

Local Development Framework
Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy

PAS LDF Legal compliance self assessment toolkit

February 2009

Stage one: Inception

Introduction

You should aim to build up the evidence in the tool. This can be done by anticipating the submission requirements and ensuring that the correct procedures are carried out as the development plan document is prepared. The components of the required statements will be progressively put in place as plan preparation proceeds.

Where the 'Possible evidence' column refers to a document that will not be complete until a later stage (for example, the sustainability appraisal report), documents that will contribute to that report are relevant at the earlier stages. This way, the submitted report provides the evidence at submission, with an audit trail back to its source.

In terms of legal compliance, the main issues for the inception stage are in relation to:

- pre-planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- 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 24 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 25 is one of the proposed submission documents. In this tool, the term 'consultation statement' is used to describe this statement.

Stage 1: Inception

Activity	Legal Requirement	Guidance Reference	Evidence provided
1. Is the development plan document identified in the adopted local development scheme and have you recorded the timetable for its production?	The Act section 15(2); section 19(1)	PPS12 paragraphs 4.50; 4.53-4.58	<p>Yes</p> <p>The DPD was included in both the City and Borough Council's adopted Local Development Schemes 2005.</p> <p>Thus the DPD was included in the relevant local development schemes at pre production stage and throughout the plan making process including identification in both current, adopted Local Development Schemes (LDS 2007)</p>
2. Have you considered how community engagement will be programmed into the preparation of the development plan document?	1. The Act section 19(3) 2. Regulation 25	PPS12 paragraphs 4.19-4.29	<p>Yes</p> <p>The SCI for Stoke (2007) and Newcastle (2006) state how the community will be consulted at each stage of preparing a DPD. This also includes a section on how people will be involved. The timetables, included in both the City and Borough LDS, outline the periods for consultation at each stage of document production.</p>
3. Have you considered the appropriate bodies you should consult?	Regulation 25	1. PPS12 paragraphs 4.25 -4.26 2. Plan Making Manual – Consultee list	<p>Yes</p> <p>Authority was given to the specific means to stimulate debate on issues and options relevant to the preparation of the Core Spatial Strategy by the relevant Chief Officer through a report dated 6 Dec 2004 including letters sent to all specific and general consultation bodies.</p> <p>See the consultation statement report for all supporting documentation.</p> <p>The SCI sets out who the development plan consultation bodies are.</p>
4. Is baseline information being collected and evidence being	The Act, section 13	PPS12 paragraphs 4.36 – 4.47	<p>Yes</p> <p>Documents that contribute to the evidence base are continually being produced. These support the work of the Core Strategy issues and</p>

Activity	Legal Requirement	Guidance Reference	Evidence provided
gathered to keep the matters which affect the development of the area under review?			options formulation and the accompanying Sustainability Appraisal. The City and Borough AMRs review the matters of the DPD and the performance of policies on an annual basis.
5. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	1. PPS12 paragraphs 4.50; 4.39-4.43 2. Strategic Environmental Assessment Guide, chapter five	Sustainability Appraisal Scoping Report March 05 Sustainability Appraisal Summary Report November 05 Sustainability Appraisal Summary Report April 06
6. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	PPS12 paragraph 4.40 SEA Guide Ch 3	Yes Copy of letter dated 8 April 2005 sent to the then Countryside Agency; English Heritage; English Nature and the Environment Agency

Stage two: Plan preparation - frontloading phase

Introduction

The council is required to invite specific and general consultation bodies to make representations about the content of the development plan document. The New Regulation 25 section in the Plan Making Manual observes that the requirements of the regulations may be fulfilled by other activities of the council and its partners. You should review all the legal requirements set out in this, as well as the following phase, to satisfy yourself that they are properly addressing all the matters they should.

Information assembled during this phase contributes to:

- showing that the procedures have been complied with
- 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.

You can refer to the following sections of the Plan Making Manual:

- Preparation of development plan documents
- Core strategy: managing its development
- Sustainability Appraisals: challenge questions
- Developing the evidence base

Stage 2: Plan preparation - frontloading phase

Activity	Legal Requirement	Guidance Reference	Evidence provided
1. Have you notified the specific consultation bodies that have an interest in the subject of the development plan document and invited them to make representations about its contents?	Regulation 25(1) and (2)(a)	PPS12 paragraphs 4.24 – 4.29	Yes Authority was given to the specific means to stimulate debate on issues and options relevant to the preparation of the Core Spatial Strategy by the relevant Chief Officer through a report dated 6 December 2004 including letters sent to all 'specific consultation bodies'. See statement 30d statement of compliance for all supporting documentation.
2. Have you notified the general consultation bodies that you consider have an interest in the subject of the development plan document and invited them to make representations about its contents?	Regulation 25(1) and (2)(b)	PPS12 paragraphs 4.24 – 4.29	Yes Authority was given to the specific means to stimulate debate on issues and options relevant to the preparation of the Core Spatial Strategy by the relevant Chief Officer through a report dated 6 December 2004 including letters sent to all 'general consultation bodies'. See statement 30d statement of compliance for all supporting documentation.
3. Are you inviting representations from people resident or carrying out business in your area about the content of the development plan	Regulation 25(3)	PPS12 paragraphs 4.24 – 4.29	Yes See statement of compliance 30 (d)

