



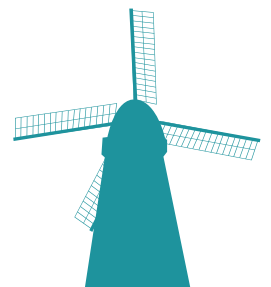
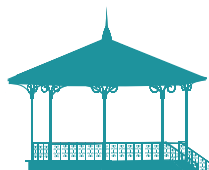
Eastleigh Borough Local Plan 2016-2036



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Legal Compliance Self-Assessment Checklist

October 2018



This statement supports the Eastleigh Borough Local Plan and demonstrates how the Local Plan has met the legal requirements throughout its preparation.

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Local Plan Legal Compliance Checklist (PAS, April 2013)

This checklist details how Eastleigh Borough Council has met the legal requirements in the production of the Local Plan as set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It uses the template produced by PAS to record how the emerging plan met these requirements as the Local Plan has progressed through the different stages in its production.

The text in italics in the tables later in this document is directly from the PAS template. The Council's response is shown in the 'Evidence' column in plain text.

Stage one: The early stages

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.

Table 1: The beginning

Activity	Legal requirement	Guidance reference	Evidence
<p>1. <i>Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</i></p>	<p><i>The Act section 15(2) and section 19(1)</i></p>	<p><i>NPPF para 153</i></p>	<ul style="list-style-type: none"> i. The LDS in place at the time of the commencement of the Local Plan was agreed by Cabinet on 9.04.2015 and published in April 2015 ii. The LDS (2015) identified the preparation of the Local Plan, beginning in December 2015 iii. The LDS was updated in September 2016 and (prior to the publication of the Local Plan) in December 2017 iv. The Local Plan was submitted in accordance with the timescale in the latest LDS (i.e. the December 2017 version)
<p>2. <i>How will community engagement be programmed into the preparation of the DPD?</i></p>	<p><i>The Act section 19(3)</i> <i>Regulation 18</i></p>	<p><i>NPPF paras 150, 155 and 157</i></p>	<ul style="list-style-type: none"> i. The LDS documents have included an intended timescale for the preparation of the Local Plan including formal consultation stages and informal engagement ii. The latest SCI (November 2015) was approved by Cabinet on 15.11.2015 iii. The SCI was in place for the Reg 18 consultation of the Local Plan and all stages up to submission iv. The Consultation Statement provides further details on the informal public engagement undertaken through 'Shaping Your Community'
<p>3. <i>Have you considered the appropriate bodies you should consult?</i></p>	<p><i>Regulation 18</i></p>	<p><i>NPPF paras 4.25 - 4.26</i></p>	<ul style="list-style-type: none"> i. The SCI sets out the bodies to be consulted and methods of consultation ii. The Consultation statement provides further details on the consultation and who was consulted

Activity	Legal requirement	Guidance reference	Evidence
<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>	<ul style="list-style-type: none"> i. The Duty to Co-operate statement includes the strategic issues identified for the borough, a summary of the extent and content of co-operation by organisation and has a record of the engagement. ii. Annual monitoring reports provide an overview of the duty to cooperate actions undertaken in the specific year iii. Eastleigh Borough Council is a long-standing member of the Partnership for Urban South Hampshire (PUSH). This partnership contributed to the South East Plan and the specific requirements for development in South Hampshire iv. The PUSH South Hampshire Strategy (October 2012) sets out spatial planning principles, for example, and the level of development in the sub region and by local authority v. The PUSH Spatial Position Statement (June 2016) updates the Strategy and establishes and distributes the objectively assessed needs for housing and economic growth across the sub region to 2034. This is the basis for the Local Plan development targets.
<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</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>	<ul style="list-style-type: none"> i. The Duty to Co-operate statement (June 2018 and update October 2018) notes that the Solent Local Enterprise Partnership (LEP) and Local Nature Partnership are treated as duty to cooperate bodies for Eastleigh Borough Local Plan. ii. EBC met with the LEP on SGO delivery issues as set out in the Duty to Cooperate statement iii. PUSH works collaboratively with the Solent LEP to deliver the economic objectives for the sub region iv. The Local Nature Partnership has advised EBC that they are unable to respond to policy documents individually but are instead

