



Peak District National Park Authority Local Plan Part 2
Development Management Policies

PAS Local Plan Legal Compliance
Self-Assessment Toolkit

February 2018



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.

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

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

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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 Development Management DPD is identified in the Revised LDS from October 2016 (link to website).</p> <p>Work commenced on the DPD under the LDS (2009-2012) soon after the adoption of the Core Strategy in October 2011. The LDS is reviewed and updated regularly to maintain a flexible and realistic timetable for document production. Updates are published on the National Park Authority website and progress is tracked through 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)</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</p>	<p>The revised SCI from 2012 (link to website) is the basis of community involvement. The National</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Regulation 18		changes in legislation.	<p>Park Authority adopted its Statement of Community Involvement.</p> <p>A review of the SCI began during 2017 and is due to be updated again by mid-2018.</p> <p>The full history of the consultation process is set out in the Consultation Statement. An interim version was prepared for the Reg 20 Publication Stage and has subsequently been updated for Submission purposes.</p> <p>It includes: details of early engagement; Reg 18 stage consultation; a summary of the main issues; the Authority's response on how the comments have shaped</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				the DPD.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>i. The SCI (see link above) identifies the appropriate bodies.</p> <p>ii. The Consultation Statement (view via evidence library) sets out how these bodies were consulted.</p> <p>The Local Plan consultation database has been kept up to date to ensure interested parties were aware of the progress against relevant milestones and consulted at appropriate stages.</p>
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)	NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the</p>	<p>i. The Consultation Statement sets out how the various bodies were consulted including</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act Section 20(5)(c)</p> <p>Regulation 4</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>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>a timeline of events.</p> <p>ii. The associated Duty to Cooperate Statement details the various cross boundary issues that were raised, with actions to plan for them. It demonstrates how the National Park Authority has complied with its duty to co-operate and sets out how the relevant agencies and constituent and adjoining authorities have taken part and been involved in the DPD preparation process and vice versa, from the</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>outset.</p> <p>The Duty to Cooperate Statement also highlights how these bodies have been engaged, what dialogue has taken place, and the key outcomes of any discussions, particularly where this has resulted in an agreed memorandum of understanding.</p> <p>Consultation material has been sent to statutory bodies, including adjoining Local Planning Authorities in accordance with regulations and SCI.</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the</p>	<ul style="list-style-type: none"> i. Duty to Cooperate Statement ii. Consultation Statement

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
on at least two planning areas?	20(5)(c). Regulation 4		purposes of section 33A(9). Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.	
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 section 13	NPPF paras 158 - 177		<ul style="list-style-type: none"> i. See evidence library for full list of evidence base documents, technical papers and supporting evidence. ii. Annual monitoring reports iii. State of the Park reports iv. Sustainability Appraisal Scoping report 2011 and updated 2016.
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	NPPF paras 165 and 167 Strategic Environmental Assessment Guide, chapter 5		<ul style="list-style-type: none"> i. Sustainability report scoping document, revised in 2011 and updated in 2016 for DM purposes. ii. Sustainability appraisal report (interim version in 2012 and final version in

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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 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>2016).</p> <p>Consultation with SEA bodies on the SA Scoping Report and SA Reports prepared to accompany the preparation of the DM Policies. SEA bodies also consulted at the Regulation 18 and 19 stages.</p> <p>Copies of the consultation responses can be found in the Sustainability Appraisal Report</p> <p>Consultation material has also been sent to all statutory bodies, including environmental bodies (Natural England, Historic England, Environment Agency) in accordance with adopted SCI and regulations.</p>



Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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

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 (Reg 22 Statement) ii. Copies of documents consulting these bodies iii. Record of discussions contained in Duty to Cooperate Statement iv. Copies of representations made <p>The Authority produced an early engagement document which partly satisfied the Reg 18 requirements but was also a prompt for further dialogue. The Authority was confident it had a strong starting point by picking up on issues from the saved Local Plan and aligning these to the Core Strategy.</p> <p>Summary of representations and issues raised included in Consultation Statement</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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. Statement of Community Involvement ii. Duty to Cooperate Statement iii. Consultation Statement identifies contact with Parish Councils. iv. Copies of documents consulting these persons (includes Parishes and agents representing local business interests) v. Record of discussions (see Consultation Statement) vi. Copies of representations made <p>Press releases, Parish Council meetings, Forums with land managers and local planning agents, letters and use of website.</p> <p>Consultation material and notification of consultation events sent to consultees on Local Plan database in line with Statement of Community</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>Involvement and those who subsequently requested to be notified. Communication by letter and email.</p> <p>Consultation Statement provides detailed lists of consultees whom were consulted and information on each consultation stage during plan preparation, the main issues raised and how they have been addressed.</p>
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	<ul style="list-style-type: none"> i. Consultation Statement ii. Copies of documents consulting these people iii. Duty to Cooperate Statement
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	<ul style="list-style-type: none"> i. Consultation Statement highlights how responses have been used to drive plan preparation and take detailed points into consideration. Consultation stages have identified the key issues for further discussion, e.g. with parishes at Parishes Day events and with Peak Park