Activity	Legal Requirement	Guidance Reference	Evidence provided
document?			
4. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 25	PPS12 paragraphs 4.4; 4.27 – 4.29; 4.45	Yes See the Statement of Compliance 30 (d)
5. Are you taking into account representations made?	Regulation 25(5)	PPS12 paragraphs 4.19-4.29; 4.37	Yes All consultation material is available on the website. Consultation responses received were used to formulate the content of the document, where appropriate. See the Statement of Compliance (30d).
6. Does the consultation contribute to the development and sustainability appraisal of alternatives?	1. The Act section 19(5) 2. Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	1. PPS12 paragraphs 4.39-4.43 2. SEA Guide, chapter three	Yes Sustainability appraisal summary report November 2005.
7. Is the participation: • following the principles set out in your statement of community involvement • integrating	1. The Act s.19(3) 2. Regulation 25	PPS12 paragraphs 4.19 – 4.26; 4.42	Yes The Statement of Compliance (30d) sets out the various steps taken to involve the community at the Issues and Options. Participatory work with presentations, exhibitions and community workshops has dealt with both the local development framework and the sustainable community strategy. This work should help to tie the two together in the eyes of the public and to bring closer working

Activity	Legal Requirement	Guidance Reference	Evidence provided
<p>involvement with the sustainable community strategy</p> <ul style="list-style-type: none"> • proportionate to the scale of issues involved in the development plan document? 			<p>relationships between the local development framework and the sustainable community strategy.</p>
<p>8. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations • How this was done • The main issues raised? 	Regulation 24	PPS12 paragraphs 4.24 – 4.29	<p>Yes</p> <p>Consultation responses received were used to produce a consultation report along with responses to the issues raised.</p> <p>See pre-submission consultation statement report</p>
<p>9. Are you developing a framework for monitoring the effects of the development plan document?</p>	<p>1. The Act section 35</p> <p>2. Regulation 48</p> <p>Reg 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>1. PPS12 paragraphs 4.39 – 4.43 and 4.47</p> <p>2. SEA Guide, Chapter five</p> <p>3. Office of the Deputy Prime Minister monitoring</p>	<p>Yes</p> <p>Authority to submit an annual monitoring report to Government Office was granted on 6 December 2005. The AMR is published each year and explains the context of the LDF and how it has performed through the year. The 2005 AMR looked at the Local Plan and forward to the LDF and identified relevant issues and introduced new monitoring of the LDF.</p>

Activity	Legal Requirement	Guidance Reference	Evidence provided
		guide	
10. Have you arranged to send copies of documents used in consultation to the Government Office and Planning Inspectorate?	Not statutory, but will assist in identifying issues leading towards a sound development plan document	Plan Making Manual - New Regulation 25	<p>Yes</p> <p>Copy of letter dated 31 March 2005 which drew attention to Government Office of the commencement of the Issues and Options consultation and Issues and Options Leaflet (April, 2005)</p>

Stage three: Plan preparation - formulation phase

Introduction

This stage has many legal matters, for process and content, to address. The council should be beginning to formulate the preferred strategy for the core strategy (or whichever vehicle the council chooses to address Regulation 25 requirements). To do this, the council should use the information gathered and previous collaborative work with stakeholders.

For other types of development plan document, the term 'preferred strategy' refers to the preferred site allocations or policies. Paragraphs 4.26 and 4.38 of PPS12 make it clear that explicit consideration of alternatives is a key part of the plan making process. They also state that for significant development plan documents it is usually appropriate to involve the community in considering them. Paragraph 4.5 of PPS12 notes that it is essential that the core strategy makes clear spatial choices about where development should go in broad terms.

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.

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 development plan document.

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.

We stress that 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 will not be a participation or consultation process. Instead, the publication stage is a formal opportunity for anyone to communicate their dissatisfaction with an aspect of the development plan document's soundness. This is carried out with representations made to the inspector for consideration at examination. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.

