>Copies of the consultation letters and responses can be found in the Sustainability Appraisal (SD5, 8, 10 and CD18 Sustainability Appraisal Scoping Report).</p>



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				<p>The full history of the consultation process is set out in the Kirklees Statement of Pre-submission Consultation November 2016 (SD12). This sets out how the council engaged with communities and Stakeholders in the preparation of the Kirklees Local Plan, it includes details of early engagement and of the latest Regulation 18 stage consultation and a summary of the main issues and the council's response on how the comments have shaped the local plan.</p>



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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.



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Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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? 	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<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 <p>The full history of the consultation process is set out in the Kirklees Statement of Pre-submission Consultation November 2016 (SD12). This sets out how the council engaged with communities and Stakeholders in the preparation of the Kirklees Local Plan, it includes details of early engagement and of the latest Regulation 18 stage consultation and a summary of the main issues and the council’s response on how the comments have shaped the local plan.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>The council produced an early engagement document Kirklees the Place to Grow – Shaping our Local Plan which set out information on:</p> <ul style="list-style-type: none"> - A new local plan for Kirklees and the process of how this would be developed. - The council’s ambitions for Kirklees future and how a local plan can achieve this. - Key statistics, facts and information which the government say Local plans should be based on. And - Options for how we decide where new development could go.
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>		<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 <p>See sections above.</p>



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				<p>The council's database includes approx. 1,000 business consultees and this has increased over the plan development.</p> <p>In addition the Council held focus groups with businesses, young people, older persons and faith groups. Details are contained in the Statement of Pre-submission Consultation November 2016 (SD12).</p>
<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions <p>Details of stakeholders engaged with can be found in the Kirklees Statement of Pre-submission Consultation November 2016 (SD12).</p> <p>This sets out how the council engaged with communities and Stakeholders in the preparation of the Kirklees Local Plan, it includes details of early engagement and of the latest Regulation 18 stage consultation and</p>



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				<p>a summary of the main issues and the council's response on how the comments have shaped the local plan.</p> <p>Work with infrastructure providers is recorded in detail in the Infrastructure Delivery Plan (IDP). The additional infrastructure and service needs likely to arise from the Publication Draft Local Plan proposals, and the means by which they can be met, are identified in the IDP.</p> <p>For development options, an in-depth technical appraisal of individual sites has been undertaken working with internal and external consultees to inform the assessments. Details of who consultations have taken place with can be found in the Methodology Part 2: Site Allocation Methodology.</p>
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	<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD



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			representations into account.	<p>The full history of the consultation process is set out in the Kirklees Statement of Pre-submission Consultation November 2016 (SD12). This sets out how the council engaged with communities and Stakeholders in the preparation of the Kirklees Local Plan, it includes details of early engagement and of the latest Regulation 18 stage consultation and a summary of the main issues and the council's response on how the comments have shaped the local plan.</p> <p>The Core Document List includes the full series of Sustainability Appraisal Reports (SD5 – SD9) that have tracked the Local Plan process; this includes details of the selection of alternatives. The alternatives have been appraised to inform decision making and demonstrate how the preferred option compares with other approaches when tested against a range of sustainability objectives these are outlined in the monitoring framework.</p>



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5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168 SEA Guide, chapter 3		i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report The Core Document List includes the full series of Sustainability Appraisal Reports (SD5 – SD9) that have tracked the Local Plan process; this includes details of the selection of alternatives. The alternatives have been appraised to inform decision making and demonstrate how the preferred option compares with other approaches when tested against a range of sustainability objectives. These are outlined in the monitoring framework.
6. Is the participation: <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable 	The Act section 19(3)	NPPF para 155		i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies



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<p>community strategy?</p> <ul style="list-style-type: none"> proportionate to the scale of issues involved in the DPD? 				<p>See above sections.</p> <p>Kirklees Cabinet adopted its Statement of Community Involvement (SCI) (SD16) on 22nd September 2015. This replaced the Statement of Community Involvement adopted in 2006.</p> <p>The SCI (2015) is up to date. It and the earlier version have guided the consultation process.</p> <p>The relevant sustainable community strategies for Kirklees are:</p> <ul style="list-style-type: none"> Kirklees Economic Strategy 2014-2020 (CD129) Kirklees Joint Health & Wellbeing Strategy 2014-2020 (CD128)
<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 section 20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below. Regulation 35 deals with the availability of</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