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				Parishes Forum.
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168 SEA Guide, chapter 3		i. Consultation Statement ii. Issues and Preferred Options Document explains approach to alternatives iii. Also dealt with in the Interim Sustainability appraisal report
6. Is the participation: <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	The Act section19(3)	NPPF para 155		i. Consultation Statement ii. The SCI as revised in 2012 has guided the consultation processes throughout the preparation of the DPD. The Authority also tracks the direction of travel within the National Park Management Plan (2012-2017). This sets the strategic direction of the Authority working alongside

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				its partners in pursuit of National Park purposes.
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p>The Act section 20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<ul style="list-style-type: none"> i. Consultation Statement sets out details of who was consulted, key issues raised and how they were addressed. ii. Statement of Community Involvement. iii. Copies of representations and relevant correspondence iv. Record of those individuals invited to make representations stored on Local Plan consultee Database.
<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</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</p>	<ul style="list-style-type: none"> i. Consultation Statement ii. Copies of representations and relevant correspondence iii. Duty to Cooperate Statement <p>Representations sought from all constituent and neighbouring local planning authorities at each stage of consultation and</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>			<p>and on an ongoing basis.</p>	<p>plan preparation.</p> <p>The Authority produced an interim Duty to Co-operate Statement for the Publication Stage and this has now been updated for Submission purposes. This addresses the requirements set out in the Localism Act (2011), the National Planning Policy Framework (NPPF), and National Planning Practice Guidance (NPPG) for Local Plans to be prepared in a manner that meets the Duty to Cooperate.</p> <p>The Duty to Cooperate Statement provides an overview of contacts with all constituent and adjoining authorities, with a consistent 2 way dialogue. Partly this is centred on the development needs across the National Park and wider Peak District, but also on the way that</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				all relevant Authorities must have regard to the purposes of National Parks in discharging their functions, in accordance with the Environment Act (1995).
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	The Act section 33A(1)(c) and Section 33A(9). The Act section 20(5) (c). Regulation 4	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	i. Consultation Statement ii. Copies of representations and relevant correspondence iii. Duty to Cooperate Statement The National Park Authority is a central partner to the Local Nature Partnership and has brokered a range of workshops with appropriate bodies. The Authority benefits from specialist Ecologists who have been engaged in the development of the DP policies.
10. Are you developing a framework for monitoring	The Act section 35	NPPF paras 165 - 1687	It is a matter for each council to decide what to include in their monitoring	i. Sustainability appraisal report

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
the effects of the DPD?	<p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	SEA Guide, Chapter 5	reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	<ul style="list-style-type: none"> ii. The authority monitoring reports are updated annually and can be found on the National Park Authority website. The most recent 2016/17 forms part of the evidence library. iii. Reports or documents setting out the appraisal and monitoring framework (Revised Scoping report and interim SA for Issues and Preferred Approaches stage) iv. Appendix 1 of the adopted Core Strategy (2011) provides an Implementation and Monitoring framework which forms the basis for the indicators used in AMR preparation.



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).	<ul style="list-style-type: none"> i. DM early scoping work against Core Strategy and NPPF from 2011/2012 ii. Authority paper 25th May 2012 – Development Management Policies – issues and Preferred Approaches iii. Saved Local Plan 2001 iv. Issues and Preferred Approaches document 2012 v. Interim Sustainability Appraisal <p>Consideration was given at an early stage to the scope for</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>reasonable alternatives for development management policy as opposed to strategic alternatives that would normally be considered at a full spatial scale.</p> <p>The Authority considered the existing saved Local Plan policies from 2001 (an earlier form of DM policy) and assessed these for consistency with both the newly adopted Core Strategy and the emerging NPPF.</p> <p>The conclusions formed the early Issues and Preferred Approaches Document which was also assessed by an Interim Sustainability Appraisal</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy? • general conformity with 	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but</p>	<ul style="list-style-type: none"> i. Conformity with Core Strategy ii. Conformity check with NPPF