Please refer to the following sections in the Plan Making Manual:

9. Core strategy: managing its development
9. Sustainability appraisal
9. Considering alternatives

Stage three: Plan preparation - formulation phase

Activity	Statutory Requirement	Guidance reference	Evidence provided
14. Are you preparing reasonable alternatives for evaluation during the preparation of the development plan document?	Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	<ol style="list-style-type: none"> 1. PPS12 paragraph 4.38 2. SEA Guide, Chapter five 	<p>The Core Spatial Strategy Revised Preferred Core Policy Option Appraisal – Options Appraisal, assessed a number of potential options for each specific policy. This process informed the identification of the policies brought forward in the Core Spatial Strategy Revised Preferred Options.</p> <p>The Core Spatial Strategy Revised Preferred Options Sustainability Appraisal also assessed the various options presented for the overarching spatial strategy for the plan area.</p>
12. Have you assessed alternatives against: <ul style="list-style-type: none"> • consistency with 	The Act section 19(2), section 24	PPS12 4.30 – 33	<p>Yes</p> <p>Section 2 of the LDF North Staffordshire Core Spatial Strategy Revised Preferred Options “Draft spatial options” March 2007 sets</p>

Activity	Statutory Requirement	Guidance reference	Evidence provided
<p>national policy</p> <ul style="list-style-type: none"> • general conformity with the regional spatial strategy? 			<p>out the most important, national and regional policies and other material considerations which have influential preparation of the Revised Preferred Options.</p> <p>The document also took into account policy options forming part of the emerging Regional Spatial Strategy Submissions.</p> <p>Preparation of the Revised Preferred Options took account of the Regulation 25 consultations and representations received in respect of consultations received in respect of the original Preferred Options Report.</p> <p>The following documents indicate the progressive development of the Core Spatial Strategy in response to consultations with the Government Office in relation to the original Preferred Options report comprising letter dated 4 August 2006; letter dated 24 August 2006; letter dated 5 September 2006, and letter dated 21 September 2006.</p> <p>Letter from the West Midlands RPB dated 4 August 2006</p> <p>Letter from the Government Office dated 26 July 2007 in respect of the Revised Preferred Options report.</p> <p>Letter from the West Midlands RPB dated 12 September 2007 in respect of the Revised Preferred Options Report.</p>
<p>13. Are you having regard to:</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies, the spatial development strategy for London, or Welsh Spatial Plan (as appropriate) 	<ol style="list-style-type: none"> 1. The Act section 19(2) 2. Regulation 15(1)(g) 		<p>Yes</p> <p>The plan making partnership was concerned that the Regional Spatial Strategy for the North West did not undermine the sustained regeneration of the North Staffordshire major urban area. Thus representations regarding that Regional Spatial Strategy sought to incorporate safeguards which have generally been incorporated into policy.</p> <p>Sustained regeneration of the plan area reduces pressure for development in the North West.</p> <p>Letters from the North West RPB dated 3 August 2006 in respect of</p>

Activity	Statutory Requirement	Guidance reference	Evidence provided
<ul style="list-style-type: none"> the National Planning Framework for Scotland? 			<p>the original Preferred Options Report and dated 30 July 2007 in respect of the Revised Preferred Options Report. A new section on cross boundary and partnership working was included in the final core spatial strategy.</p>
<p>14. Are you having regard to:</p> <ul style="list-style-type: none"> the sustainable community strategy of the authority or other authorities whose area comprises part of the area of the council any other local development documents adopted by the council? 	<p>The Act section19(2)</p>	<p>PPS12 paragraphs 1.6; 4.22 - 4. 23; 4.34 - 4. 35</p>	<p>Yes</p> <p>Page 21-23 of the “Draft Spatial Options” March 2007 as shown in Tables 1 and 2 Delivery of the Community Strategy – Assessment of Community Strategy and Core Spatial policy priorities. Submissions from the Stoke-on-Trent Community Strategy 2004-2014 and Newcastle.</p>
<p>15. Do you have regard to other matters and strategies relating to:</p> <ul style="list-style-type: none"> resources the regional development agencies’ regional economic strategy the local transport plan and transport facilities and 	<p>1. The Act section19(2) 2. Regulation 15</p>		<p>Yes</p> <ul style="list-style-type: none"> See Section 2 of the Revised Preferred Options report. This is one of the areas where regeneration in North Staffordshire has been strengthened by formation of the North Staffordshire Regeneration Partnership now fully reflected in the Submission Core Spatial Strategy. Section 4 of the report dealt with the strategic issue of economic strategy. Paragraph 2.34 of the Revised Preferred Options report. North Staffordshire Integrated Transport Study at Appendix 5 of the Revised Preferred Options report and the North Staffordshire Local Transport Plan.

