



Epping Forest District Local Plan Submission Version 2011-2033 Legal Compliance Checklist

This checklist has been prepared for the Epping Forest District Local Plan Submission Version 2011-2033 (LPSV), and the accompanying Policies Map. Its purpose is for the Council to satisfy itself that the plan is legally compliant for submission to the Secretary of State for Examination by an independent planning inspector.

This concludes that the Epping Forest District Local Plan Submission Version 2011-2033 complies with relevant legislation set out in the checklist. This checklist follows the template table prepared for the Planning Advisory Service (PAS) by SNR Denton. The checklist requirements are presented in italic and checklist evidence in plain.

Glossary:

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

"NPPF" means the **National Planning Policy Framework** published March 2012

"Regulations" means the **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

- *planning for community engagement*
- *planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)*
- *identifying significant cross boundary and inter-authority issues*
- *ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.*

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

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



Epping Forest
District Council

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		The Epping Forest District Local Plan (EFDLP) is included in the Epping Forest District LDS. The latest published LDS (Ref: EB101) was approved by Cabinet on 12 October 2017. Annual/Authority Monitoring Reports (AMR) (Ref: EB1708L) have been produced from the start of the plan period. This report monitors the progress of the District Plan timeline set out in the LDS. The latest AMR is the 2016/17 version.
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	Public consultation is carried out in line with the Council's Statement of Community Involvement (SCI): • Statement of Community Involvement February 2013 (Ref: EB104). The SCI sets out the consultation methods to be used in the preparation of the Local Plan.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	Regulation 2 defines the general and specific consultation bodies. The possible evidence may duplicate each other. Only use what you need to.	Yes, the definition of a general consultation body is set out in the SCI. The Council has built up an extensive database of groups and individuals that are consulted on a regular basis on local plan making activities including the general and specific consultation bodies.
4. How you will co-operate with other local planning authorities, including	The Act section 33A(1)(a) and (b), section 33A(3)(d)	NPPF paras 178 to 181 (which comprise the	Section 33A(4) defines a "strategic	Neighbouring authorities, the County Councils of Essex and Hertfordshire and other relevant stakeholders have been



Epping Forest
District Council

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<i>counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</i>	<p>(e) & (4)</p> <p><i>The Act Section 20(5)(c)</i></p> <p><i>Regulation 4</i></p>	<p><i>guidance referred to in the Act section 33A(7))</i></p> <p><i>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</i></p> <p><i>Strategic priorities are listed at NPPF Para 156</i></p>	<p><i>matter".</i></p> <p><i>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</i></p> <p><i>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</i></p>	<p>involved in ongoing discussions with Epping Forest District Council (EFDC) throughout plan preparation. EFDC, the County Councils and the neighbouring authorities in the West Essex/East Herts Housing Market Area (HMA) sit on the Co-operation for Sustainable Development Board which discusses cross border strategic issues established as a formal mechanism in 2014. Prior to that the SHMA authorities met regularly and individual meetings were held with other adjoining authorities.</p> <p>Joint evidence studies have been produced. The outcome of independent work has been shared across borders, with input being sought from relevant stakeholders.</p> <p>The Duty to Co-operate Compliance Statement (Ref: EB119) demonstrates that the requirements of the duty have been met and highlights how the Council has co-operated with local planning authorities and other bodies.</p>
5. <i>How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</i>	<p><i>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</i></p> <p><i>The Act section 20(5)(c).</i></p> <p><i>Regulation 4</i></p>	<p><i>NPPF paras 178 to 181</i></p>	<p><i>Section 33A(4) defines a "strategic matter".</i></p> <p><i>Strategic priorities are listed at NPPF Para 156.</i></p> <p><i>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section</i></p>	<p>The Council works with the South East LEP and has two elected members on the SELEP Board. In addition both the LEP and the Council are partners of the London-Stansted Cambridge Consortium. The Strategic Vision for the core area of the Corridor is set out in the LPSV and the Council has recognised, and taken into account, the wider context within which it is located, and therefore the need to reflect the aspirations and opportunities identified in the LSCC Strategic</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			33A(9). <i>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</i>	Vision. A Local Nature Partnership which includes the Epping Forest District administrative area has not been established.
6. <i>Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</i>	<i>The Act section13</i>	<i>NPPF paras 158 - 177</i>		The Council has compiled a broad range of baseline information in the form of its evidence base. A number of studies and research were commissioned specifically to support the development of the Local Plan. This evidence base has evolved through plan preparation to ensure up-to-date information is being used. All the technical studies that make up the evidence base are available to view in the technical documents section on the Council's website. In addition the Council's AMR collects information and evidence on an annual basis, and, where appropriate has specifically informed the development of Local Plan policies (Ref: EB1708L).
7. <i>Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</i>	<i>The Act section19(5)</i>	<i>NPPF paras 165 and 167</i> <i>Strategic Environmental Assessment Guide, chapter 5</i>		Information and evidence has been collected to set the framework for the sustainability appraisal (SA). An SA scoping report (Ref: EB200) was completed in October 2010. This incorporated the Strategic Environmental Assessment as well as Habitat Regulations Assessment scoping.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				The SA Scoping Report sets out the relevant baseline information and data in relation to the social, environmental and economic issues of the area, and the report identified the key sustainability issues for the District, which led to the development of the SA framework and objectives against which to test the performance of the Plan.
8. <i>Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?</i>	<i>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</i>	<i>NPPF paras 165 and 167</i> <i>SEA Guide chapter 3</i>	<i>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</i>	Consultation of the statutory environmental consultation bodies was carried out at the SA scoping stage for a period of over 7 weeks in 2010. Consultation on the Interim Sustainability reports in 2012 and 2016 took place as part of the Regulation 18 consultations on the Issues and Options and Draft Local Plan.

Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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

Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Have you notified: <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	Yes, the specific and general consultation bodies have been consulted on the Community visioning consultation in 2010/11, the Issues and Options (Community Choices) Consultation in 2012 and Draft Local Plan in October 2016. For more details see the Statement of Consultation (Ref EB115)
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		The Council has built up an extensive database of groups and individuals (approximately 16,500 contacts) that are consulted on a regular basis on local plan making activities. This includes residents as well as businesses in the borough, including residents', amenity and business associations and groups.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	The Council continues to be involved in ongoing discussions with infrastructure providers, developers and other stakeholders, including through a regular Developers' Forum set up in 2016 which has agreed terms of reference. These bodies have been consulted through the Community Choices Consultation 2012. The Council has also engaged with stakeholders responsible for delivery as part of the Draft Local Plan consultation in 2016. Also see the Statement of Consultation (Ref: EB115).
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	The Local Plan Statement of Consultation (Ref: EB115) sets out how representations from the Community Choices consultation were taken into account. The Draft Local Plan 2016 included a summary setting out 'What You Told Us?' as part of the background to each Draft Local Plan policy.
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5) Regulations 12 and 13 of The Environmental	NPPF paras 165 – 168 SEA Guide, chapter 3		An interim SA July 2012 (incorporating the requirements of SEA and updated to reflect the publication of the National Planning Policy Framework) was published for consultation alongside the

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	<i>Assessment of Plans and Programmes Regulations 2004 No 1633</i>			Community Choices consultation 2012 and Draft Local Plan 2016. This undertook an assessment of reasonable alternatives to inform the plan-making process.
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • proportionate to the scale of issues involved in the DPD? 	<i>The Act section 19(3)</i>	<i>NPPF para 155</i>		Participation has followed the principles set out in the Epping Forest SCI in relation to the scale and content of the Local Plan (Ref: EB104).
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p><i>The Act section 20(3)</i></p> <p><i>Regulation 17</i></p>	<i>NPPF paras 158 - 171</i>	<p><i>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</i></p> <p><i>Regulation 35 deals with the availability of documents and the time of their removal.</i></p>	The Council keeps copies of all the representations and relevant correspondence made during planning policy consultations. The Council considers all responses received. The main issues raised in the Community Choices consultation 2012 have been summarised within the supporting text to each policy proposed in the Draft Local Plan 2016. See also the Statement of Consultation (Ref: EB115).
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county</p>	<p><i>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</i></p>	<i>NPPF paras 178 to 181</i>	<p><i>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</i></p> <p><i>Section 33A(2) requires you</i></p>	<p>The Council has maintained a record of individuals/bodies invited to make representations. This list includes neighbouring authorities and county councils.</p> <p>The Cooperation for Sustainable Development Board was</p>