Activity	Legal requirement	Guidance reference	Evidence
<i>at least two planning areas?</i>	20(5)(c). <i>Regulation 4</i>		working on preparation of evidence and policy guidelines to inform future plans
6. <i>Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</i>	<i>The Act section13</i>	<i>NPPF paras 158 - 177</i>	<ul style="list-style-type: none"> i. Work was ongoing on the PUSH Spatial Position Statement (published June 2016) to establish and distribute the objectively assessed needs for housing and economic growth across the sub region to 2034, informed by the South Hampshire Strategic Housing Market Assessment (2014, updated 2016) ii. The Cabinet report 18 June 2015 sets out the emerging evidence of potential development needs for the Local Plan. This covers: <ul style="list-style-type: none"> • the Housing Needs Study (June 2015) produced by JG Consulting updating the South Hampshire SHMA figures for Eastleigh borough • the Eastleigh Strategic Transport Study interim report (December 2015) was published to support the Issues and Options consultation • a joint Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (June 2014) was published with Southampton City Council. Subsequent updates for EBC were published in 2015 and 2017. iii. Annual monitoring reports set out information informing the Local Plan iv. The 'Supporting Evidence base' webpage lists the draft and final studies published for the Local Plan in date order

Activity	Legal requirement	Guidance reference	Evidence
7. <i>Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</i>	<i>The Act section 19(5)</i>	<i>NPPF paras 165 and 167</i> <i>Strategic Environmental Assessment Guide, chapter 5</i>	<ul style="list-style-type: none"> i. Sustainability report scoping document was first published for consultation in June 2015 ii. A Sustainability appraisal scoping report, main report and appendices were published alongside the Issues and Options Local Plan iii. A Sustainability Appraisal report, appendices and Non-technical summary was published in June 2018
8. <i>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?</i>	<i>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</i>	<i>NPPF paras 165 and 167</i> <i>SEA Guide chapter 3</i>	Appendix B in the SA (December 2015) scoping report lists the organisations/stakeholders directly consulted on the Scoping Report including the statutory environmental bodies (Environment Agency, Natural England and Historic England); neighbouring local authorities; parish councils; Hampshire County Council; and other organisations including the Hampshire and Isle of Wight Wildlife Trust and RSPB. Appendix 1 in the main SA report (December 2015) records the scoping consultation responses

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.

Table 2: Plan preparation

Activity	Legal requirement	Guidance reference	Evidence
<p>1. <i>Have you notified:</i></p> <ul style="list-style-type: none"> • <i>the specific consultation bodies?</i> • <i>the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</i> 	<p><i>Regulation 18(1) and (2)(a) (b)</i></p>	<p><i>NPPF paras 159 – 173</i></p>	<ul style="list-style-type: none"> i. The Consultation statement provides a record of the statutory consultation at regulation 18 stage ii. This was reported to Cabinet 16 June 2016 which included appendices setting out who responded and the key issues raised iii. The specific and general consultation bodies were also invited to comment at regulation 19 stage and the Duty to Cooperate Statement records further engagement outside of the formal consultation periods
<p>2. <i>Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</i></p>	<p><i>Regulation 18(1) and (2)(c)</i></p>	<p><i>NPPF paras 159 – 173</i></p>	<ul style="list-style-type: none"> i. The Consultation statement provides a record of the statutory consultation at regulation 18 stage ii. The Council also undertook further informal public engagement informal public engagement undertaken through ‘Shaping Your Community’ iii. The appendices to the Consultation statement include the Local Plan newsletter (23.12.2015), consultee letter and consultation leaflet
<p>3. <i>Are you engaging with stakeholders responsible for delivery of the strategy?</i></p>	<p><i>Regulation 18</i></p>	<p><i>NPPF para 155</i></p>	<ul style="list-style-type: none"> i. The Consultation statement provides a record of the statutory consultation at regulation 18 stage ii. The Duty to Cooperate statement provides a record of the engagement with statutory bodies