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
the regional spatial strategy where still in force?			you need to consider it during preparation of the DPD.	iii. PAS report 2015 iv. Interim Sustainability Appraisal Following initial work and prior to the DM Policies being fully drafted the Authority engaged PAS to undertake a critical assessment of the approach with a focus on consistency with National Policy and the continued relevance of a DM Policies approach.
3. Are you having regard to (where relevant): <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 	The Act sections 19 (2) and 24 (1) and (4) Regulation 10 and 21		Where the regional strategy has been revoked you should record that fact.	i. Duty to Cooperate Statement ii. Website refs to state of East Midlands Regional Plan as being revoked in April 2013

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
Scotland?				
4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?	The Act section 33A(2)(a) Section 33A(6)(a)(b) Section 20(5) (c)	NPPF paras 181 and 185	.	i. Correspondence with LPA/County Council (as part of representations) ii. Duty to Cooperate Statement Close working with Derbyshire Dales District Council, High Peak Borough Council and Staffordshire Moorlands District Council in the preparation of evidence base documents.
5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 33A(2)(a), section 33A(6)(a) The Act section 20 (5) (c) Regulation 4	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	i. Duty to Cooperate Statement
6. Are you cooperating with having regard to the	The Act section 33A(2)(b) and	NPPF para 181 and		i. Duty to Cooperate

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
activities of the LEP and LNP?	section 33A(9). Regulation 4 (2)	182		<p>Statement</p> <p>The National Park Authority is a central partner to the Local Nature Partnership and has brokered a range of workshops with appropriate bodies.</p> <p>The Authority benefits from specialist Ecologists who have been engaged in the development of the DP policies</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? 	The Act section19(2)			<p>i. Duty to Cooperate Statement</p> <p>Derbyshire Dales District Council and High Peak Borough Council have replaced sustainable community strategies with a Statement of Priorities for 2015-2019. The National Park Authority is a signed up partner to the Peak District Partnership (formerly known as Derbyshire Dales and High Peak Local</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Strategic Partnership). New priorities have been shaped: Priority 1 - Maximise the benefits for Peak District communities from programmes aimed at stimulating economic growth Priority 2 - Reduce health inequalities and improve wellbeing in the Peak District, focusing on individuals and communities with poorer health or difficulty accessing services</p> <p>The National Park Management Plan and the current review pick up on these themes</p>
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> • resources • the local/regional economy 	<p>The Act section 19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you</p>	<p>i. Duty to Cooperate Statement ii. National Park Management Plan</p> <p>The evidence base for the DM</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • the local transport plan and transport facilities and services • waste strategies • hazardous substances 			<p>will need to have regard to in preparing the DPD.</p>	<p>policies work seeks to address these matters in proportionate terms.</p> <p>The evidence base reports, documents, and SA Scoping baseline data cover such issues of environmental resources, and other economic and social matters. The evidence base provides local data and links to other documents and sources of information. All evidence base reports are available on the Authority's website.</p> <p>The Peak District Local Development Plan (as a combination of the Core Strategy and emerging DM Policies, address matters in the evidence base through the spatial strategy and relevant policies.</p>
<p>9. Are you having regard to</p>	<p>The Act</p>	<p>NPPF paras 93 -108</p>		<p>Core Strategy 2011</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
the need to include policies on mitigating and adapting to climate change?	section19(1A)			<p>Strategic evidence base for the Core Strategy (e.g. for strategic flood risk and the approach to renewables and energy efficiency).</p> <p>DMP modifications in respect of replacement dwellings (DMH9)</p> <p>SPD on Climate Change 2013</p>
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	<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>Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<ul style="list-style-type: none"> i. Record of work undertaken on sustainability appraisal ii. Issues and Preferred Approaches iii. Revised Scoping report iv. Interim Sustainability Appraisal for Issues and Preferred Approaches v. Final SA Report for Publication version of DM Policies <p>Sustainability Appraisal (and HRA) has been undertaken</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>proportionately at key stages of plan preparation and assisted in the appraisal of alternative options.</p> <p>Consultation on the SA has been undertaken with stakeholders, including prescribed SEA bodies and carried out at appropriate stages of plan preparation.</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>	<ul style="list-style-type: none"> i. Issues and Preferred Approaches ii. Interim SA for Issues and Preferred Approaches iii. Final SA Report <p>The SA process has considered reasonable alternatives and assessed them against the SA Framework – comprising social, economic and environmental factors. A summary of the SA outcomes and the rationale for the</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				selection/rejection of alternatives is presented in the Interim and final SA reports.
<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>	<p>i. Correspondence from those making representations</p> <p>ii. Statement of representations</p> <p>iii. Consultation Statement</p> <p>iv. Sustainability appraisal report (including responses made)</p> <p>v. Habitats Regulations Assessment</p> <p>Correspondence available on request</p>
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> enable you to amend the currently adopted 	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents</p>	<p>i. Proposed new policies map</p> <p>The Publication Version of the DM Policies was supported by full mapping highlighted updated constraints and showing new designations such as Safeguarded</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>policies map?</p> <ul style="list-style-type: none"> inform the community about the location of proposals? 			defined in Regulation 17.	Employment Sites (DME3), and detail of safeguarded Mineral resources (DMMW7)
14. Are the participation arrangements compliant with the SCI?	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	NPPF paras 150 and 155		<p>i. The SCI</p> <p>ii. Consultation Statement</p> <p>Consultation has been undertaken in accordance with the SCI and relevant regulations.</p> <p>Refer to Regulation 22 Statement of Consultation.</p>



