

TOOLKIT PART 3: LOCAL PLAN PROCESS REQUIREMENTS CHECKLIST

Why you should use this part of the toolkit

The aim of this part of the toolkit is to assist you in ensuring that the relevant process requirements of specific legislation and policy have been met to enable you to proceed towards adoption of a local plan policies update.

The part of the Toolkit deals only with the process requirements for plan preparation set out in legislation and the NPPF associated with reviewing policies and updating local plan policies. Toolkit Part 1 provides more detail on carrying out a local plan policy review assessment. Toolkit Part 2 highlights the content that should be included in the local plan policies update as prescribed in the NPPF. Soundness and quality issues are dealt with in Toolkit Part 4.

How to use this part of the toolkit

The table below sets out key plan making process questions that you must consider when undertaking the stages of reviewing policies and updating your local plan policies. The rows marked:

- 'L' set out legal requirements included in legislation relevant for that stage of plan making; and
- 'PM' highlight project management reminders arising from these requirements.

For each requirement the table also highlights, where relevant, the supporting documents in which this information is typically recorded.

For each of the requirements listed indicate whether you have met the requirement with a *Yes* or *No*. You should ensure you can answer each question relevant to that plan stage with a 'Yes' before moving to the next stage of updating your plan. You can use the 'comments' section in the table to confirm the title and date of relevant documents and include hyperlinks to where they are published on your website (or file paths for documents not yet published).

The following abbreviations in the table are used:

P&CA - [Planning and Compulsory Purchase Act 2004 \(as amended\)](#)

T&CP - [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)

The table does not make any reference to specific national planning policy guidance, case law or Ministerial Statements on the basis that this is not static and the degree to which it is relevant will vary depending upon particular circumstances. There is case law relevant to most plan making authorities; for example at the time of publication, when undertaking a screening assessment for a Habitats Regulation Assessment, of particular relevance is the '[People Over Wind judgement](#)' (Court of Justice of the European Union, 12 April 2018), the '[Dutch Nitrogen](#)' case (Court of Justice of the European Union, 7 November 2018) and other recent relevant Court of Justice judgements. Therefore, when developing your local plan update, you need to work with your legal team to ensure that you are familiar with relevant case law and Ministerial Statements and take account of these as and when appropriate.

You should also be aware that any reference to specific legislation includes any amendments to those instruments that are in force at the time of publication. Legislation relevant to England, including amendment regulations, can be accessed online at www.legislation.gov.uk. It is important that you check for any future amendments that may be brought into force following publication of this toolkit.

How to use the results of this part of the toolkit

You can use the results of this tool throughout the plan making process to ensure that requirements are met. There is no requirement to publish or submit this table to the Planning Inspectorate as part of the independent examination, but you may find it (or some elements) helpful to include with your supporting documents or to help you answer any questions from the Planning Inspector related to plan process.

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		Stage A: Navigating the process of reviewing Local Plan policies				
1.	L	Have you consistently kept under review the matters which are likely to affect the development of your area and the planning of its development?	P&CPA Section 13 T&CP Regulation 34	N/A	<ul style="list-style-type: none"> ● Authority Monitoring Report ● Baseline technical data 	An AMR is published annually to monitor implementation of City Plan One Policies and provided up to date information on matters such as housing delivery
2.	L	Have you prepared to undertake a review of your local plan policies and complete the review within 5 years of the date of adoption of the current local plan? (also see guidance within Part 1 of the Route Mapper and the 'Local Plan Review Assessment' within Part 1 of the Toolkit)	T&CP Regulation 10A NPPF para 33	N/A	<ul style="list-style-type: none"> ● Local Development Scheme 	A review of City Plan Part One policies has been undertaken in accordance with the 5-year deadline since adoption – a report was approved at TECC Committee in March 2021. City Plan Part Two policies do not constitute a review of existing policies in the development plan.
3.	L	Have you prepared to review your Statement of Community Involvement and complete the review within 5 years of the date of adoption of the current Statement of Community Involvement?	P&CPA Section 18 and 19(3) T&CP Regulation 10A	N/A	<ul style="list-style-type: none"> ● Local Development Scheme ● Statement of Community Involvement 	In light of the Covid-19 pandemic a temporary addendum to the SCI has been published in September 2020. This is published on the council website - https://www.brighton-hove.gov.uk/content/planning/planning-policy/statement-community-involvement A full review will be undertaken once the long-term effects of Covid-19 on the ability to undertake consultations is clearer.

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
4.	PM	Have you checked your scheme of delegation and engaged with the relevant person(s) who will make decisions on the outcome of any review(s) of the Local Plan policies and the Statement of Community Involvement?	The Council's scheme of delegation	N/A	<ul style="list-style-type: none"> ● The Council's scheme of delegation 	The decisions taken during the preparation of CPP2 have been taken in accordance with the council's constitution - https://www.brighton-hove.gov.uk/content/council-and-democracy/councillors-and-committees/constitution-brighton-hove-city-council
5.	L	Have you prepared a report for the relevant person(s) deciding on the review of the local plan policies that takes into account the matters that are likely to affect the development of your area and the planning of its development to enable them to make a decision on whether: <ol style="list-style-type: none"> 1. the policies do not need updating (publishing the reasons for this decision); and / or 2. that one or more strategic policies do need updating (moving to Stage B to update your Local Development Scheme to set out the timetable for this revision)? 	T&CP Regulation 10A NPPF para 33	N/A	<ul style="list-style-type: none"> ● Published report and decision ● 5 year plan review assessment (See Part 1 of this toolkit) ● Baseline technical data 	Not applicable to City Plan Part Two as this is not a review of an adopted local plan.

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		Stage B: Scoping and preparing for your policies update				
6.	L	Where an update of the Statement of Community Involvement is required have you prepared, consulted and adopted a revised Statement in accordance with the procedures set out in Part 2 of the P&CPA? Have you ensured that the Statement is up to date and reflects who the relevant consultation bodies are - for all stages of the plan making process - and what actions will be undertaken to involve the community in any updates to the local plan policies?	P&CPA Part 2 T&CP Regulation 18 NPPF Para 16		<ul style="list-style-type: none"> ● Statement of Community Involvement 	See response to Q.3 above
7.	PM	Have you prepared a report for the relevant person(s) who will make a decision on the outcome of the review of the Statement of Community Involvement including where relevant details and justification of proposed changes? This should also consider the any practicalities of making documents available for inspection at the submission stage.	P&CPA Section 18 T&CP Regulation 10A	n/a	<ul style="list-style-type: none"> ● Published report and decision ● Statement of Community Involvement 	See answer to Q. 3 above.