Activity	Legal requirement	Guidance reference	Evidence
			<ul style="list-style-type: none"> iii. A developers forum was held prior to the regulation 18 stage iv. Ongoing discussions with infrastructure providers and regulators 2015-2016 was summarised in a report published December 2016 v. Detailed discussions with infrastructure providers informed the Infrastructure Delivery Plan
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	<ul style="list-style-type: none"> i. The Consultation statement provides information on how the Council addressed the key issues raised in the consultation ii. The evidence base demonstrates how the comments made informed the policies by topic
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>	<ul style="list-style-type: none"> i. The Consultation statement provides information on how the Council addressed the key issues raised in the consultation which included discussions on the alternative strategic options presented ii. The Sustainability appraisal report has assessed alternatives at different stages iii. The Council published a number of background papers for the Regulation 19 stage that included consideration of options. The Strategic Growth Option Background Paper: part 1 provides a comparative assessment of the strategic options proposed and detailed justification for the choice made
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	<ul style="list-style-type: none"> i. As set out in the Consultation Statement, consultation has followed the requirements in the SCI ii. The Council has sought to publicise and explain the Local Plan clearly in the written material produced and using a series of drop in sessions across the borough at the Regulation 19 stage iii. The focus of many of the representations and comments on the emerging Local Plan has been on the Strategic Growth Option.

Activity	Legal requirement	Guidance reference	Evidence
<p><i>community strategy?</i></p> <ul style="list-style-type: none"> <i>proportionate to the scale of issues involved in the DPD?</i> 			<p>The Council has met with opponents of the proposal and has engaged master plan consultants to produce initial information on what the proposal could look like and how it could work to better inform the local community</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <i>the individuals or bodies invited to make representations?</i> <i>how this was done?</i> <i>the main issues raised?</i> 	<p><i>The Act section 20(3)</i></p> <p><i>Regulation 17</i></p>	<p><i>NPPF paras 158 - 171</i></p>	<ul style="list-style-type: none"> i. The Consultation statement provides information on the consultation ii. The Duty to Cooperate Statement provides further information on the engagement with specified bodies.
<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-</p>	<p><i>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</i></p> <p><i>The Act section 20 (5)(c)</i></p>	<p><i>NPPF paras 178 to 181</i></p>	<ul style="list-style-type: none"> i. The Duty to Cooperate Statement includes information on the engagement with other local planning authorities and duty to cooperate bodies ii. PUSH provides an ongoing forum to discuss strategic issues across the sub region and to work together on joint evidence and strategies such as the Integrated Water Management Study and Solent Recreational Mitigation Strategy

Activity	Legal requirement	Guidance reference	Evidence
<i>boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</i>			
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	<i>The Act section 33A(1)(c) and Section 33A(9). The Act section 20(5) (c). Regulation 4</i>	<i>NPPF paras 178 to 181</i>	i. The Duty to Cooperate Statement includes information on the engagement with the Solent LEP and Local Nature Partnership
10. Are you developing a framework for monitoring the effects of the DPD?	<i>The Act section 35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</i>	<i>NPPF paras 165 - 1687 SEA Guide, Chapter 5</i>	The following documents consider monitoring: i. Local Plan – the importance of monitoring was flagged up in the Issues and Options report and a monitoring section included in the submission plan; ii. Sustainability appraisal report; and iii. The authority monitoring reports.

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.

Table 3: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Evidence
1. <i>Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</i>	<i>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</i>	<i>NPPF paras 152 - 182 SEA Guide, Chapter 5</i>	<ul style="list-style-type: none"> i. The strategic options identified in the Issues and Options paper (Options A-H) were further refined, taking into account the results of the consultation and progress of planning applications and following more detailed work ii. The Strategic Land Availability Assessment considered options for smaller site allocations. These were further refined in officer assessments and a more detailed Development Capacity Assessment. This is set out in the From SLAA to Site Allocations report iii. The Sustainability Appraisal has assessed options that have been considered throughout the plan process
2. <i>Have you assessed alternatives against:</i> <ul style="list-style-type: none"> • <i>consistency with national policy?</i> • <i>general conformity with the regional spatial strategy where still in force?</i> 	<i>The Act section 19 (2), section 24</i>	<i>NPPF para 151</i>	<ul style="list-style-type: none"> i. The SGO Background Paper addresses in detail how the SGO accords with national policy ii. In accordance with the NPPF, the Council did not rule sites identified in the SLAA out before more detailed assessment unless they had no genuine potential for residential development or were clearly not suitable in policy terms iii. Part of the assessment of the potential sites identified in the SLAA, considered consistency with the NPPF, its core planning principles and detailed guidance iv. The Plan is considered consistent with national policy as set out throughout the evidence base v. The South East Plan has been revoked.
3. <i>Are you having regard to (where</i>	<i>The Act sections 19 (2)</i>		<ul style="list-style-type: none"> i. The South East Plan has been revoked.