Activity	Statutory Requirement	Guidance reference	Evidence provided
services • waste strategies • hazardous substances and accidents?			<ul style="list-style-type: none"> • Regard had been paid to known infrastructure programmes. • See above. Draft Policy CP33 of the Revised Preferred Options Report addressed Waste Management in the City of Stoke-on-Trent. It was decided that reference to waste should be deleted from this core strategy and replaced by a joint Staffordshire and Stoke-on-Trent joint Waste Core Spatial Strategy to be prepared by the County Council and City Council. • The report did not specifically address the issue of hazardous substances and accidents, reliance being placed on national and regional policy. • Account was taken of the issue of climate change in respect of the pursuit of sustainable development although it was recognised that this aspect required to be strengthened in the submission strategy.
16. Are you having regard to the need to include policies on mitigating and adapting to climate change?		Annex to PPS1 on climate change	Yes Policy CSP3 – Sustainability and Climate Change is a policy in the document.
17. Have you undertaken the necessary sustainability appraisal of alternatives, including consultation on the	1. The Act section 19(5) 2. Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes	1. PPS12 paragraphs 4.38 – 4.43 2. SEA Guide, Chapter five	Yes Core Spatial Strategy Sustainability Appraisal Scoping Report – March 05; Core Spatial Strategy Sustainability Appraisal Summary Report – November 05 and Core Spatial Strategy Sustainability Appraisal Summary Report – April 06. Consultation on the Sustainability Appraisal has been undertaken at each stage of consultation of the Core Spatial Strategy.

Activity	Statutory Requirement	Guidance reference	Evidence provided
sustainability appraisal report?	Regulations 2004 No 1633		
18. Are you setting out clear reasons for any preferences between alternatives?	Regulation 13(1)	PPS12 paragraphs 4.36 – 4.38	The preferred options and the revised preferred options set out a range of alternative policy options all of which were subject to sustainability appraisal and community consultation to identify the most appropriate approach or strategy.
19. Have you taken into account any representations made on the content of the development plan document and the sustainability appraisal? 20. Are you keeping a record?	1. Regulations 24, 25(5) and 30(1)(d)(iv) 2. Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	PPS12 paragraphs 4.19 – 4.29	Yes Refer to the following document: (Regulation 30(d) Statement), detailing the various stages of consultation and how representations were considered,
21. Where sites are to be identified or areas for the application of policy in the development plan document, are you preparing sufficient illustrative material to: <ul style="list-style-type: none">enable you to amend the currently adopted proposals	Regulations 9 and 14	PPS12 paragraphs 4.6 - 4.7; 8.1-8.3	A Proposals map has not been necessary but will be prepared as part of the LDF when appropriate. Prior to submission of the Core Strategy, amended versions of the Local Plan Proposals map have been produced. Where amendments have been required, or where Local Plan policies are proposed to be replaced; this has been reflected on the amended Adopted Local Plan Proposals Map.

Activity	Statutory Requirement	Guidance reference	Evidence provided
map <ul style="list-style-type: none"> inform the community about the location of proposals? 			
22. Are the participation arrangements compliant with the statement of community involvement?	1. The Act, section 19(3) 2. Regulation 25	PPS12 paragraphs 4.19-4.29	<p>Yes</p> <p>The Statement of Compliance (30d) sets out the various steps taken to involve the community at the Issues and Options.</p> <p>The Statement of Compliance also sets out how community consultation has informed the development and refinement of Core Spatial Strategy strategies/policies at every stage of the plan-making process.</p>
23. Have you remained in close contact with the Government Office and discussed any emerging issues that might affect the soundness of the development plan document?		Plan Making Manual - New Regulation 25	<p>Yes</p> <p>Regular meetings and correspondence plus comments on all the drafts have ensured that Government Office are satisfied with the soundness of the document.</p> <p>Correspondence from GOWM dated 23rd October in response to the pre-submission publication of the Core Strategy – GOWM were generally supportive of the approach taken.</p>

Stage 4: Publication

Introduction

The 2008 Local Development Framework Regulations change the procedure for submission of development plan documents. They bring the period for formal representations forward, which now take place **before** the development plan document is submitted for examination.

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 development plan document 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 statement of community involvement
- update the sustainability appraisal report.

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

You should make it clear that publication of a development plan document is not public participation, nor a consultation. The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the development plan document to make formal representations to the inspector about its soundness.

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'.

Please refer to the following sections of the Plan Making Manual:

- Publication and submission of a development plan document
- Sustainability appraisal
- Considering alternatives

Stage 4: Publication – some formatting issues!