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
8.	PM	Have you identified the proposed scope of the update of the local plan by setting out the principal policy areas that will be considered?		N/A	<ul style="list-style-type: none"> ● Published report and decision on review of local plan policies ● Baseline technical data 	Not applicable – CPP2 is not a review of an adopted Local Plan. However a scoping stage of consultation was undertaken for the CPP2 in 2016 and this was set out in the 16 June TECC Committee Report: https://present.brighton-hove.gov.uk/Published/C00000705/M00006164/\$ADocPackPublic.pdf
9.	PM	Have you drafted a project plan to manage and timetable the development and update of the local plan policies?		<u>Y</u>	<ul style="list-style-type: none"> ● Local Development Scheme ● Authority Monitoring Report 	The CPP2 has been prepared in line with the timetable set out in the Local Development Scheme. The LDS has been kept up to date with the most recent revision published in November 2020 to reflect delays caused by Covid-19 ¹ . Progress against the milestones set out in the LDS has been monitored in the AMR. Detailed CPP2 Project Plan has been prepared and regularly reviewed to manage the timetable.
10.	L	Have you prepared a new Local Development Scheme which identifies the local plan policies update document(s) and the Sustainability Appraisal and timescales for their production?	P&CPA Section 15(2) and Section 19(1)	<u>Y</u>	<ul style="list-style-type: none"> ● Local Development Scheme ● Authority Monitoring Report 	See answer to Q. 9 above

¹ www.brighton-hove.gov.uk/brighton-hove-local-development-scheme-2020-2023

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
11.	L	Does your Statement of Community Involvement and project plan identify the legally prescribed bodies you will engage with under the duty to cooperate? This should also include each Local Enterprise Partnership and each Local Nature Partnership in the area.	P&CPA Section 20 and Section 33A T&CP Regulation 4		<ul style="list-style-type: none"> ● Statement of Community Involvement ● Duty to Cooperate Statement(s) of Common Ground 	The SCI identifies on page 11 those bodies which need to be engaged with through the Duty to Cooperate. The SCI doesn't specifically mention LEPs and LNPs but these organisations have been consulted as set out in the published Consultation Statements.
12.	L	Have you identified the "strategic matters" that will be included in the updated local plan policies and which have / would have a significant impact on your area and at least one other planning area and on which you are required to engage constructively, actively and on an ongoing basis?	P&CPA Section 20 and Section 33A	<u>Y</u>	<ul style="list-style-type: none"> ● Published report and decision on review of local plan policies ● 5 year plan review assessment (See Part 1 of this toolkit) ● Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements 	City Plan Part One sets out the strategic policy framework to guide the new development required across the city to 2030. The role of the City Plan Part 2 is to support and enable the implementation and delivery of CPP1. Details on engagement on strategic matters (housing and employment, gypsy and traveller accommodation and Habitat Regulations Assessment and Ashdown Forest) are set out in the Duty to Cooperate Statement.
13.	L	In addition to the legally prescribed bodies does your Statement of Community Involvement and project plan identify any additional bodies / person(s) who you will engage with on strategic cross-boundary matters and who will be party to your Statement(s) of common ground?	NPPF para 27 and para 35	<u>Y</u>	<ul style="list-style-type: none"> ● Statement of Community Involvement ● Duty to Cooperate Statement(s) of Common Ground / 	Yes, the SCI sets out additional bodies relevant to the Duty to Cooperate on page 11. Statements of Common Ground have been agreed where appropriate within individual neighbouring authorities

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					Duty to Cooperate Statements	and are included in the Duty to Cooperate Statement. An updated Statement of Common Ground is under preparation and awaiting agreement with constituent authorities and will be available post submission. SOCGs have not been required with all prescribed bodies as the main strategic issues of the City Plan were considered through the production of CPP1.
14.	PM	Have you designed a template to record the progress made with the above bodies / person(s). This should document where effective co-operation is and is not happening throughout the plan making process, and the outcomes from engagement. This will also be required as evidence to demonstrate that you have met the Duty to Cooperate.	P&CPA Section 20 and Section 33A NPPF para 27 and para 35		<ul style="list-style-type: none"> ● Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements ● Template documents 	The Duty to Cooperate Paper (May 2021) outlines the collaborative working that has taken place throughout the production of the Plan. Annual progress on collaboration is reported in the Authority Monitoring Report.
15.	PM	In line with your Local Development Scheme and project plan have you timetabled relevant meetings / briefings with the authorities senior management team and elected Members (including any relevant Cabinet / Committee) to ensure that there is support for the development of the local plan policies update and that any necessary permissions for publication are obtained?		<u>Y</u>	<ul style="list-style-type: none"> ● Any relevant local authority reports and decisions 	The City Plan Part Two content has been considered and approved by elected member at the- scoping stage (June 2016 TECC Committee) Regulation 18 (June 2018 TD&C Committee)- and 19 (full Council April 2020) stages of production. Regular consultation, meetings and briefings with the Cross Party

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
						Working Group, key councillors and senior officers have occurred on an ongoing basis.
16.	L	Have you prepared a Scoping Report for the development of your Sustainability Appraisal to inform the update of your plan policies? Have you included a proposed framework for testing local plan policies update options and alternatives using the baseline information and an identified set of sustainability objectives? Have you incorporated the requirements of the Strategic Environmental Assessment?	P&CPA Section 19 and Section 39 The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) The European Directive 2001/42/EC NPPF Para 32		<ul style="list-style-type: none"> ● Local Development Scheme ● Sustainability Appraisal Scoping document ● Sustainability Appraisal report 	A Scoping Report for the CPP2 Sustainability Appraisal was published in June 2016. The proposed framework for testing City Plan polices is set out in Table 30 of this document. Key sustainability objectives are also set out under each relevant topic. The requirements of the Strategic Environmental Assessment have been incorporated in the Scoping Report as identified in Table 1.
17.	L	Have you consulted the statutory environment consultation bodies, and other interested parties, on the scope and level of detail of the environmental information to be included in the Sustainability Appraisal report?	The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended)		<ul style="list-style-type: none"> ● Statement of Community Involvement ● Sustainability Appraisal report scoping document ● Sustainability Appraisal report ● Copies of the consultation letters 	Yes, the 2016 Scoping Report was published for consultation. Full details of the consultation activities undertaken and bodies notified are set out in the Consultation Statement which was published following the conclusion of the consultation.