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<ul style="list-style-type: none"> the main issues raised? 			documents and the time of their removal.	<p>engagement process</p> <p>See the Kirklees Statement of Pre-submission Consultation which sets out how early engagement activities have shaped the plan. Details of early engagement consultees are outlined in CD 1 – 4.</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</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>	<p>i. Consultation statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</p> <p>See above sections.</p> <p>The council’s Interim Duty to Co-operate Statement sets out how the council undertook initial DtC and outcomes.</p> <p>Additionally the Duty to Co-operate Statement (SD14) addresses the requirements set out in the Localism</p>



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				<p>Act (2011), the National Planning Policy framework (NPPF) and National Planning Policy Guidance (NPPG) for Local Plans to be prepared in a manner that meets the Duty to Cooperate.</p> <p>It demonstrates how the Council has complied with its duty-to-cooperate and sets out how the relevant agencies and adjoining authorities have taken part and been involved in the Local Plan preparation process from the outset. The Statement also highlights how these bodies have been engaged, what dialogue has taken place, and the key outcomes of any discussions. It also documents how discussions over matters raised have helped shaped the policies and site allocations within the Local Plan, and details the processes, actions, and outcomes identified and carried out by the Council in discharging its duty to cooperate.</p> <p>Key stakeholders and other partners have also been engaged throughout the plan-making process and have</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				also provided valuable input into the Local Plan evidence base.
<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>	<p>i. Consultation statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</p> <p>The Council’s engagement with the LEP and LNP are set out in the council’s Interim Duty to Co-operate Statement.</p> <p>The Duty to Co-operate Statement (SD14) addresses the requirements set out in the Localism Act (2011), the National Planning Policy framework (NPPF) and National Planning Policy Guidance (NPPG) for Local Plans to be prepared in a manner that meets the Duty to Cooperate.</p> <p>It demonstrates how the Council has complied with its duty-to-cooperate</p>



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				<p>and sets out how the relevant agencies and adjoining authorities have taken part and been involved in the Local Plan preparation process from the outset. The Statement also highlights how these bodies have been engaged, what dialogue has taken place, and the key outcomes of any discussions. It also documents how discussions over matters raised have helped shaped the policies and site allocations within the Local Plan, and details the processes, actions, and outcomes identified and carried out by the Council in discharging its duty to cooperate.</p> <p>Key stakeholders and other partners have also been engaged throughout the plan-making process and have also provided valuable input into the Local Plan evidence base.</p>
<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<p>The Act section 35 Regulation 34</p>	<p>NPPF paras 165 - 1687 SEA Guide, Chapter</p>	<p>It is a matter for each council to decide what to include in their monitoring reports while ensuring</p>	<ul style="list-style-type: none"> i. Sustainability appraisal report ii. The authority monitoring report



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	<p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>5</p>	<p>they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.</p>	<p>iii. Reports or documents setting out the appraisal and monitoring framework</p> <p>The Core Document List includes full series of the SA Reports (SD5 – SD9) that have tracked the Local Plan process.</p> <p>The AMR updates annually and can be found on the Kirklees Website. The most recent AMR 2015/2016 forms part of the submission (SD17).</p> <p>Appendix 2 of the Publication Draft Local Plan Strategy & Policies (SD1) contains a Monitoring Framework. Chapter 20 of the document addresses monitoring and implementation.</p>



Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

The council should tell all parties that this is the main participation opportunity on the emerging plan. The publication stage 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.