Activity	Statutory Requirement	Guidance Reference	Evidence provided
1. Have you prepared the sustainability appraisal report?	1. The Act section 19(5) 2. Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	1. PPS12 paragraphs 4.38 – 4.43 2. SEA Guide Chapter five	A sustainability appraisal has been produced in house to guide and assist the production of the Core Strategy. Core Spatial Strategy Revised Preferred Options 'Draft Spatial Options' Sustainability Appraisal - March 07. See Section 6 of the Revised Preferred Options Report. Core Spatial Strategy Sustainability Appraisal May 2008
2. Have you made clear where and within what period representations must be made?	Regulation 28(2) and (3)		Yes Consultation Statement Report. Advertisement in the Sentinel These details were also made available on both Council's respective websites.
1. Have you made copies of the following available for inspection: <ul style="list-style-type: none">the proposed submission documents?the statement of the representations procedure?	Regulation 27(a)		The submission draft Core Spatial Strategy (May 2008) was published and made available for receipt of formal representations over the period 29 th August to 24 th October 2008. Refer to Appendix 1 of the Regulation 30(e) Statement for full details. The statement of the representations was available at all libraries and websites during the above period of consultation.
1. Have you published on your website the	Regulation 27(b)		Yes Refer to the Regulation 30 (e) Statement.

Activity	Statutory Requirement	Guidance Reference	Evidence provided
<p>following:</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>At the time of publication, full details of where and when the documents could be inspected, was made available.</p> <p>The website contains a complete virtual library logging all material relevant to the production of the Core Spatial Strategy.</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 25(1):</p> <ul style="list-style-type: none"> A copy of each of the proposed submission documents The statement of the representations procedure? 	Regulation 27(c)		<p>A copy of the submission documents and the Statement of the Representations Procedure were sent to a total of 565 specific and other consultees on the LDF database. These included the 'specific consultation bodies' who had previously been consulted under regulations 25 and 26 (please refer to the Statement of Compliance).</p> <p>A copy of the letter is attached as appendix 1b to regulation 30 (e) Statement.</p>
<p>6. Have you sent to each of the general consultation bodies invited to make representations</p>	Regulation 27(d)		<p>A total of 1155 individuals and developers/agents were notified of the publication of the Core Strategy and sent a copy of the Statement of Representations Procedure. A copy of the letter is attached as appendix 1c to the regulation 30 (e) Statement.</p>

Activity	Statutory Requirement	Guidance Reference	Evidence provided
<p>under Regulation 25(1):</p> <ul style="list-style-type: none"> the statement of the representations procedure? where and when the documents can be inspected? 			<p>This indicated where and when the documents could be inspected.</p>
<p>7. Have you given notice by local advertisement setting out:</p> <p>8. the statement of the representations procedure</p> <ul style="list-style-type: none"> where and when the documents can be inspected? 	<p>Regulation 27(e)</p>		<p>The public notice included at appendix 1d was placed in the Sentinel local newspaper on 5th September 2008 and 12 September 2008. A copy of the notice is attached as appendix 1d to the regulation 30 (e) Statement. This indicated where and when the documents could be inspected.</p>
<p>8. Have you requested the opinion of the regional planning body (or the Mayor in London) on the general conformity of the development plan document with the regional spatial strategy (or spatial development strategy)?</p>	<p>1. The Act section 24</p> <p>2. Regulation 29</p>	<p>PPS12 paragraph 4.21</p>	<p>The WMRA formally confirmed in writing on the 24th October 2008 that the Core Spatial Strategy is in general conformity with the West Midlands Regional Spatial Strategy.</p>

Stage five: Submission

Introduction

At the submission stage, the council should receive and collate the representations made at publication stage. Reporting these representations to elected members is not mandatory. However, there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered.

However, if they are reported, they should report the facts of the representations made, not the results of a consultation process by the council. They should not treat it as a consultation or consider whether to make changes to try to answer representations.

The section called Changing your plan after publication in the Plan Making Manual distinguishes between 'focused changes', 'extensive changes' and 'minor changes'. You should be guided by the manual and its accompanying changes diagram in making decisions on how far to go back in the procedures, or to supplement existing work.

You should ensure you are in legal compliance with the statement of community involvement, 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 many possible combinations of approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements when any changes are made (and any consequential effects on the development plan document as a whole). All decisions and new steps taken should be fully documented and reflected in the 'evidence provided' column.

The PINS guide identifies seven key questions that inspectors will use in relation to legal compliance. These have been incorporated into the tool and are identified by **shading** in the left-hand 'Question' column.

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission. You should refer to the PINS guidance for further advice.

Please refer to the following sections of the Plan Making Manual:

- Publication and submission of a development plan document
- Changing your plan after publication
- Examination of a development plan document