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
					sent to, and any responses from, the bodies	
		Stage C: Developing the update to your local plan policies				
18.	L	Have you collected in a presentable format the relevant baseline information that will inform and evidence an update to your plan? This may include evidence commissioned by third parties.	P&CPA Section 13 and Section 20		<ul style="list-style-type: none"> ● Baseline technical data ● Commissioned reports and studies ● Authority Monitoring Report 	<p>Numerous studies and reports that informed the Plan's content have been published on the Council's website.</p> <p>Baseline data is presented with regards to each topic section within the Sustainability Appraisal Scoping Report. This data was been updated as far as possible at the Reg. 19 stage to ensure any new issues can be identified. A summary of the updated baseline data can be found in Appendix B of the SA</p> <p>Relevant baseline information, guidance and studies are also referenced within the Plan as appropriate.</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
19.	L	<p>Have you undertaken early engagement with stakeholders to help develop spatial options, particularly on strategic cross-boundary matters?</p> <p>Have you ensured that you are keeping a continual log of engagement for your Duty to Cooperate Statement of Common Ground?</p>	<p>P&CPA Section 20 and Section 33A</p> <p>NPPF para 27 and para 35</p>		<ul style="list-style-type: none"> ● Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements 	<p>Early engagement took the form of two Reg 18 consultations – a scoping (issues and options) stage (2016) and then a full Draft Plan (2018) with proposed policies. As set out in the answer to Q.12 above, the majority of strategic cross-boundary issues were addressed in City Plan Part One.</p> <p>Details of ongoing engagement, including specific meetings of the West Sussex and Greater Brighton Strategic Planning Board, is set out in the DtC Statement</p>
20.	L	<p>Have you drafted policies / policy options and alternatives based on evidence and engagement? Do the options serve a clear purpose, have they been prepared positively and written in a clear manner and unambiguous?</p>	<p>NPPF para 15 to 34</p>		<ul style="list-style-type: none"> ● First draft plan ● Sustainability Appraisal report ● Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements 	<p>Different options for policy approaches were presented in the Scoping Document which was subject to public consultation in 2016. A comprehensive Sustainability Appraisal of the policies and alternative policy approaches has been published. Policies have been drafted to be positively prepared and clearly presented with the avoidance of negative language</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
21.	L	Have you taken account of the NPPF requirements for plan content and the Government's planning policy for traveller sites? At the time of publication this was included in the August 2015 DCLG Planning Policy for traveller sites. This policy must be taken into account in the preparation of development plans.	NPPF Planning policy for traveller sites, DCLG August 2015		<ul style="list-style-type: none"> ● Evidence based documents ● First draft plan ● Consultation statement ● Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements 	Yes, a site search process was undertaken jointly with the South Downs National Park Authority which was unable to identify any suitable and available sites. This process is set out in a Statement of Common Ground. A Duty to Cooperate process with neighbouring authorities was then undertaken and a Statement of Common Ground agreed. The GTAA has subsequently been updated, partly to take account of the revised national planning policy in this area.
22.	L	Have you considered plan production processes set out within the NPPF, including: <ul style="list-style-type: none"> ● Plan making provisions set out in section 3 – para 15-37 ● Considering transport issues at the earliest stages of plan production – para 102 ● Aligning strategies and investments – para 104 ● Considering changes in the demand for land – para 120 ● Discussing the strategic location of housing growth and any proposed changes to Green Belt boundaries with neighbouring authorities – para 137 	NPPF		<ul style="list-style-type: none"> ● Evidence based documents ● First draft plan ● Consultation statement ● Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements 	<p>Paragraphs 15-37: The plan making provisions of the NPPF paragraphs have been considered from the outset. Various supporting documents demonstrate this, including: the draft and revised draft plans and their sustainability appraisals, the Consultation Statement (January 2020) and the Duty to Cooperate Compliance Statement (January 2020).</p> <p>paragraphs 102 and 104: A Strategic Transport Assessment was produced to support the adopted</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		<ul style="list-style-type: none"> • Applying a sequential, risk-based approach to the location of development to avoid flood risk to people and property – para 157 • Allocating land with the least environmental value – para 171 				<p>City Plan Part One. No significant changes to the overall quantum of development are proposed in Part 2 of the Plan. Additional traffic modelling has been undertaken to reflect the impact of additional traffic associated with the extra housing proposed in CPP2 above the minimum target of 13,200 set out in CPP1.</p> <p>Sustainable transport issues have been considered from the outset, with specific consultation questions including in the 2016 Scoping Paper. A number of policies supporting this issue are included in the Plan. Strategic level transport issues are considered in policy CP9 of CPP1.</p> <p>Paragraph 120 - Housing land availability assessments have been published annually throughout the Plan's production, which informed decisions on site allocations.</p> <p>Paragraph 137 – There is no Green Belt within Brighton & Hove, and no strategic scale expansion of the urban area is proposed.</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
						<p>Paragraph 157 – A sequential, risk-based approach to the location of development to avoid flood risk to people and property underpinned the strategy for accommodating growth in the city in the adopted City Plan Part 1. In Brighton and Hove, not all development can be allocated outside of flood risk areas as shown by the Sequential Test prepared for the adopted City Plan Part 1. Following updated evidence on flood risk through the 2018 updated Level 1 and 2 SFRA a reconsideration of the Sequential and Exception Test was undertaken as part of the preparation of the City Plan Part 2 to inform site allocations and this is set out in the Updated Sequential and Exception Test topic paper.</p> <p>Paragraph 171 – the vast majority of allocate sites are on brownfield land. Greenfield allocations on the urban fringe were informed by comprehensive assessments of relevant environmental issues – - Urban Fringe Assessment (2014)</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
						- Further Urban Fringe Assessment (2015) of potential sites (landscape and ecology)
23.	L	Have you developed a clear and robust framework that will allow you to consistently monitor the implementation and impact of the policies in the plan and to enable a review to be triggered where necessary?	P&CPA Section 13 and Section 35 T&CPA Regulation 34 The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) NPPF Para 31, 33, 75, 120		<ul style="list-style-type: none"> ● Sustainability Appraisal ● Authority Monitoring Report ● Reports or documents setting out the appraisal and monitoring framework 	City Plan Part One contains an implementation and monitoring framework, and additional appropriate monitoring indicators for Part Two polices have been drawn up where appropriate. Annual monitoring of indicators is reported in the AMR.
24.	L	Have you undertaken a Habitats Regulations Screening Assessment to determine whether the update to the local plan is likely to have a significant effect on a European site or a European offshore site (either alone or in combination with other plans or projects)?	The Conservation of Habitats and Species Regulations 2017 (as amended) The European Directive 92/43/EEC		<ul style="list-style-type: none"> ● Habitats Regulations Assessment screening report ● Habitats Regulations Assessment 	Yes. An updated Habitats Regulations screening was undertaken to analyse the likelihood of City Plan Part 2 policies and site allocations adversely affecting European sites in combination with planned growth in other areas, and to re-consider the general impacts on European