Stage four: Publication

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

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

- do so and progress directly to publication
- OR
- produce and consult on a revised preferred strategy.

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

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

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

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

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

Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
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>i. Final Sustainability Appraisal report for publication version</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>Statement of Representations Procedure and Availability of Documents</p> <p>Adverts in press and other press releases.</p> <p>National Park Authority website</p> <p>Consultation letters and emails sent to contacts from</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>the Local plan consultation database</p> <p>The 8 week (as guided by the SCI) representation period (Friday 18 November 2016 to Friday 27 January 2017) for the Peak District National Park development Management Policies is set out in the Statement of Representations Procedure. This document is available on the Authority website.</p> <p>A subsequent Modifications consultation on the Development Management Policies took place between Monday 13 November 2017 to Friday 12 January 2018.</p>
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> the proposed submission documents? 	Regulation 19(a)		Regulation 17 gives definitions.	Publication documents and relevant statements made available to view on the National Park Authority's website.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> the statement of the representations procedure? 				Hard copies of DM Policies and Policies map made available for Inspection at National Park office and a range of other deposit locations within and around the National Park (council offices and libraries)
4. Have you published on your website: <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? 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	Publication documents, supporting information, evidence and Statement of Representations Procedure made available on the National Park Authority website. Consultation Statement
5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> A copy of each of the 	Regulation 19(b)		Regulations 2 and 17 give definitions.	Consultation material sent to specific consultation bodies in accordance with the SCI and regulations. Letters and emails sent to

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>proposed submission documents</p> <ul style="list-style-type: none"> The statement of the representations procedure? 				<p>all individuals, stakeholders and specific consultation bodies providing information on how to view the publication documents and how to make representations during consultation period. Copies of correspondence available on request.</p> <p>Statement of Consultation</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>Consultation material sent to general consultation bodies in accordance with SCI and regulations. Copies of relevant Publication stage documents provided at deposit points (Authority office, other council offices and local libraries) and on the Authority website.</p> <p>Copies of correspondence available on request</p>



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				Statement of Consultation
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).	N/A



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	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	i. The LDS ii. Relevant authority monitoring reports