Stage five: Submission

Question	Statutory Requirement	Guidance Reference	Evidence provided
<p>26 Are you ready to submit the DPD?</p> <p>26 Are there any major issues revealed by the representations on publication?</p> <p>26 Are all the relevant documents in place?</p>	<p>1. The Act section 20(2)(b)</p> <p>2. The Act section 20(1)</p> <p>3. Regulation 30(1)</p>		<p>Yes, document has been submitted – 22nd December 2008.</p> <p>Refer to regulation 30 (e) Statement for a summary of the representations. It is not considered that any representations raise issues that make the document unsound.</p> <p>Yes. These have been made available on both authorities' respective Core Spatial Strategy websites, hard copies are also available upon request.</p>
<p>26 Has the development plan document been prepared in accordance with the local development scheme?</p> <p>26 Does the development plan document's listing and description in the local development scheme match the document?</p> <p>26 Have the timescales set out in the local development scheme been met?</p>	The Act, section 19(1)	PPS12 paragraph 4.50; 4.53 – 4.55	<p>The Local Development Scheme indicated that the Core Spatial Strategy would be submitted in November 2008 with a hearing in March 2009. There is a slippage of one month with respect to these dates.</p> <p>Yes, document matches the description in the LDS. Refer to section 4.2, page 13 of the Newcastle LDS, 2008 for more details and comparison. Similarly, page 40 of the Stoke LDS, 2008.</p>
26 Has the development plan document had	The Act section	PPS12 paragraph 4.34	The Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy has been prepared with regard to the Staffordshire

Question	Statutory Requirement	Guidance Reference	Evidence provided
regard to any sustainable community strategy for its area (like a county and district)?	19(2)	– 4.35; 4.50	<p>Community Strategy 2005 – 2020, undertaken by the Stoke-on-Trent and Staffordshire Strategic Partnership. The vision and key priorities set out in this document were informed by the Newcastle-under-Lyme Community Strategy 2004 and have informed the vision and strategic aims of the Core Spatial Strategy.</p> <p>Reference should be made to Section 2: Context and Conformity; where these strategies are referred to. Also see Appendix 3 for the linkages and delivery of the community strategies.</p>
<p>26 Is the development plan document in compliance with the statement of community involvement (where one exists)?</p> <p>26 Has the council carried out consultation as described in the statement of community involvement?</p>	<p>1. The Act s19(3)</p> <p>2. Regulation 32(1)(c)</p>	<p>PPS12 paragraph 4.50; box after paragraph 4.26</p>	<p>Yes. Consultation has been completed in accordance with the procedures described in the SCI. Refer to the statement of compliance 30(d) for further details on the consultation procedures.</p>
<p>26 Has the development plan document been subject to sustainability appraisal?</p> <p>26 Has the council provided a final report of the findings</p>	<p>1. The Act section 19(5)</p> <p>2. Regulation 32(1)(a)</p>	<p>1. PPS12 paragraph 4.39 – 4.43; 4.50</p> <p>2. SEA Practical Guide, chapter five</p>	<p>Yes, the Core Spatial Strategy has been subject to a SA. This was produced in May 2008 and consulted on in accordance with the regulations.</p> <p>Yes. Refer to the Sustainability Appraisal Report, May 2008.</p>

Question	Statutory Requirement	Guidance Reference	Evidence provided
of the appraisal?			
26 Is the development plan document to be submitted consistent with national policy?	The Act section 20(2) and Schedule 8	PPS12 paragraphs 4.30 – 33; 4.50	<p>Government Office has been consulted at all stages of the production of the Core Spatial Strategy. Correspondence from GOWM dated 23rd October in response to the pre-submission publication of the Core Strategy – GOWM were generally supportive of the approach taken. The letter draws attention to one paragraph (para 5.14) which they deem to be simply repeating National Policy and therefore may be unnecessary.</p> <p>However it is felt that despite this, the inclusion of the paragraph would not render the Core Strategy unsound.</p>
<p>26 Does the development plan document contain any policies or proposals that are not in general conformity with the regional spatial strategy?</p> <p>26 If yes, is there local justification?</p> <p>26 Has the council got confirmation from the regional planning body about the general conformity of the plan with the regional spatial</p>	<p>1. The Act s 24(1)(a); 24(2) and 24(4)</p> <p>2. Regulation 29</p>	PPS12 paragraphs 4.30 – 33; 4.50	<p>No</p> <p>The West Midlands Regional Assembly and Government Office for the West Midlands (GOWM) have been closely involved throughout the plan making process. The Statement of Compliance (30d) provides summaries of the input from both bodies.</p> <p>The WMRA confirmed in writing on 24th October that the Submission Draft Core Spatial Strategy is in general conformity with the West Midlands Regional Spatial Strategy.</p> <p>GOWM set out their response to the Submission Draft in a letter dated 23rd October. They were pleased that many of their comments on earlier versions of the Strategy had been taken into account. GOWM were on the whole largely supportive of the Strategy. Their primary concerns were in regard to delivery of the strategy and the need to take into account the possibility of increased housing delivery targets as a result of the examination of</p>