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
						<p>sites related to CPP1 where appropriate. This screening discounted the likelihood of significant effects on all European Sites with the exception of potential air quality effects on Ashdown Forest SAC in combination with other plans and projects.</p> <p>in response, an Appropriate Assessment of air quality impacts on Ashdown Forest was undertaken. The detailed assessment concluded that projected growth in Brighton & Hove over the period to 2033 (including the planned development identified in the adopted City Plan Part 1 and emerging City Plan Part 2) would not result in adverse effects that would affect the integrity of the Ashdown Forest SAC/SPA, either alone or in combination with growth from other areas.</p> <p>The nature of changes to the Proposed Submission CPP2 did not require the HRA to be updated at this stage.</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
25.	L	Have you consulted the relevant “nature conservation body” on your Habitats Regulations Screening Assessment and had regard to their representations? Have you also consulted, if considered appropriate, other relevant organisations?	The Conservation of Habitats and Species Regulations 2017 (as amended) The European Directive 92/43/EEC		<ul style="list-style-type: none"> ● Habitats Regulations Assessment screening report ● Habitats Regulations Assessment ● Statement of Community Involvement ● Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements 	<p>Yes, Natural England (NE) were consulted on the Habitats Regulations Assessment Screening and Appropriate Assessment. NE's advice was that the proposed local plan will not have significant adverse impacts on the following designated sites:</p> <ul style="list-style-type: none"> ● Ashdown Forest Special area of conservation (SAC) & Special protection area (SPA) ● Castle Hill SAC ● Lewes Downs SAC ● Arun Valley SAC, SPA & Ramsar ● Pevensey Levels SAC & Ramsar <p>Both the HRA Screening and Appropriate Assessment formed part of the consultation documents that were available during periods of public consultation.</p>

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26.	L	<p>Did the Habitats Regulations Assessment screening assessment determine that the plan is likely to have a significant effect on a European site or a European offshore site?</p> <p>If so you <u>must</u> undertake an appropriate assessment of the implications of the plan (as part of your Habitats Regulatory Assessment (HRA)) for the Plan's policies and site(s) within the context of the European site's conservation objectives.</p>	<p>The Conservation of Habitats and Species Regulations 2017 (as amended)</p> <p>The European Directive 92/43/EEC</p>		<ul style="list-style-type: none"> ● Habitats Regulations Assessment screening report ● Habitats Regulations Assessment ● Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements 	<p>The Habitats Regulations Assessment screening could not discount the likelihood of significant adverse effects on the Ashdown Forest SAC/SPA, therefore an Appropriate Assessment of air quality impacts on Ashdown Forest was undertaken. This concluded that the Plan would not result in adverse effects that would affect the integrity of the Ashdown Forest SAC/SPA, either alone or in combination with growth from other areas. Significant effects on other European sites were discounted at screening stage. See response to Q24.</p>
27.		<p>Have you carried out an Equalities Impact Assessment?</p>	<p>Equality Act 2010</p>		<ul style="list-style-type: none"> ● Equalities Impact Assessment 	<p>Yes, an Equalities Impact Assessment has been produced and published on the Council's website. It ensures policies are coordinated to address equalities, health and wellbeing outcomes throughout the city. Changes to the policies in the Proposed Submission CPP2 have been reassessed against the health and equalities objectives published</p>

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						in 2020 alongside the Proposed Submission City Plan Part 2.
28.		Have you considered combining the Sustainability Appraisal, Equalities Impact Assessment and potentially Habitats Regulations Assessment as part of an Integrated Impact Assessment that is developed and updated alongside the plan in order to inform its options? This may not be appropriate in all instances.	Equality Act 2010		<ul style="list-style-type: none"> ● Habitats Regulations Assessment screening report ● Habitats Regulations Assessment ● Equalities Impact Assessment 	No, these documents are rather long and it is considered appropriate for them to be produced separately.
29.	L	Have you assessed the draft plan / policy options against relevant soundness and quality measures?	NPPF Para 35 to 36		<ul style="list-style-type: none"> ● Draft plan / policy options ● Duty to Cooperate Statement(s) of Common Ground ● Local Plan Form and Content Checklist (see Part 2 of this Toolkit) ● Local Plan Soundness and Quality Assessment (see Part 4 of this Toolkit) 	The Proposed Submission City Plan Part Two has been assessed against all relevant parts of the PAS checklist.
30.	L	Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?	T&CPA Regulations 5(1) (b), 9 (1), 17 & 22(1)	Y	<ul style="list-style-type: none"> ● Submission policies map 	Yes, maps have been published showing the proposed changes to the adopted policies map that would result from the adoption of