Activity	Statutory requirement	Guidance reference	Evidence
<p>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>and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)(c)</p>	<p>NPPF paras 181 and 185</p>	<p>i. The Duty to Cooperate Statement includes information on the engagement with other local planning authorities</p> <p>ii. In January 2017, a joint Eastleigh Borough Council and Southampton City Council Local Plan team was formed (supported by other private sector consultants). A joint local development document was not progressed as the two councils are at very different stages in the progress of their Local Plans and due to the different issues and character of the two areas</p> <p>iii. PUSH has continued to work jointly and the PUSH Spatial Position Statement (published June 2016) establishes and distributes the objectively assessed needs for housing and economic growth across the sub region to 2034. This is the basis for the Local Plan development targets. Officers from the Local Planning Authorities also meet regularly to discuss issues facing the sub region, opportunities for joint evidence and strategies</p>

Activity	Statutory requirement	Guidance reference	Evidence
5. <i>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?</i>	<i>The Act section 33A(2)(a), section 33A(6)(a)</i> <i>The Act section 20 (5) (c)</i> <i>Regulation 4</i>	<i>NPPF paras 181 and 182</i>	i. The Duty to Cooperate Statement includes information on the engagement with other local planning authorities ii. PUSH has continued to work jointly and the PUSH Spatial Position Statement (published June 2016) establishes and distributes the objectively assessed needs for housing and economic growth across the sub region to 2034. This is the basis for the Local Plan development targets.
6. <i>Are you cooperating with having regard to the activities of the LEP and LNP?</i>	<i>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</i>	<i>NPPF para 181 and 182</i>	i. The Duty to Cooperate Statement includes information on the engagement with the LEP and LNP
7. <i>Are you having regard to:</i> <ul style="list-style-type: none"> • <i>your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</i> • <i>any other local development</i> 	<i>The Act section 19(2)</i>		i. Eastleigh Borough Corporate Plan 2015-2025 was approved by Cabinet on 8 October 2015; ii. Appendix B in the Local Plan sets out how it fits with other plans and strategies including the Minerals and Waste Plan and Local Transport Plan. No inconsistencies have been identified with these plans

Activity	Statutory requirement	Guidance reference	Evidence
<i>documents adopted by the council?</i>			
<p>8. <i>Do you have regard to other matters and relevant strategies relating to:</i></p> <ul style="list-style-type: none"> • <i>resources</i> • <i>the local/regional economy</i> • <i>the local transport plan and transport facilities and services</i> • <i>waste strategies</i> • <i>hazardous substances</i> 	<p><i>The Act section19(2)</i></p> <p><i>Regulation 10</i></p>		<ul style="list-style-type: none"> i. The Local Plan document itself and evidence base has regard to these issues and reflects the agreed approach as set out in the Corporate Plan; ii. The Infrastructure Delivery Plan provides information on the requirement for, and delivery of, infrastructure. Other reports include employment reviews and Transport Assessments; iii. Transport modelling has assessed the impact of the Council's proposals and the effectiveness of the proposed transport and junctions improvements iv. The Duty to Cooperate report addresses strategic issues.
<p>9. <i>Are you having regard to the need to include policies on mitigating and adapting to climate change?</i></p>	<p><i>The Act section19(1A)</i></p>	<p><i>NPPF paras 93 - 108</i></p>	<ul style="list-style-type: none"> i. Policies in the Local Plan seeks to address issues such as flooding, and delivering environmentally sustainable development which minimises water and energy use and adapts to the impacts of climate change ii. The Sustainability Appraisal objectives include minimising Eastleigh Borough's contribution to climate change and planning for the anticipated levels of climate change
<p>10. <i>Have you undertaken the</i></p>	<p><i>The Act section19(5)</i></p>	<p><i>NPPF para 182</i></p>	<ul style="list-style-type: none"> i. The Sustainability Appraisal reports have assessed alternatives throughout the production of the plan and have been subject to