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Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182 SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	Documents supporting decisions on alternatives and any preferred strategy Policy options, spatial options and reasonable alternatives have been considered as part of the plans production and evaluated as part of the Sustainability Appraisal (SD5 – SD9). A full list of all the documents that make up the SA can be found in the Core Document List. The Draft Local plan set out reasonable alternatives as part of the consultation document.
2. Have you assessed alternatives against: <ul style="list-style-type: none"> consistency with national policy? general conformity with the regional spatial strategy where still in 	The Act section 19 (2), section 24	NPPF para 151	For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.	i. Supporting documents ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
force?				<p>Policy options and alternatives have been considered against the relevant national policy and the Yorkshire & Humber RSS – whilst still in force and against the following Leeds City Region documents:</p> <ul style="list-style-type: none"> - Leeds City Region Strategic Economic Plan - Leeds Economic Partnership Skills Plan - Leeds City Region Employment Land Review - Leeds City Region: Understanding the cross boundary impacts of housing markets and jointly planning housing provision in these areas - Leeds City Region: The objective Assessment of housing requirements: Establishing a common methodological approach - Leeds City Region Demographic Forecasts 2012 – 31 - See CD 158-162 and CD165.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<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>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<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>See sections above.</p> <p>The Yorkshire and Humber Plan (Regional Spatial Strategy to 2026) was adopted in May 2008 and revoked by the CLG on 6th July 2010.</p> <p>See response to 2 for Leeds City Region documents.</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing joint local development</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with LPA/County Council <p>The council produced an Interim DtC Statement.</p> <p>The Duty to Co-operate Statement</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
documents?	(c)			<p>(SD14) addresses the requirements set out in the Localism Act (2011), the National Planning Policy framework (NPPF) and National Planning Policy Guidance (NPPG) for Local Plans to be prepared in a manner that meets the Duty to Cooperate.</p> <p>It demonstrates how the Council has complied with its duty-to-cooperate and sets out how the relevant agencies and adjoining authorities have taken part and been involved in the Local Plan preparation process from the outset. The Statement also highlights how these bodies have been engaged, what dialogue has taken place, and the key outcomes of any discussions. It also documents how discussions over matters raised have helped shaped the policies and site allocations within the Local Plan, and details the processes, actions, and outcomes identified and carried out by the Council in discharging its duty to cooperate.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Key stakeholders and other partners have also been engaged throughout the plan-making process and have also provided valuable input into the Local Plan evidence base.</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>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with prescribed bodies <p>The Duty to Co-operate Statement (SD14) addresses the requirements set out in the Localism Act (2011), the National Planning Policy framework (NPPF) and National Planning Policy Guidance (NPPG) for Local Plans to be prepared in a manner that meets the Duty to Cooperate.</p> <p>It demonstrates how the Council has complied with its duty-to-cooperate and sets out how the relevant agencies and adjoining authorities have taken part and been involved in the Local Plan</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>preparation process from the outset. The Statement also highlights how these bodies have been engaged, what dialogue has taken place, and the key outcomes of any discussions. It also documents how discussions over matters raised have helped shaped the policies and site allocations within the Local Plan, and details the processes, actions, and outcomes identified and carried out by the Council in discharging its duty to cooperate.</p> <p>Key stakeholders and other partners have also been engaged throughout the plan-making process and have also provided valuable input into the Local Plan evidence base.</p>
<p>6. Are you cooperating with having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>NPPF para 181 and 182</p>		<p>i. Supporting documents ii. Correspondence with LEP/LNP</p> <p>The Duty to Co-operate Statement (SD14) addresses the requirements</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>set out in the Localism Act (2011), the National Planning Policy framework (NPPF) and National Planning Policy Guidance (NPPG) for Local Plans to be prepared in a manner that meets the Duty to Cooperate.</p> <p>It demonstrates how the Council has complied with its duty-to-cooperate and sets out how the relevant agencies and adjoining authorities have taken part and been involved in the Local Plan preparation process from the outset. The Statement also highlights how these bodies have been engaged, what dialogue has taken place, and the key outcomes of any discussions. It also documents how discussions over matters raised have helped shaped the policies and site allocations within the Local Plan, and details the processes, actions, and outcomes identified and carried out by the Council in discharging its duty to cooperate.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Key stakeholders and other partners have also been engaged throughout the plan-making process and have also provided valuable input into the Local Plan evidence base.</p>
<p>7. Are you having regard to:</p> <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? 	<p>The Act section19(2)</p>			<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 <p>The relevant sustainable community strategies for Kirklees are:</p> <ul style="list-style-type: none"> • Kirklees Economic Strategy 2014-2020 (CD129) • Kirklees Joint Health & Wellbeing Strategy 2014-2020 (CD128)
<p>8. Do you have regard to other matters and relevant</p>	<p>The Act section19(2)</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with the