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strategy?			the WMRSS Phase Two Revision.
<p>26 Does the development plan document comply with the 2004 regulations (as amended)?</p> <p>26 Specifically, has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>26 Has the council placed local advertisements?</p> <p>26 Has the council notified the development plan document bodies?</p> <p>26 Does the development plan document contain a list of superseded saved policies?</p>	<p>1. The Act section 20(2), 20(3) and 20(5)(b)</p> <p>2. Regulations 13(1), 13(2), 13(5) and 30(1)</p>	<p>PPS12 paragraphs 4.36; 4.50</p>	<p>Yes.</p> <p>Copies of the Core Spatial Strategy submission documents have been made available at the main offices of Stoke-on-Trent City Council and Newcastle-under-Lyme Borough Council and at all Council libraries and local centres. These are also all available on each Council's respective website.</p> <p>A notice of submission was placed in the local Sentinel newspaper on 21st and 28th January 2009.</p> <p>Letters notifying the development plan bodies were sent out on 15th January 2009.</p> <p>Superseded saved policies are included as Appendix 6 of the Core Spatial Strategy.</p>
26 Are there any policies applying to sites or areas by	Regulations 13(4) 14 and 30(1)(b)	PPS12 paragraphs 4.6 - 4.7; 8.1-8.3	A submission proposals map has been prepared. This is available from both Council websites. The Local Plan proposals map has been amended to include Policy CSP4 – Natural Assets.

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<p>reference to an Ordnance Survey map or to amend an adopted proposals map?</p> <p>26 If yes, have you prepared a submission proposals map?</p>			
<p>26 If the development plan document is not a core strategy, is it in conformity with the core strategy?</p>	<p>Regulation 13(6)</p>		<p>Not relevant – the development plan document is a Core Spatial Strategy</p>
<p>24. 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 25 • How they were invited • A summary of the main issues raised • How the representations have been taken into account? 	<p>The Act section 20(3) Regulation 30(1)(d)</p>		<p>Regulation 30(d) Statement – the Statement of Compliance – has been prepared. This summarises who was consulted, how, what issues were raised, and how they were taken into account as the strategy developed.</p>

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<p>25. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> the number of representations made under Regulation 28(2) a summary of the main issues raised <p>OR</p> <ul style="list-style-type: none"> that no representations were made? 	<p>The Act section20(3) Regulation 30(1)(e)</p>		<p>Regulation 30(e) Statement – summary of representations to the submission draft – has been prepared.</p> <p>At submission stage - 404 duly made regulation 28(2) representations were made by 64 individuals and organisations. The main issues have been summarised.</p> <p>This is available on both Council's respective Core Spatial Strategy websites.</p>
<p>26 Have you collected together all the representations made under Regulation28?</p>	<p>The Act section20(3) Regulation 30(1)(f)</p>		<p>Yes, these are available at the Council offices, in the libraries and on both Council websites. These are also summarised in the Regulation 30(e) statement</p>
<p>27 Have you assembled the relevant supporting documents?</p>	<p>1. The Act section20(3) 2. Regulation 30(1)(g)</p>		<p>Yes, these have been assembled. All necessary evidence has been added to the virtual library on the Core Spatial Strategy website. Hard copies have been made available at the venue for the pre-hearing meeting and examination and further copies are available upon request.</p>
<p>28 Has your council approved the development plan document for submission?</p>	<p>The Act section20</p>		<p>Stoke City Council approved the Core Spatial Strategy for submission in March 2008 and for Newcastle this was May 2008.</p>
<p>29 Have you sent the Secretary of State</p>	<p>1. The Act s20(1) and</p>		<p>Yes. These were all sent to the Secretary of State on Monday 22nd</p>

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<p>(the Planning Inspectorate) a paper copy of the following:</p> <ul style="list-style-type: none"> • the development plan document? • the submission proposals map (unless there are no site allocation policies)? • the documents prescribed in Regulation 30(1)? 	<p>20(3)</p> <p>2. Regulations 30(1) and 30(2)(a)</p>		<p>December 2008.</p>
<p>30 Have you sent the Secretary of State (the Planning Inspectorate) an electronic copy of the:</p> <ul style="list-style-type: none"> • development plan document? • submission proposals map (unless there are no site allocation policies)? • documents prescribed in Regulation 30(1)? 	<p>1. The Act s20(1) and 20(3)</p> <p>2. Regulations 30(1) and 30(2)(b)</p>		<p>Yes. As above, all information was sent electronically on the 22nd December 2008. It is also all available from the Council's Core Spatial Strategy web pages.</p>
<p>31. Have you made the following available at</p>	<p>Regulation 30(3)(a)</p>		<p>Yes. The following documents;</p> <ul style="list-style-type: none"> • The submitted Core Spatial Strategy, • The Sustainability Appraisal,