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		If yes, have you prepared a submission policies map?			<ul style="list-style-type: none"> ● Brief statement if a submission policies map is not required 	policies in the Plan. This includes site allocations and any new or amended designations. This is further described in Appendix 6 of the CPP2
31.	L	Is the local plan policies update consistent with any other adopted Local Plan Documents for the area?	T&CPA Regulation 8(3) and (4)	Y	<ul style="list-style-type: none"> ● Local Plan and relevant background papers 	Yes, the Plan has been drafted to ensure consistency with other adopted DPDs – City Plan Part 1, Shoreham Harbour Joint Area Action Plan and the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan.
32.	L	Is the local plan policies update intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?	T&CPA Regulation 8(5)	Y	<ul style="list-style-type: none"> ● Local Plan 	Currently saved policies in the 2005 Brighton & Hove Local Plan that will be replaced once CPP2 is adopted are set out in Appendix 5 of the CPP2.
33.	L	Is the local plan policies update (if a London Borough or Mayoral DC) in general conformity with the spatial development strategy?	P&CPA section 24		<ul style="list-style-type: none"> ● Letter from Mayor of London/ Mayoral Development Corporate ● Local Plan and relevant background papers 	Not applicable.

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		Stage D: Consulting and engaging on the policies update				
34.	PM	Have you obtained the relevant authority permissions to publish the first draft / options for public consultation?		<u>Y</u>	<ul style="list-style-type: none"> Any relevant authority reports to Cabinet / Committee 	<p>Approval for the publication of the Reg 18 scoping paper was granted at Tourism, Development and Culture Committee on 16 June 2016: (Public Pack)Agenda Document for Economic Development & Culture Committee, 16/06/2016 16:00 (brighton-hove.gov.uk).</p> <p>Approval for the publication of the Reg 18 Draft Plan was granted at Tourism, Development and Culture Committee on 21 June 2018: Brighton & Hove City Council - Agenda for Tourism, Development & Culture Committee on Thursday, 21st June, 2018, 4.00pm (brighton-hove.gov.uk).</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
35.	L	<p>Have you notified the following bodies or persons that you are preparing a local plan policies update and invited them to make representations on what the plan should contain?</p> <ul style="list-style-type: none"> • The specific consultation bodies that may have an interest; • The general consultation bodies that the authority consider appropriate; • Residents or other persons carrying on business in the area as considered appropriate; and • Any other stakeholders that you have engaged with in earlier stages on strategic matters and who will be party to your Duty to Cooperate Statement(s) of Common Ground and are relevant parties pursuant to your duty to cooperate 	<p>P&CPA Section 20 and Section 33A</p> <p>T&CP Regulation 18</p> <p>NPPF Para 16, 24-27, and 35</p>	Y	<ul style="list-style-type: none"> • Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements • Consultation Statement • Copies of consultation notifications • Records of discussion 	<p>The first opportunity for such representations to be made was at the Scoping stage in 2016. Information on this consultation is set out in the Statement of Consultation (2017). Notification of the preparation of the Plan was referred to in the public notice and notification letters/ emails are included in Appendix 3.</p> <p>A further opportunity for representations on the Plan's content was at the Draft Plan stage (2018) and information on this is detailed in the Statement of Consultation (April 2020) including copies of consultation notifications and the Duty to Cooperate Update Paper (2019)</p>
36.	L	<p>Have you made sure that the consultation and invitation to make representations:</p> <ul style="list-style-type: none"> • Follows the principles set out in your adopted Statement of Community Involvement; • Integrates any involvement with the Duty to Cooperate Statement(s) of Common Ground; and 	<p>P&CPA Section 19</p> <p>NPPF Para 27 and 35</p>		<ul style="list-style-type: none"> • Statement of Community Involvement • Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements 	<p>Yes. The Statement of Consultation (April 2020) demonstrates that the requirements of the adopted Statement of Community Involvement have been met. The Statement of Consultation also explains the scope of the consultation undertaken at each</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		<ul style="list-style-type: none"> Is proportionate to the scale of issues involved in the local plan policies update. 			<ul style="list-style-type: none"> Consultation Statement 	<p>stage, which is considered proportionate to the scale of issues involved.</p> <p>Details of engagement in respect of the Duty to Cooperate is detailed in the Duty to Cooperate Update Paper (2019)</p>
37.	L	<p>Have you prepared a draft of your Consultation Statement (a “proposed submission document”) that includes 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; and In preparation of Stage E (and to be completed in Stage E as outline below) how the main issues have been addressed in the local plan policies update. 	<p>P&CPA Section 19</p> <p>T&CPA Regulation 17, 18, 19 and 22</p> <p>NPPF Para 16, 24-27, and 35</p>		<ul style="list-style-type: none"> Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements Consultation Statement 	<p>Yes the Regulation 22 Statement of Consultation summarises how the consultation was carried at each stage of consultation undertaken prior to the Proposed Submission. The Consultation Statements published after the scoping and draft CPP2 Stage set out in more detail who was invited to comment, how consultation was undertaken and the main issues raised in representations and how these were taken into account.</p>
38.	L / PM	<p>Have you consulted on the following emerging documents alongside your first draft plan so that they can be reviewed against representations and policy options and alternatives as they are developed?</p> <ul style="list-style-type: none"> Sustainability Appraisal; and 	<p>P&CPA Section 19 and Section 39</p> <p>The Environmental Assessment of Plans and</p>		<ul style="list-style-type: none"> Sustainability Appraisal (and any drafts) Habitats Regulations Assessment screening report 	<p>Yes, these documents were published for consultation alongside the Draft Plan (2018). All documents made available at this stage of the Plan’s preparation are available at this webpage:</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		<ul style="list-style-type: none"> Habitats Regulations Screening Assessment (or Habitats Regulations Assessment if one has been developed at this stage) 	<p>Programmes Regulations 2004 (as amended)</p> <p>The Conservation of Habitats and Species Regulations 2017 (as amended)</p> <p>The European Directive 2001/42/EC</p> <p>The European Directive 92/43/EEC</p> <p>NPPF Para 32</p>		<ul style="list-style-type: none"> Habitats Regulations Assessment Statement of Community Involvement Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements Consultation Statement 	<p>www.brighton-hove.gov.uk/content/planning/planning-policy/draft-city-plan-part-2</p>
		<p>Stage E: Developing the submission version of the policies update</p>				