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
strategies relating to: <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		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>relevant bodies</p> <p>Work with infrastructure providers is recorded in detail in the Infrastructure Delivery Plan (IDP). The additional infrastructure and service needs likely to arise from the Publication Draft Local Plan proposals, and the means by which they can be met, are identified in the IDP.</p> <p>The council produced a Kirklees Waste Needs Assessment and contributed to the West Yorkshire draft Transport Strategy Combined Authority, West Yorkshire Single Transport Plan.</p>
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	NPPF paras 93 -108		<p>Supporting documents</p> <p>The issue of climate change is addressed in Section 12 of the Kirklees Publication Draft Local Plan - Strategy and Policies (SD1).</p> <p>Policies include renewable and low carbon energy, water management,</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>sustainable drainage systems and management of water bodies</p> <p>The Core Document List provides details of all supporting documents relating to climate change used in preparing the Local Plan.</p>
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Act section 19(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>Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<p>i. Reports on the sustainability of alternatives</p> <p>ii. Record of work undertaken on sustainability appraisal</p> <p>iii. Supporting documents</p> <p>See sections above and SA Reports (SD5 – SD9).</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>This will include information from the sustainability appraisal.</p>	<p>i. Any reports setting out alternatives and choices considered</p> <p>ii. Supporting documents</p> <p>The Kirklees Draft Local Plan (2015) provides details of Alternatives Considered as part of the policy</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>development and the reasons why they were not carried forward into the Publication Draft Local Plan.</p> <p>SA process considered and assessed alternatives – see Sustainability Appraisal (SD5 – SD9).</p>
<p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? 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>	<ul style="list-style-type: none"> i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report <p>See sections above, the Kirklees Council Statement of Pre-submission Consultation November 2016 (SD12), the Statement of Publication Consultation and Summary of Main Issues (Regulation 22) (SD13) and the consultation portal.</p> <p>The Core Document List includes the full series of SA Reports (SD5 –</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				SD9) that have tracked the Local Plan process.
<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? 	Regulations 5 (1)(b) and 9	NPPF para 157	<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>	<ul style="list-style-type: none"> i. Adopted policies map ii. Any reports on proposals to amend the policies map iii. Illustrative material that shows how the policies map will be amended or replaced <p>The current adopted policies maps – the Unitary development Plan, are available to view on the Kirklees Website.</p> <p>At the draft Plan consultation stage, the following were available to view in hard copy at deposit locations and at Local Plan drop in sessions (24th November 2015 and 30th November 2015) and on line:</p> <ul style="list-style-type: none"> - Kirklees Draft Local Plan Allocations and Designations Appendix 1 Town centre Maps and Appendix 2 Policies Maps (CD9), - Kirklees Draft Local Plan Green



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Belt Edge Maps (CD10); and</p> <ul style="list-style-type: none"> - Rejected site options maps. <p>The Publication Draft Local Plan allocates land for development, in the form of a series of policy maps set out on an OS base.</p> <p>Maps within the plan are made available on line. Reference copies are also provided at deposit locations (SD3).</p> <p>All supporting report and technical papers relating to amendments to the policies map can be found in the Core Document List.</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	<p>NPPF paras 150 and 155</p>		<ul style="list-style-type: none"> i. The SCI ii. Consultation statement <p>See above sections.</p>



Stage four: Publication

Under Regulation 20, the period for formal representations takes place **before** the DPD is submitted for examination in accordance with a timetable set out in the statement of the representations procedure which is made available at the council's office and published on its website.

When moving towards publication stage, the council should consider the results of participation on the preferred strategy and sustainability appraisal report and decide whether to make any change to the preferred strategy. In the event that changes are required, the council will need to choose either to:

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

The latter may be appropriate where the changes to the DPD bring in changed policy or proposals not previously covered in community participation and the sustainability appraisal. It avoids having to treat publication as if it were a consultation, which it is not. It also provides insurance in relation to compliance with the Strategic Environmental Assessment Regulations. Legally, during any participation on a revised preferred strategy, you should:

- comply with the requirements of the SCI
- update the sustainability appraisal report.

The council should then produce the DPD in the form in which it will be published. This includes removing material dealing with the evaluation of alternatives and the finalisation of the text. The council should be happy to adopt the DPD in this form, and satisfied that it is sound and fit for examination.