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<p>the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> • The development plan document? • The documents prescribed in Regulation 30(1)? 			<ul style="list-style-type: none"> • The Proposals Map, • Individual representations received following publication, • (Regulation 30(d) Statement), detailing the various stages of consultation and how representations were considered, • (Regulation 30(e) Statement), setting out representations received following publication and our response, • each Council's Statement of Community Involvement, and • a copy of the supporting documents (evidence base) <p>have been made available at both Council offices. This has also been done for all the libraries within the City and Borough boundaries.</p>
<p>32 On your website, have you published the:</p> <ul style="list-style-type: none"> • development plan document • submission proposals map • sustainability appraisal report • Regulation 30(1)(d) statement • Regulation 30(1)(e) statement • supporting documents (where practicable) • representations 	Regulation 30(3)(b)		<p>All of these documents have been made available on both of the Council's Core Spatial Strategy websites. The majority of the supporting documents have been added to the 'virtual library' which is available from the web page on Stoke's website. These have also been added to the library, the majority of which have been added to a cd for easier viewing and distribution.</p> <p>A statement on where and when these documents are available has been added to the websites, as well as being advertised in the local newspaper and sent out in a letter to consultees.</p>

Question	Statutory Requirement	Guidance Reference	Evidence provided
<p>made under Regulation 28 (where practicable)</p> <ul style="list-style-type: none"> statement as to where and when the development plan document and the documents are available? 			
<p>33 For each specific consultation body invited to make representations under Regulation 25(1), have you sent the:</p> <ul style="list-style-type: none"> development plan document submission proposals map sustainability appraisal report adopted statement of community involvement Regulation 30(1)(d) statement Regulation 30(1)(e) statement supporting 	Regulation 30(3)(c)		<p>A letter dated 15th January 2009 was sent to all specific consultation bodies. This noted that because no changes have been made to the copies of the submitted Core Spatial Strategy, its Sustainability Appraisal and the Proposals Map, since their publication on the 29th August, 2008 that the Core Spatial Strategy document would not be sent out again. The CD Rom enclosed with the letter contained copies of each Council's Statement of Community Involvement, together with two statutory statements detailing the various stages of consultation and how representations were considered (Regulation 30(d) Statement) and a statement setting out representations received following publication and our response (Regulation 30(e) Statement).</p> <p>The letter also contained a statement notifying where and when the documents would be available for inspection.</p>

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<p>documents you consider relevant to each body</p> <ul style="list-style-type: none"> statement as to where and when the development plan document and the documents are available? 			
<p>34 For each general consultation body invited to make representations under Regulation 25(1), have you sent:</p> <ol style="list-style-type: none"> notification that the documents prescribed in Regulation 30(1) are available for inspection where and when they can be inspected? 	Regulation 30(3)(d)		<p>A letter was sent to all the general consultation bodies on 15th January 2009. This contained notification of what documents were available for inspection and at what venues and when.</p>
<p>35 Have you given notice by local advertisement setting out:</p> <ul style="list-style-type: none"> the title of the development plan document? 	Regulation 30(3)(e)		<p>An advert notifying people of submission of the Core Spatial Strategy was placed in the Sentinel on the 21st and 28th January 2009.</p> <p>This 'notice of submission' included the following details:</p> <ul style="list-style-type: none"> The subject and area covered by the Core Spatial Strategy Where and when the relevant documents would be available for

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<ul style="list-style-type: none"> the subject and area covered by the development plan document? notification that the documents prescribed in Regulation 30(1) are available for inspection where and when they can be inspected? 			<p>inspection</p> <ul style="list-style-type: none"> How they could be viewed online. <p>Refer to the 'notice of submission' on the Core Spatial Strategy web pages for more details.</p>
<p>36 Have you given notice to persons who have requested to be notified that submission has taken place?</p>	<p>Regulation 30(3)(f)</p>		<p>People who wished to be notified of the submission of the Core Spatial Strategy, were sent a letter stating this on the 15th January 2009.</p>
<p>37 If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> published the time and place of the examination and the name of the person appointed to carry out the examination on your website 	<ol style="list-style-type: none"> The Act section 20 Regulation 34 		<p>A programme officer, Gloria Dix, has been appointed.</p> <p>The details of the pre-hearing meeting and the examination have been published, along with location and times. An agenda for the pre hearing has also been published on the Stoke and Newcastle websites.</p> <p>People who have made representations have been made aware of the hearing and examination via a letter (dated 15th January 2009) with separate letters for general and specific consultation bodies. Details of which have also been published on the websites. The Inspector will be choosing who to invite to the examination.</p> <p>All relevant details have been advertised appropriately and letters sent to the relevant bodies – letters to specific and general</p>

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<ul style="list-style-type: none"> • notified those who have made representations on the published development plan document which have not been withdrawn of these details • advertised these details? 			<p>consultation bodies were sent out on the 15th January, 2009 and notices were placed in the Sentinel newspaper on the 21st and 28th January 2009.</p>