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
39.	PM	Taking account of the consultation have you considered whether there is a need for further evidence and / or evidence to be updated to support the policy options set out in your plan?	P&CPA Section 13 and Section 20		<ul style="list-style-type: none"> ● Consultation statement ● Baseline technical data ● Commissioned reports and studies 	The Housing Provision, Site Allocations and Space and Accessibility Standards topic papers have been updated following the Draft Plan consultation to reflect updated evidence and any changes to policies following the consultation. A Transport Topic Paper has been produced. The Sustainability Appraisal has also been updated to re-test the suitability of site allocations and appraise revised policies - this has led to amendments to some Proposed Submission CPP2 policies.
40.	PM	<p>Have you considered whether further consultation and engagement is required depending on the nature and significance of any proposed changes to the preferred strategy following consultation and / or further evidence?</p> <p>Where further consultation and engagement is required prior to submission this should be undertaken, recorded and reported in line with the requirements set out above. This includes updating and consulting where necessary on any corresponding amendments to the Sustainability Appraisal and Habitats Regulations Assessment.</p>	P&CPA Section 13 and Section 20		<ul style="list-style-type: none"> ● Consultation statement ● Baseline technical data ● Commissioned reports and studies ● Sustainability Appraisal (and any drafts) ● Habitats Regulations Assessment screening report ● Habitats Regulations Assessment 	Following changes to the Use Classes Order in September 2020 changes will be required to some policies in the Plan. An update to the NPPF is still awaited which is expected to set out the planning policy implications of the UCO changes. Rather than delay submission, the Plan will be submitted as agreed at full Council in April 2020 and proposed main modifications drafted for the Inspector to consider as part of the examination. Whilst these have not

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
					<ul style="list-style-type: none"> ● Statement of Community Involvement ● Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements 	<p>been consulted upon they have been subject to SA and HEQIA and addendums have been prepared.</p> <p>Prior to submission further targeted engagement has occurred with Highways England to address their representation to the Draft Plan. This has led to an updated Transport Technical Paper and the council is working towards agreeing of a Statement of Common Ground with HE.</p>
41.	L	Have you prepared the Sustainability Appraisal report on any revised draft of the local plan policies update? Is it clear how the sustainability appraisal has influenced the plan?	<p>P&CPA Section19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>		<ul style="list-style-type: none"> ● Sustainability Appraisal 	The Sustainability Appraisal has also been updated to re-test the suitability of site allocations and appraise revised policies following consultation at the draft CPP2. This led to amendments to some Proposed Submission CPP2 policies. The SA includes a section on how it has influenced the development of CPP2 at various stages.
42.	L	Have you prepared an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 [HRA], or evidence to demonstrate that an Appropriate Assessment is	The Conservation of Habitats and Species Regulations 2017 (as amended)		<ul style="list-style-type: none"> ● Habitats Regulations Assessment screening report ● Habitats Regulations Assessment 	Habitats Regulation Screening and Appropriate Assessment has been carried out at draft stage to establish if the CPP2 might have any likely significant effects on any

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		not required and confirmation from Natural England that they concur?	The European Directive 2001/42/EC The European Directive 92/43/EEC NPPF Para 32			European sites (see responses to Q24-Q26). The nature of changes to the Proposed Submission CPP2 did not require the HRA to be updated.
43.	L	Have you updated your Equalities Impact Assessment?	Equality Act 2010		<ul style="list-style-type: none"> • Equalities Impact Assessment 	Yes, the changes to the policies in the Proposed Submission CPP2 have been reassessed against the health and equalities objectives. An updated EQIA was published in April 2020.
44.	L	Have you taken account of all of the representations received from all person(s) in response to the consultation(s) in Stage D? Have you recorded how the main issues have/will be addressed in your draft consultation statement?	T&CPA Regulation 17, 18 and 22		<ul style="list-style-type: none"> • Duty to Cooperate Statement(s) of Common Ground / Duty to Cooperate Statements • Consultation Statement • Local Plan • Relevant correspondence 	The Statement of Consultation produced following the Reg. 18 Draft Plan summarises the main issues raised and how the comments received have been considered by the Council. A summary of key issues raised in the written responses by policy are set out in Appendix 4 and include officer responses stating how the representations were taken into account in the Proposed Submission version of the City Plan Part 2 that was agreed in April 2020.
45.	PM	Have you considered whether or not you intend to confirm the housing land supply through the	NPPF para 74		<ul style="list-style-type: none"> • Local Plan 	Not applicable - City Plan Part 2 is Part Two plan and it is therefore not