Activity	Statutory requirement	Guidance reference	Evidence
<i>sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</i>	<i>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</i>	<i>SEA Guide, Chapter 5</i>	consultation
11. <i>Are you setting out reasons for any preferences between alternatives?</i>	<i>Regulation 8(2)</i>	<i>NPPF para 182</i>	<ul style="list-style-type: none"> i. The Sustainability Appraisal reports sets out reasons for the preferred approach ii. The Strategic Growth Option Background Paper provides a comparative assessment of the alternative options to accommodate strategic growth in the borough iii. The evidence base sets out the justification for the approach in the Local Plan
12. <i>Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</i>	<i>Regulations 17, 18(3) and 22 (1) (c) (iv)</i> <i>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</i>	<i>NPPF paras 150, 155, 157 and 159-171</i>	<ul style="list-style-type: none"> i. The Consultation statement identifies key issues from the consultations and how these were addressed in the submission Local Plan ii. The Sustainability Appraisal provides information on how the responses received have been taken into account in the SA report iii. The Duty to Cooperate Statement provides further information on the engagement with specified bodies

Activity	Statutory requirement	Guidance reference	Evidence
<p>13. <i>Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</i></p> <ul style="list-style-type: none"> • <i>enable you to amend the currently adopted policies map?</i> • <i>inform the community about the location of proposals?</i> 	<p><i>Regulations 5 (1)(b) and 9</i></p>	<p><i>NPPF para 157</i></p>	<ul style="list-style-type: none"> i. The Council is preparing a new policies map to show the spatial extent of the Local Plan policies, a draft map was published for consultation alongside the Regulation 19 stage Local Plan ii. The Local Plan includes maps to show the extent of site allocations and illustrate the borough wide approach to topics such as countryside gaps
<p>14. <i>Are the participation arrangements compliant with the SCI?</i></p>	<p><i>The Act, section 19(3)</i></p> <p><i>Regulation 18</i></p>	<p><i>NPPF paras 150 and 155</i></p>	<ul style="list-style-type: none"> i. As set out in the Consultation Statement, consultation has followed the requirements in the SCI

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'.

Table 4: Publication

Activity	Statutory requirement	Guidance reference	Evidence
1. <i>Have you prepared the sustainability appraisal report?</i>	<i>The Act section 19(5)</i> <i>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</i>	<i>NPPF paras 165 - 168</i> <i>SEA Guide Chapter 5</i>	Sustainability appraisal report was prepared and published for consultation at Reg. 19 stage
2. <i>Have you made clear where and within what period representations must be made?</i>	<i>Regulation 17, 19, 20 and 35</i>		<ul style="list-style-type: none"> i. The Local Plan was published for 6 weeks consultation and was publicised as set out in the consultation statement including information on the website, a mailing to residents and an article in the Council's Borough News newsletter ii. A series of drop in sessions were organised across the borough to answer questions about the Local Plan and to advise people how to respond to the consultation.
3. <i>Have you made copies of the following available for inspection:</i> <ul style="list-style-type: none"> • <i>the proposed submission documents?</i> • <i>the statement of</i> 	<i>Regulation 19(a)</i>		<ul style="list-style-type: none"> i. Paper copies of the relevant documents were available in the Council's offices, town and parish council offices and public libraries; ii. Paper copies of the key documents were available to view at the Local Plan drop in sessions; iii. Electronic versions were available online.

Activity	Statutory requirement	Guidance reference	Evidence
<i>the representations procedure?</i>			
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • <i>the proposed submission documents?</i> • <i>the statement of the representations procedure?</i> • <i>statement and details of where and when documents can be inspected?</i> 	<i>Regulations 19 and 35</i>		The Council published on the Emerging Local Plan 2016-2036 website the proposed submission documents, its evidence base and the Statement of Representation Procedure and availability of documents.
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • <i>A copy of each of the proposed submission documents</i> • <i>The statement of</i> 	<i>Regulation 19(b)</i>		The correspondence sent out to specific consultation bodies advised them where they could view documents and access electronic copies of these documents and how to respond to the consultation.

Activity	Statutory requirement	Guidance reference	Evidence
<i>the representations procedure?</i>			
<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? 	<p>Regulation 19(b)</p>		<p>The correspondence sent out to general consultation bodies advised them where they could view documents and access electronic copies of these documents and how to respond to the consultation.</p> <p>As the consultation took place shortly after the General Data Protection Regulation changes, EBC contacted individual people on the database prior to this change to publicise the forthcoming consultation and advise people to provide their consent to remain on the mailing list</p>
<p>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?</p>	<p>The Act section 24</p> <p>Regulation 21</p>		<p>Not applicable</p>

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.