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>match the document? Have the timescales set out in the LDS been met?</p>			<p>prescribed in the Regulations.</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>i. Duty to Cooperate Statement</p> <p>Derbyshire Dales District Council and High Peak Borough Council have replaced sustainable community strategies with a Statement of Priorities for 2015-2019. The National Park Authority is a signed up partner to the Peak District Partnership (formerly known as Derbyshire Dales and High Peak Local Strategic Partnership).</p> <p>New priorities have been shaped:</p> <p>Priority 1 - Maximise the benefits for Peak District communities from programmes aimed at</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>stimulating economic growth</p> <p>Priority 2 - Reduce health inequalities and improve wellbeing in the Peak District, focusing on individuals and communities with poorer health or difficulty accessing services</p> <p>The National Park Management Plan and the current review pick up on these themes</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)</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 Authority applied consultation standards as set out in the SCI</p> <p>ii. The Regulation 22(1)(c) Consultation Statement explains the stages of plan preparation</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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>i. Duty to Cooperate Statement</p> <p>The National Park Authority is a central partner to the Local Nature Partnership and has brokered a range of workshops with appropriate bodies.</p> <p>The Authority benefits from specialist Ecologists who have been engaged in the development of the DP policies</p>
<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)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>Sustainability Appraisal report</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. Early assessment of consistency against Core Strategy and NPPF</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>ii. PAS Soundness self-assessment checklist</p> <p>The National Park Authority considers the Submission DM Policies document to be sound and consistent with national policy.</p> <p>See related self-appraisal document covering soundness issues.</p>
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists?</p> <p>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</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>i. N/A. East Midlands Regional Plan revoked April 2013.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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 superseded saved policies?</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>Submission documents available on the Authority website and made available for inspection at Authority office and Publication documents remain available at deposit locations.</p> <p>Notification required under regulation 24 made by letter and email also through website and press notice. Letters/emails sent to all statutory/non statutory, specific and general bodies and those who made representations at Publication Stage, notifying</p>



planning advisory service

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>that the Peak District National Park DM policies had been submitted to the Secretary of State and the Submission documents are available on the National Park Authority website. To be undertaken as soon as reasonably practicable after Submission to the SoS.</p> <p>Letter to SEA bodies (Historic England, Natural England and Environment Agency) sent advising of submission and accompanying Sustainability Appraisal and Habitat Regulations Assessment to be sent as soon as reasonably practicable after Submission to SoS.</p> <p>Statement of Consultation</p> <p>Para 1.11 of Publication version states that “All previously ‘saved’ policies in</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				the Local Plan (2001) have already expired or are replaced by the Policies in this document”.
<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. Schedule of Modifications</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>i. The Core Strategy (2011)</p> <p>The Development Management Policies form part 2 of the Local plan for the National Park and will replace the Peak District National Park Local Plan from 2001.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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>	<ul style="list-style-type: none"> i. Consultation Statement ii. The Statement as required in Regulation 22(1)(c)
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>The Statement as required in Regulation 22(1)(c)</p>
<p>13. Have you collected together all the</p>	<p>The Act section</p>			<p>Copies of the representations from both the Publication</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
representations made under Regulation 28?	20(3) Regulation 22(1)(e)			Stage consultation and the subsequent modifications consultation made available on the National Park Authority website and for inspection at the National Park office.
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			<p>All relevant supporting evidence and documentation available on the National Park Authority's dedicated 'Development Management Policies' section of the website.</p> <p>List of submission documents comprising the Examination Library available from the National Park Authority's website.</p> <p>Hard copies of documentation available to view upon request from National Park office.</p>
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the	Report and resolution of the appropriate council body Authority paper 27 th March 2015 – Agreeing the Process

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			type of DPD.	<p>for Completing the Development Management Policies DPD (including Draft Policy Compendium)</p> <p>Authority paper 2nd October 2015 – Agreeing the Draft Development Management Policies DPD (including full draft plan).</p> <p>In both cases delegated authority was granted to the Director of Planning in consultation with a member working group to undertake detailed editing prior to Publication Stage.</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 	<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>All required documents were provided to the Secretary of State on Submission. Copies of documents provided as prescribed in Regulation 22(1) and to meet PINS requirements and Service Level Agreement, in electronic</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>no site allocation policies)?</p> <ul style="list-style-type: none"> the documents prescribed in Regulation 22(1)? 			<p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>format as required by revised regulations.</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)? 	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Documents to be made available in hard copy at Peak District National Park Authority offices, Bakewell and upon the National Park Authority website. To be provided as soon as practicable after submission to the SoS</p>
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> DPD? submission policies map? sustainability appraisal report? Regulation 22(1)(c) statement? 	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Submission and supporting documents published on Authority website.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> • notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection • where and when they can be inspected? 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	Letters and emails to be sent to appropriate bodies, stakeholders and consultees as soon as is reasonably practicable after Submission to SoS.
<p>20. Have you given notice to persons who have requested to be notified that submission has taken</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	Letters and emails to be sent to appropriate bodies, stakeholders and consultees (including those on Local Plan



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
place?				consultee database who had requested to be involved in examination as soon as is reasonably practicable after Submission to the SoS.
<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>Notice of regulation 24 to be served as soon as practicable. This will be undertaken once the information is available to publish on the website, and to ensure that those who have made representations on the Publication version of the DM Policies are notified.</p>