Epping Forest
District Council

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<i>council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</i>	<i>The Act section 20 (5)(c)</i>		<i>to engage constructively, actively and on an ongoing basis.</i>	established in 2014 as a mechanism for discussing cross boundary issues with neighbouring authorities in the West Essex/East Herts HMA and beyond. The Duty to Co-operate Compliance Statement (Ref: EB119) provides details on how the Council has worked with neighbouring authorities, county councils and other Duty to Co-operate bodies.
<i>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</i>	<i>The Act section 33A(1)(c) and Section 33A(9). The Act section 20(5) (c). Regulation 4</i>	<i>NPPF paras 178 to 181</i>	<i>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</i>	SELEP are on the Local Plan database and were sent emails inviting representations to the Draft Local Plan and Submission Version. A Local Nature Partnership covering the Epping Forest District administrative area has not been established. The Duty to Cooperate Compliance Statement (Ref: EB119) provides details on how the Council has worked with Duty to Co-operate bodies.
<i>10. Are you developing a framework for monitoring the effects of the DPD?</i>	<i>The Act section 35 Regulation 34 Regulation 17 of</i>	<i>NPPF paras 165 - 1687 SEA Guide, Chapter 5</i>	<i>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation" Chief Planning</i>	The AMR (Ref: EB1708L), published annually, is the principal tool used to monitor the effectiveness of the Local Plan policies. Appendix 3 of the Local Plan Submission Version sets out the proposed monitoring

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	<i>The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</i>		<i>Officer letter 30 March 2011 withdrawing ODPM guidance.</i>	<p>framework.</p> <p>The interim SA Report 2012 (Ref: EB201) identified a number of topics which would need to be considered in respect of future monitoring through the AMR and other mechanisms and this has been used as a basis for preparing the framework.</p>



Stage three: Plan preparation - formulation phase

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

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

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

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

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

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

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

The council should tell all parties that this is the main participation opportunity on the emerging plan.. *The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.*



Epping Forest
District Council

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. <i>Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</i>	<i>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</i>	<i>NPPF paras 152 - 182 SEA Guide, Chapter 5</i>	<i>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</i>	A range of evidence was developed to inform the Council's chosen approach in the Draft Local Plan 2016 including the Strategic OAHN Spatial Options Study for the West Essex and East Herts Authorities 2016 (Ref:EB203) and Interim SA Report (Ref: EB202). This evidence assessed the reasonable alternatives to inform the development of the Draft Local Plan 2016.
2. <i>Have you assessed alternatives against:</i> <ul style="list-style-type: none"> <i>consistency with national policy?</i> <i>general conformity with the regional spatial strategy where still in force?</i> 	<i>The Act section19 (2), section 24</i>	<i>NPPF para 151</i>	<i>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.</i>	The Epping Forest District Draft Local Plan Interim SA Report 2016 (Ref: EB202) and SA for the LPSV (Ref: EB204) assessed the alternatives against consistency with national policy. The RSS has been revoked.
3. <i>Are you having regard to (where relevant):</i> <ul style="list-style-type: none"> <i>adjoining regional spatial strategies?</i> <i>the spatial development</i> 	<i>The Act sections19 (2) and 24 (1) and (4) Regulation 10 and 21</i>		<i>Where the regional strategy has been revoked you should record that fact.</i>	The RSS has been revoked.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p><i>strategy for London?</i></p> <ul style="list-style-type: none"> <i>Planning Policy for Wales?</i> <i>the National Planning Framework for Scotland?</i> 				
<p>4. <i>Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</i></p> <p><i>Have you discussed doing joint local development documents?</i></p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	<p>NPPF paras 181 and 185</p>	.	<p>The Duty to Co-operate Compliance Statement (Ref: EB119) details how the Council has co-operated with other LPAs and the County Councils with regards to cross boundary issues. EFDC, the County Councils, neighbouring authorities in the West Essex/East Herts HMA, adjoining London Boroughs as well as relevant bodies including Highways England, Natural England and the City of London Corporation (Conservators of Epping Forest) sit on the Co-operation for Sustainable Development Board (established in 2014) which discusses cross boundary strategic issues. Three MoUs were agreed in February/March 2017 to address significant cross boundary issues. A fourth MoU on employment has been prepared.</p> <p>Joint working has informed a number of the site allocations proposed in the Plan including</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Latton Priory, the Water Lane area and land East of Harlow. In addition, joint evidence studies have been produced in conjunction with neighbouring authorities and the county councils.</p> <p>Joint governance arrangements have been developed for the Cooperation for Sustainable Development Board and are being developed for the Harlow and Gilston Garden Town (which includes the sites referred to above). The LPSV provides for Strategic Masterplans to be prepared in conjunction with Harlow District Council where appropriate. Policy SP 4 sets out the overarching requirements for the three Garden Town Communities within the District and a similar Garden Town policy is contained within Harlow's Local Plan, which will help to ensure a consistent approach across the Garden Town, and particularly the East Harlow site which straddles the two administrative areas.</p>
5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address	The Act section 33A(2)(a), section 33A(6)(a)	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	The Duty to Co-operate Compliance Statement (Ref: EB119) details how the Council has co-operated with the