Table 5: Submission

Activity	Legal requirement	Guidance reference	Evidence
1. <i>Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met?</i>	<i>The Act section 19(1)</i>		<ul style="list-style-type: none"> i. The latest LDS was published in December 2017 ii. The submission of the Local Plan in October 2018 is in accordance with the LDS and the scope of the document has remained the same.
2. <i>Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?</i>	<i>The Act section 19(2)</i>	<i>NPPF para 182</i>	<ul style="list-style-type: none"> i. There is no sustainable community strategy for the area. ii. The Local Plan has had regard to the Corporate Plan
3. <i>Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?</i>	<i>The Act section 19(3)</i> <i>Regulation 22(1)(c)</i>		<ul style="list-style-type: none"> i. As recorded in the Consultation Statement, the Local Plan has been prepared, and consultation carried out, in accordance with the SCI and consultation carried out.
4. <i>Have you identified and addressed any issues which are</i>	<i>The Act section 33A(1) and section</i>	<i>NPPF paras 181 and 182</i>	<ul style="list-style-type: none"> i. The Duty to Cooperate Statement identifies strategic issues including the homes and jobs needed in the area, provision of infrastructure and climate change among other issues

Activity	Legal requirement	Guidance reference	Evidence
<p><i>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</i></p> <p><i>If you have not agreed on the approach is there a justification?</i></p>	<p>20(5)</p>		
<p>5. <i>Has the DPD been subject to sustainability appraisal?</i></p> <p><i>Has the council provided a final report of the findings of the appraisal?</i></p>	<p><i>The Act section 19(5)</i></p> <p><i>Regulation 22(1)(a)</i></p>	<p><i>NPPF para 165</i></p> <p><i>SEA Practical Guide, chapter 5</i></p>	<p>i. The Sustainability appraisal reports were published throughout the Local Plan process and are available online</p>

Activity	Legal requirement	Guidance reference	Evidence
6. <i>Is the DPD to be submitted consistent with national policy?</i>	<i>The Act section 19(2) and Schedule 8</i>	<i>NPPF para 151</i>	<ul style="list-style-type: none"> i. Under transitional arrangements as set out in Annex 1 to the NPPF (2018), the Local Plan will be examined using the policies in the NPPF (2012). ii. The PAS Soundness checklist (October 2018) sets out how the Local Plan is consistent with national policy including the NPPF (2012).
<p>7. <i>Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification?</i></p> <p><i>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?</i></p>	<p><i>The Act section 24(1)(a) and 24(4)</i></p> <p><i>Regulation 21</i></p>	<i>NPPF para 218 footnote 41</i>	<ul style="list-style-type: none"> i. The South East Plan was revoked before the preparation of the Local Plan commenced.

Activity	Legal requirement	Guidance reference	Evidence
<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>	<ul style="list-style-type: none"> i. The Consultation Statement sets out where documents were available to view during the Regulation 19 consultation. The submission documents and the evidence base are published online and the prescribed documents will be available in Eastleigh House, town and parish council offices and public libraries within the borough as soon as practicably possible following submission ii. All consultation bodies on the consultation database will be notified of the submission of the plan iii. Appendix A sets out the policies to be replaced by the plan
<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>Regulations 5(1) (b), 9 (1), 17 & 22(1)</p>		<ul style="list-style-type: none"> i. The draft Policies Map was prepared for Reg. 19 stage and will be updated to reflect any subsequent changes on adoption

Activity	Legal requirement	Guidance reference	Evidence
<i>If yes, have you prepared a submission policies map?</i>			
<p>10. <i>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?</i></p>	<p><i>Regulation 8(3) and (4)</i></p> <p><i>Regulation 8(5)</i></p>		<p>i. Appendix B in the Local Plan sets out how it fits with other plans and strategies including the Minerals and Waste Plan and Local Transport Plan prepared by Hampshire County Council</p> <p>ii. On adoption, the Eastleigh Borough Local Plan will replace the Local Plan Review (2001-2011)</p>
<p>11. <i>Have you prepared a statement setting out:</i></p> <ul style="list-style-type: none"> • <i>Which bodies and persons were invited to make representations under Regulation 18?</i> • <i>How they were</i> 	<p><i>The Act section 20 (3)</i></p> <p><i>Regulation 22(1)(c)</i></p>		<p>i. The Consultation statement sets out information on the Reg. 18 consultation, responses and main issues raised.</p>