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		independent examination process? If so, have you clearly stated this within your Regulation 19 Submission local plan policies update and have you ensured that you will engage appropriately with developers and others with an interest in housing delivery on the housing land supply?	T&CPA Regulation 17, 18 and 22		<ul style="list-style-type: none"> ● Relevant correspondence 	intended to confirm the housing land supply through the plan examination process.
46.	PM	<p>Does your local plan policies update include a trajectory illustrating the expected rate of housing delivery over the plan period?</p> <p>Will your local plan policies update provide for a 5 year supply of deliverable housing sites (incorporating the appropriate buffer) on adoption against the housing requirement (which is informed by a local housing need assessment conducted using the standard method as a starting point)?</p>	NPPF paras 11, 73 and 74		<ul style="list-style-type: none"> ● Local Plan 	<p>City Plan Part 1 includes a housing trajectory at Figure 2 of the supporting text to Policy CP1. The trajectory sets out the identified sources of housing supply and projected phasing of development to meet the minimum target of 13,200 homes set in Policy CP1. An updated housing trajectory is published every year as part of the Strategic Housing Land Availability Assessment (SHLAA).</p> <p>The most recent published SHLAA Update 2020 shows a shortfall of 342 net dwellings (4.7 years housing supply) for the period 2020-2025. Although there continues to be a five year shortfall, the housing supply position has improved significantly since the previous year's figure which showed a shortfall of 1,200 dwellings (4.0 year</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
						<p>supply). The Housing Delivery Test results for 2020 also show a delivery figure above 100% for the period 2017-2020, whilst the number of dwellings with planning permission and under construction also provides evidence of an improving housing supply position.</p> <p>As set out in the Housing Provision Topic Paper, CPP2 identifies a potential housing supply above the minimum CPP1 requirement. The Council has also published a Housing Delivery Action Plan (dated January 2021) which analyses the factors influencing housing delivery in the city and lists a range of actions which the Council is undertaking to support improved housing delivery. However, delivery rates are to a significant extent dependent on general housing market conditions and specific landowner/ developer actions which lie outside the Council's control.</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		Stage F: Independent examination and adoption				
47.	PM	<p>Have you obtained the relevant authority permissions to publish the submission version of the local plan policies update?</p> <p>You may want to consider including approval to submit this to the Secretary of State (Planning Inspectorate)</p>			<ul style="list-style-type: none"> Any relevant authority reports to Cabinet / Committee 	<p>Yes, authority was granted through resolutions agreed at full Council on 23 April 2020: Brighton & Hove City Council - Choose agenda document pack - Council 23 April 2020 (brighton-hove.gov.uk).</p>
48.	L	<p>Have you made clear where and within what period representations must be made?</p>	T&CPA Regulation 17, 19, 20 and 35		<ul style="list-style-type: none"> Report or record of decisions 	<p>Yes, the consultation period was clearly stated on all publicity materials and emails relating to the consultation. The Statement of Representations procedure is available on the council website.</p>
49.	L	<p>Have you published on your website and made copies of the following available for inspection:</p> <ul style="list-style-type: none"> the proposed submission documents the statement of the representations procedure statement and details of where and when documents can be inspected <p>Have you checked you have met all other requirements of your Statement of Community Involvement?</p>	T&CPA Regulations 19 and 35		<ul style="list-style-type: none"> Statements and record of where and when documents were made available Consultation Statement 	<p>The proposed submission documents and the Statement of Representations procedure were published on the Council's website. Due to restrictions on the opening of public buildings as a result of Covid-19 it was not possible to make documents available for inspection. Appropriate alternative measures were taken in line with revised regulations to make</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
						documents available on request to those who were unable to access them online. Further details are set out in the Statement of Consultation (2021).
50.	L	<p>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"> ● A copy of each of the proposed submission documents; and ● the statement of the representations procedure 	T&CPA Regulation 19(b)		<ul style="list-style-type: none"> ● Consultation Statement ● Evidence of notifications (email) 	Details about when and how to make representations were published on the city council website and further information was sent by email to each of the specific consultation bodies which included electronic links to the webpage and the state of representation procedure. The copy of the email is set out in the Regulation 20 Statement of Consultation (May 2021)
51.	L	<p>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; and ● where and when the documents can be inspected 	T&CPA Regulation 19(b)		<ul style="list-style-type: none"> ● Consultation Statement ● Evidence of notifications (email) 	Details about when and how to make representations were published on the city council website and further information was sent by email to general consultation bodies including all those who had opted in to receive updates on the progress of the City Plan Part Two. Further details are set out in the Regulation 22

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
						Statement of Consultation (May 2021).
52.	L	Have you, on the day of publication, requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the local plan update with the spatial development strategy?	P&CPA Section 24 T&CPA Regulation 21	N/a	<ul style="list-style-type: none"> ● Copy of letter 	Not applicable.
Getting ready for submission to PINS						
53.	PM	Get ready for submission and examination, this might mean starting the process of appointing a programme officer, securing rooms for a potential hearing and other practical arrangements. Refer to guidance from the Planning Inspectorate.	See PINS Procedure Guide for Local Plan Examinations 2019			A programme officer has been appointed.
54.	PM	Have you obtained the relevant authority permissions to submit the plan to the Secretary of State via the Planning Inspectorate (PINS)		Y	<ul style="list-style-type: none"> ● Any relevant authority reports to Cabinet / Committee 	Yes, authority was granted through resolutions agreed at full Council on 23 April 2020.
55.	L	Have you collated all of the representations made to the publication draft plan policies update?	P&CPA Section 20(3) T&CPA Regulation 22(1)(e)			Yes, all representations have been collated by respondent (Appendix 10) and by policy (Appendix 11) of the Regulation 22 Consultation (May 2021) and will be published separately on the website due to their size.

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
56.	PM	Does each representation made have a unique ID and contact details? PINs require that these are provided in an electronic database enabling the full text of each representation to be accessed easily in both policy and paragraph number order and representor order. The database should also clearly identify those who have made a request to be heard by the Inspector under section 20(6) of the PCPA	See PINS Procedure Guide for Local Plan Examinations 2019			Yes, each representation has been given a unique ID code and contact details are available for the Inspector/Programme Officer. An electronic database has been prepared and shared with the Programme Officer. This allows text of each representation to be accessed by policy and representor order. It also identifies those who made a request to be heard at the hearings.
57.	L	Have you assembled the relevant supporting documents (documents relevant to the preparation of your plan which normally includes or comprises the evidence base)?	P&CPA Section 20(3) T&CPA Regulation 22(1)(g)		● Submission documents / Examination library	Yes, relevant supporting documents have been assembled and are set out in an Examination Library list which will be made available on the Brighton & Hove City Council CPP2 Examination section of the website.
58.	PM	Do all of the documents that you will submit to the inspectorate have a unique reference listed in an 'Examination Library'?			● Submission documents / Examination library	Yes, an Examination Library List has been produced which includes the unique reference numbers of each document.
59.	L/ PM	You may need to consider whether you need to redact certain personal details from representations for the website and inspection purposes. However, those who have made representations should be able to contact one another and documents should be provided	General Data Protection Regulation 2018			Personal information included on representations that will be made publicly available has been redacted where appropriate. The Inspector will be sent all representations