The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness. Only people proposing a change to the plan can expect to be heard at examination.

The possibility of change under certain circumstances (which should be exceptional) is allowed for in the new procedures, and is described in 'stage five: submission'.



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Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Have you prepared the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 - 168</p> <p>SEA Guide Chapter 5</p>		<p>Sustainability appraisal report</p> <p>See the Kirklees Local Plan: Publication Draft Sustainability Appraisal Report, a list of all the documents that make up this report can be found in the Core Document List (SD5 – SD9).</p>
2. Have you made clear where and within what period representations must be made?	<p>Regulation 17, 19, 20 and 35</p>		<p>The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).</p>	<p>i. Report or record of decisions</p> <p>ii. The statement of community interest</p> <p>The 6 week representation period (7th November 2016 – 19th December 2016) for the Kirklees Publication Draft Local Plan is set out in the Statement of Representations Procedure. This procedure is available on the Kirklees website.</p> <p>The representation period was</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>also on the Council’s website and webpage, the representation form and the Publication Draft document.</p>
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? 	<p>Regulation 19(a)</p>		<p>Regulation 17 gives definitions.</p>	<ul style="list-style-type: none"> i. Copies of the relevant statements ii. Report on where and when made available iii. Record of where and when made available <p>The key publication documents, including:</p> <ul style="list-style-type: none"> • Publication Draft Local Plan Strategy and Policies (2016) (SD1) • Publication Draft Local Plan – Allocations and Designations (and associated maps) (2016) (SD2 & SD3) <p>have been placed on deposit for inspection at 2 main locations across the Kirklees District and are available on the council’s website.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>In addition 2 drop in sessions were held and the documents were available to view.</p> <p>The following documents were also made available for consultation:</p> <ul style="list-style-type: none">• Publication Draft Local Plan Rejected Site Options Report• Sustainability appraisal (including Habitat Regulations Assessment)• Community Infrastructure Levy – Draft Charging Schedule (2016)• Publication Draft Local Plan Green Belt Boundary Changes <p>The Statement of Representation Procedure is also available on the Kirklees website.</p> <p>A number of documents were also made available to view, but not to comment on:</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<ul style="list-style-type: none"> • Accepted Site Options - Technical Appraisals • Green Belt Review • Kirklees Council Statement of Pre-submission Consultation November 2016 • Summary of Main Changes • Comprehensive List of Site Changes • Duty to Cooperate Interim Statement
<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>Comprehensive documentation relating to the Publication Draft was published on the Council's website, this includes the following key publication documents:</p> <ul style="list-style-type: none"> • Publication Draft Local Plan Strategy and Policies (2016) • Publication Draft Local Plan – Allocations and Designations (and associated maps) (2016) • Rejected site options • Green Belt boundary changes



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<ul style="list-style-type: none"> • Sustainability Appraisal • Accepted site options technical appraisals • Green Belt Review • Statement of Pre-submission Consultation • Statement of Representation Procedure • Summary of main changes • Comprehensive list of changes • Sustainability Appraisal Scoping Report • Habitats Regulations Assessment Report (2016) • Kirklees CIL Draft Charging Schedule (2016) • Duty to Cooperate Interim Statement (2016) <p>Details of when and where the documents can be inspected also contained on the Council's Local Plan web pages.</p>
5. Have you sent to each of the specific consultation bodies invited to make	Regulation 19(b)		Regulations 2 and 17 give definitions.	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 				<p>Consultation materials have been sent to the specific consultation bodies in accordance with the SCI and Local Plan Regulations.</p> <p>Correspondence with bodies can be provided on request.</p> <p>Every contact on the local plan database was notified and a public notice placed in the press covering the whole of the district.</p>
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <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.	<p>i. Copies of correspondence</p> <p>ii. Record of sending</p> <p>See above section.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	The Act section 24 Regulation 21		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	Copies of correspondence Not applicable.