Activity	Legal requirement	Guidance reference	Evidence
<p><i>invited?</i></p> <ul style="list-style-type: none"> • <i>A summary of the main issues raised?</i> • <i>How the representations have been taken into account?</i> 			
<p>12. <i>Have you prepared a statement giving:</i></p> <ul style="list-style-type: none"> • <i>the number of representations made under Regulation 22?</i> • <i>a summary of the main issues raised?</i> <p>OR</p> <ul style="list-style-type: none"> • <i>that no representations were made?</i> 	<p><i>The Act section 20(3)</i></p> <p><i>Regulation 22(1)(c)</i></p>		<p>i. The Consultation statement sets out information on the consultation, responses and main issues raised</p>
<p>13. <i>Have you collected together all the representations made under Regulation 28?</i></p>	<p><i>The Act section 20(3)</i></p> <p><i>Regulation 22(1)(e)</i></p>		<p>i. The Council used a consultation portal to make it easier to submit and process representations.</p> <p>ii. Representations made during Regulation 19 can viewed online at https://eastleighboroughcouncil.citizenspace.com/planning/local-plan-2016-2036/consultation/published_select_respondent</p> <p>iii. The revised Consultation Statement provides an overview of the results of the Regulation 19 consultation and the key issues</p>

Activity	Legal requirement	Guidance reference	Evidence
			raised.
14. Have you assembled the relevant supporting documents?	<i>The Act section 20(3)</i> <i>Regulation 22(1)(g)</i>		i. The Core Document lists includes the submission documents and supporting evidence base relevant to the Local Plan
15. Has your council approved the DPD for submission?			i. In June 2018, the Chief Executive approved the Regulation 19 Consultation under delegated authority. The submission of the Local Plan was approved by Cabinet and Full Council on 18 th October 2018
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? 	<i>The Act section 20(1) and 20(3)</i> <i>Regulations 22(1) and 22(2)</i>		<ul style="list-style-type: none"> i. Paper copies were provided of the Local Plan document and Policy Maps on submission; ii. Further paper copies of documents will be provided as agreed with the Inspector; iii. Electronic versions of evidence base were sent to PINS (on a memory stick) and published online.

Activity	Legal requirement	Guidance reference	Evidence
<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>		<ul style="list-style-type: none"> i. On submission, electronic copies of the submission documents and supporting evidence base were available on the Eastleigh Borough Council website ii. Copies of the submission documents will be made available at the same locations as the proposed submission documents
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? 	<p>Regulation 22(3) and 35(1)(b)</p>		<ul style="list-style-type: none"> i. These documents were published online on submission

Activity	Legal requirement	Guidance reference	Evidence
<ul style="list-style-type: none"> • <i>representations made under Regulation 20 (where practicable) ?</i> • <i>statement as to where and when the DPD and the documents are available?</i> 			
<p>19. <i>For each general consultation body invited to make representations under Regulation 18(1), have you sent:</i></p> <ul style="list-style-type: none"> • <i>notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</i> • <i>where and when they can be inspected?</i> 	<p><i>Regulation 22(3)(b)</i></p>		<p>i. The Council will inform the consultation bodies that the Council has submitted the Local Plan and provide information on the availability of documents and where to find information about the examination.</p>
<p>20. <i>Have you given notice to persons</i></p>	<p><i>Regulation</i></p>		<p>i. The Council will inform the consultation bodies that the Council has submitted the Local Plan and provide information on the</p>

Activity	Legal requirement	Guidance reference	Evidence
<i>who have requested to be notified that submission has taken place?</i>	22(3)(c)		availability of documents and where to find information about the examination.
<p>21. <i>If an examination is being held, at least six weeks before its opening has the Programme Officer:</i></p> <ul style="list-style-type: none"> • <i>published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</i> • <i>notified those who have made representations on the published DPD which have not been withdrawn of these details?</i> 	<p><i>The Act section 20</i></p> <p><i>Regulations 24 and 35</i></p>		<p>i. A Programme Officer has been appointed and will provide this information in accordance with the Regulations.</p>

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