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		without details redacted. See the guidance from the Planning Inspectorate.	See PINS Procedure Guide for Local Plan Examinations 2019			without the details – contact names and addressed redacted.
60.	L	<p>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>P&CPA Section 20 (3)</p> <p>T&CPA Regulation 22(1)(c)</p>		<ul style="list-style-type: none"> • Consultation statement 	<p>A statement of consultation was prepared and published for the City Plan Part 2 Scoping Report (issues and options consultation carried out in 2016 and sets out how the representations were taken into account.</p> <p>A Statement of Consultation and Appendix 4 was prepared and published for the Draft City Plan Part 2 consultation carried out in 2018. This set out how the representations were taken into account.</p>
61.	L	<p>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 OR • Stating that no representations were made 	<p>P&CPA Section 20(3)</p> <p>T&CPA Regulation 22(1)(c)</p>		<ul style="list-style-type: none"> • Consultation Statement • The Statement as required in Regulation 22(1)(c) – this can be included in the Consultation statement 	<p>Yes, the Regulation 22 Consultation (May 2021) sets out clearly the number of representations made and provides a comprehensive summary of the main issues including soundness issues raised by the representations. This summary is set out in Appendix 9.</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
62.	PM	Consider what documents need printing to ensure that hard copies are available where necessary for inspection and for the examination library.	See PINS Procedure Guide for Local Plan Examinations 2019			In line with updated national planning guidance due to covid-19 restrictions and the temporary amendment to the SCI hard copies of documents have not been placed at council offices and deposit points for inspection (as the customer service centres are still closed and libraries are operating a restricted service). Appropriate alternative measures will be taken in line with revised regulations to make documents available on request to those who were unable to access them online.
Submission to PINS						
63.	L	<p>Have you sent the Secretary of State (the Planning Inspectorate) a hard copy and electronic version of:</p> <ul style="list-style-type: none"> • a copy of the local plan policies update • and (if prepared) policies map <p>Have you sent the Secretary of State (the Planning Inspectorate) an electronic version of:</p> <ul style="list-style-type: none"> • the Final 'consultation statement' supplemented by or incorporating the 	<p>P&CPA Section 20(1) and 20(3)</p> <p>T&CPA Regulations 22</p> <p>See PINS Procedure Guide for Local Plan Examinations 2019</p>			<p>The advice from PINS is that electronic copies are sufficient at the submission stage but a paper of the Plan and Policies Map is available to post if requested by the appointed Inspector.</p> <p>The documents listed under Q. 63 will be sent electronically to the Secretary of State.</p>

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
		<p>documents consultation required under Regulation 22(1)</p> <ul style="list-style-type: none"> ● The Sustainability Appraisal ● Copies of representations ● ‘Supporting documents’ <p>Guidance from PINS also highlights other material necessary for the examination which includes:</p> <ul style="list-style-type: none"> ● An Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 [HRA], or evidence to demonstrate that an Appropriate Assessment is not required and confirmation from Natural England that they concur; ● The LPA’s current Local Development Scheme; ● In London, confirmation that the Mayor has indicated general conformity with the London Plan (note however that the Inspector is entitled to take his/her own view on conformity). ● It is also helpful if the LPA provide an Equalities Impact Assessment 				

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
64.		<p>As soon as practical after submission, on your website, have you published:</p> <ul style="list-style-type: none"> • The documents submitted to PINS (identified above) including representations made under Regulation 20 (where practicable) taking into account GDPR requirements? • Statement as to where and when these documents are available for inspections (again this should be in line with any requirements in your Statement of Community Involvement)? 	T&CPA Regulation 22(3) and 35(1)(b)			As soon as practical after submission the Notice of Submission and Availability of Documents and the submission documents (set out as the Examination Library) will be published on the council's website.
65.	L	<p>For each general consultation body invited to make representations under Regulation 18(1), have they been sent:</p> <ul style="list-style-type: none"> • notification that the documents submitted to PINS are available for inspection • details of where and when they can be inspected 	T&CPA Regulation 22(3)(b)		<ul style="list-style-type: none"> • Copies of correspondence 	A notification letter will be sent out in accordance with regulation 22(3)(b). Copy of the letter can be provided post submission
66.	L	Have you given notice to persons who have requested to be notified that submission has taken place?	T&CPA Regulation 22(3)(c)		<ul style="list-style-type: none"> • Copies of correspondence 	A notification letter will be sent out in accordance with regulation 22(3)(c). Copy of the notification letter can be provided post submission.

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
67.	L	<p>If examination hearings are 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>P&CPA Section 20</p> <p>T&CPA Regulations 24 and 35</p>		<ul style="list-style-type: none"> Website 	Noted the examination website will be kept updated with the time and place of the examination as this is known and those who have asked to be notified can be emailed.
68.	L	<p>Have you asked the Inspector to recommend 'main modifications' (changes that materially affect the policies) to make a submitted local plan policies update sound and legally compliant? These modifications should be published for consultation.</p>	<p>See Section 6 of the PINS Procedure Guide for Local Plan Examinations 2019</p> <p>P&CPA Section 20 (7C)</p>		<ul style="list-style-type: none"> Schedule of proposed main modifications 	The cover letter which will be sent to PINs on submission will make the formal request. We have indicated that a proposed schedule of main modifications has been prepared by the council for the Inspector to consider as part of the examination. These have not been consulted upon.
69.	L	<p>Depending on the scope of the modifications, have you considered whether there is a need to undertake further Sustainability Appraisal, Habitats Regulations Assessment, and Equalities Impact Assessment on the modifications.</p>	<p>The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended)</p> <p>The European Directive 2001/42/EC</p>		<ul style="list-style-type: none"> Sustainability Appraisal (and any drafts) Equalities Impact Assessment 	The proposed modifications for the Inspector to consider as part of the examination have been subject to SA and HEQIA and these are published as addendums to the SA and HEIA.

	REF	Key questions	Legislation /Policy Source	Y/N	Examples of documents in which this might be found	Documents demonstrating compliance
			<p>The Conservation of Habitats and Species Regulations 2017 (as amended)</p> <p>The European Directive 92/43/EEC</p> <p>Equality Act 2010</p>		<ul style="list-style-type: none"> ● Habitats Regulations Assessment screening report 	The nature of the proposed modification the council has asked the Inspector do consider as part of the examination do not require the HRA to be updated.
70.	L	If the plan policies update is sound, have you formally adopted the plan policies update in a full meeting of the local planning authority?	T&CPA Regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000).		<ul style="list-style-type: none"> ● Any relevant authority reports to Cabinet / Committee 	Noted that the CPP2 will need to be adopted by Council.
71.	L	On adopting a Local Plan policies update, have you made publicly available a copy of the plan, an Adoption Statement and Sustainability Appraisal?	T&CPA Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.		<ul style="list-style-type: none"> ● Adoption Statement 	Noted – a copy of the plan, adoption statement and SA will be made publicly available on the council's website on adoption.