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
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the	<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



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>Have the timescales set out in the LDS been met?</p>			<p>Regulations.</p>	<p>monitoring reports</p> <p>The Local Plan is identified in the current LDS August 2016.</p> <p>Work commenced on the Local Plan under the LDS 2014. It proposed the preparation of the Local Plan during the period early 2014 to late 2017.</p> <p>The revised LDS was approved by the Council on 23 August 2016. It proposes the preparation of the Local Plan during the period early 2014 to early 2018.</p> <p>The LDS is reviewed and updated regularly to maintain a flexible and realistic timetable for document production, ensuring that production programmes are aligned with resources. Updates are published on the Kirklees web-site and progress on delivery of plans is tracked through the Annual Monitoring Reports (AMR).</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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>i. The sustainable community strategy(ies)</p> <p>ii. Reference to sections of the DPD showing how regard has been had to them</p> <p>The vision, objectives and broad scope of the Local Plan has been informed by the relevant sustainable community strategies for Kirklees, which are:</p> <ul style="list-style-type: none"> • Kirklees Economic Strategy 2014-2020 (CD129) • Kirklees Joint Health & Wellbeing Strategy 2014-2020 (CD128)
<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)</p> <p>Regulation 22(1)(c)</p>		<p>Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).</p>	<p>i. The SCI</p> <p>ii. The Regulation 22(1)(c) statement</p> <p>Consultation has been undertaken in accordance with the adopted SCI (2015).</p> <p>The Statement of Publication</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>Consultation and Summary of Main Issues (Regulation 22) (SD13) sets out how the Council has complied with Regulation 22 (1)(C).</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, 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 Council has produced a detailed Duty to Cooperate statement (SD14) addresses the requirements set out in the Localism Act (2011), the National Planning Policy framework (NPPF) and National Planning Policy Guidance (NPPG) for Local Plans to be prepared in a manner that meets the Duty to Cooperate.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>It demonstrates how the Council has complied with its duty-to-cooperate and sets out how the relevant agencies and adjoining authorities have taken part and been involved in the Local Plan preparation process from the outset. The Statement also highlights how these bodies have been engaged, what dialogue has taken place, and the key outcomes of any discussions. It also documents how discussions over matters raised have helped shaped the policies and site allocations within the Local Plan, and details the processes, actions, and outcomes identified and carried out by the Council in discharging its duty to cooperate.</p> <p>Key stakeholders and other partners have also been engaged throughout the plan-making process and have also provided valuable input into the Local Plan evidence base.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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 See the Kirklees Local Plan: Publication Draft Sustainability Appraisal Report (October 2016), a list of all five documents that form part of the Sustainability Appraisal can be found in the Core Document List (SD5 – SD9).</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 Submission – Soundness Self-Assessment Checklist (2016) Submission – Legal Compliance Self-Assessment (2016) The council sought advice from PAS as a critical friend on aspects of the Plan.</p>
<p>7. Does the DPD contain any policies or proposals that</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</p>	<p>i. Correspondence with or representations from Mayor</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>are not in general 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>	<p>Regulation 21</p>		<p>with the spatial development strategy (The London Plan).</p>	<p>of London (where appropriate)</p> <p>ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place</p> <p>Not applicable.</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</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>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<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> <p>The Council's made available a comprehensive set of documents at deposit locations across the Kirklees</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>				<p>District and on the Council's website.</p> <p>The Statement of Publication Consultation and Summary of Main Issues (Regulation 22) (SD13) sets out how the Council has complied with Regulation 22 (1)(C).</p> <p>Appendix 1 of the Publication Draft contains a list of all the UDP saved policies that are proposed to be superseded by the Local Plan.</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>The Publication Draft Local Plan includes a policies map (SD3) that shows the location of specific sites allocated for development.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the</p>	<p>Regulation 8(3) and (4)</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>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(5)</p>			<p>Appendix 1 of the Publication Draft Local Plan - Strategy and Policies (SD1) contains a list of all the UDP saved policies that are proposed to be superseded by the Local Plan.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>i. Consultation statement ii. The Statement as required in Regulation 22(1)(c)</p> <p>Consultation has been undertaken in accordance with the adopted Statement of Community Involvement - September 2015 (SD16).</p> <p>The Statement of Publication Consultation and Summary of Main Issues (Regulation 22) (SD13) sets out how the Council has complied with Regulation 22 (1)(C).</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made 	<p>The Act section 20(3)</p> <p>Regulation</p>			<p>The Statement as required in Regulation 22(1)(c)</p> <p>The Statement of Publication</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
under Regulation 22? <ul style="list-style-type: none"> • a summary of the main issues raised? OR <ul style="list-style-type: none"> • that no representations were made? 	22(1)(c)			Consultation and Summary of Main Issues (Regulation 22) (SD13) sets out how the Council has complied with Regulation 22 (1)(C).
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3) Regulation 22(1)(e)			Copies of the representations The Statement of Publication Consultation and Summary of Main Issues (Regulation 22) (SD13) sets out how the Council has complied with Regulation 22 (1)(C). All full representation documents are also recorded and publically accessible in the Kirklees Local Plan Consultation Portal.
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 See list of submission documents and list of core documents, both have been made available on the



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				Kirklees website.
<p>15. Has your council approved the DPD for submission?</p>			<p>Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.</p>	<p>Report and resolution of the appropriate council body</p> <p>The Council, on 12 October 2016, resolved that the Kirklees Publication Draft Local Plan be published for formal representations and be submitted to the Government for examination.</p> <p>The decision report and minutes are publically accessible on the Kirklees website.</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)? 	<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</p>	<ul style="list-style-type: none"> i. Record of sending ii. Reasons why documents cannot be sent electronically <p>The Kirklees Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017 for independent examination.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> the documents prescribed in Regulation 22(1)? 			their removal.	<p>The Notice of Submission (SD24) can be found on the Kirklees Website.</p> <p>Both paper and electronic copies have been submitted, evidence can be provided on request.</p>
<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.	<p>Record of where and when made available</p> <p>The key submission documents, including:</p> <ul style="list-style-type: none"> Kirklees Publication Draft Local Plan Strategy and Policies (SD1) Kirklees Publication Draft Local Plan Allocations and Designations (SD2) Kirklees Publication Draft Local Plan Allocations and Designations Appendix 1 Town Centre Maps (SD3) Kirklees Publication Draft Local Plan Allocations and Designations Appendix 2 Policies Maps (SD3) Proposed Modifications to the



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>Local Plan (SD4)</p> <ul style="list-style-type: none"> • Kirklees Local Plan: Publication Draft Sustainability Appraisal Report (October 2016), a list of all five documents that form part of the Sustainability Appraisal can be found in the Core Document List (SD5-9). <p>have been placed on deposit for inspection at Huddersfield and Dewsbury Customer Service Centre and are available on the council's website.</p> <p>A list of all 30 submission documents can be found on the Kirklees website (SD1 – SD30).</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) 	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Record of publication</p> <p>The following documents, are all available on the Kirklees website:</p> <ul style="list-style-type: none"> • Kirklees Publication Draft Local Plan Strategy and Policies (SD1) • Kirklees Publication Draft Local Plan Allocations and



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>statement?</p> <ul style="list-style-type: none"> • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable)? • statement as to where and when the DPD and the documents are available? 				<p>Designations (SD2)</p> <ul style="list-style-type: none"> • Kirklees Publication Draft Local Plan Allocations and Designations Appendix 1 Town Centre Maps (SD3) • Kirklees Publication Draft Local Plan Allocations and Designations Appendix 2 Policies Maps (SD3) • Proposed Modifications to the Local Plan (SD4) • Kirklees Local Plan: Publication Draft Sustainability Appraisal Report (October 2016), a list of all five documents that form part of the Sustainability Appraisal can be found in the Core Document List (SD5-9) • Statement of Publication Consultation and Summary of Main Issues (Regulation 22) (SD13) <p>Notice of Submission, details when and where the Local Plan and supporting documents are available (SD24).</p> <p>All supporting documents that</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>make up the evidence base and other submission documents are also all available on the Kirklees website, a list of all submission documents and supporting documents is also published on the website. Please see list of submission documents and core document list.</p>
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 	<p>Regulation 22(3)(b)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>i. Copies of correspondence ii. Record of sending</p> <p>All consultation bodies were informed by letter or email week commencing 2nd May 2017.</p> <p>The statutory notice went in the press on 5th May 2017.</p> <p>A copy of the letter sent can be provided on request – it details where and when hard copies of the Local Plan can be inspected and includes a list of all the submission documents.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 22(3)(c)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>i. Copies of correspondence ii. Record of sending</p> <p>As above – everyone on the council’s Local Plan database has been notified of submission either by post or email.</p>
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> • 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>			<p>i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement</p> <p>TBC</p>