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<i>significant cross boundary issues including preparing joint approaches?</i>	<i>The Act section 20 (5) (c)</i> <i>Regulation 4</i>			prescribed bodies to address significant cross boundary issues. The Council has agreed MOUs with neighbouring authorities within the West Essex/East Herts HMA together with other statutory bodies where relevant.
6. <i>Are you cooperating with having regard to the activities of the LEP and LNP?</i>	<i>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</i>	<i>NPPF para 181 and 182</i>		The Council has two members who sit on the SELEP Board. In addition the LEP and EFDC are both partners on the London Stansted Cambridge Consortium (LSCC) and the Draft Local Plan 2016 includes the -Vision for the core area of the LSCC recognising, and taking into account, the wider context within which the district is located. A Local Nature Partnership covering the Epping Forest District administrative area has not been established.
7. <i>Are you having regard to:</i> <ul style="list-style-type: none"> <i>your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</i> <i>any other local development documents</i> 	<i>The Act section 19(2)</i>			The Draft Local Plan was prepared having had regard to the objectives of the Epping Forest Community Strategy 2010 to 2031.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<i>adopted by the council?</i>				
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> resources the local/regional economy the local transport plan and transport facilities and services waste strategies hazardous substances 	<p>The Act section 19(2)</p> <p>Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	<p>These matters and relevant strategies have been considered throughout plan preparation. The Duty to Cooperate Compliance statement (Ref: EB119) highlights communication between the Council and relevant bodies in relation to these matters.</p> <p>The London Stansted Cambridge Corridor (LSCC) Vision for the core area is set out in the Draft Local Plan 2016 and LPSV. The principles of this strategic economic vision have guided development of the Local Plan.</p> <p>The Local Plan SV has taken account of the Essex Minerals Local Plan 2014, the Essex and Southend Waste Local Plan 2001 and the Essex and Southend on Sea Replacement Waste Local Plan adopted in 2017.</p> <p>The transport schemes identified by the Plan and the IDP (Ref: EB1101 A and B) have been informed by the Essex Transport Strategy: the Local Transport Plan for Essex 2011-2026 (Essex County Council, 2011) and further discussions with Essex County Council as the Highway Authority,</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				Highways England and through the development of the MoU.
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section 19(1A)	NPPF paras 93 -108		<p>Policies relating to Climate Change are set out in Chapter 4 of the Draft Local Plan 2016. The Local Plan Objectives set out in Chapter 3 include references to mitigating the effects of climate change.</p> <p>The SA Interim Report 2016 (Ref: EB202) assesses the impact of the Draft Local Plan on climate change.</p> <p>The Epping Forest District Level 1 Strategic Flood Risk Assessment (Ref: EB909) has informed the development of policies designed to mitigate/adapt to the effects of climate change.</p>
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	<p>The SA of Strategic Spatial Options for the West Essex/East Herts HMA 2016 and the SA Interim Report 2016 (Ref: EB202) were prepared to support the Draft Local Plan 2016. These documents have informed the strategic options selected and have assessed the likely impacts of the Draft Local Plan 2016.</p> <p>Consultation on the SA Interim Report 2016 has been carried out alongside the Draft Local Plan</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				consultation.
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	<p>The SA Interim Report 2016 (Ref: EB202) outlines the process the Council has undertaken through plan preparation. The Draft Local Plan 2016 identifies alternative options with respect to each policy and the reasons for not pursuing them.</p> <p>The SA 2017 which accompanied the LPSV explains why the preferred approach has been chosen and assesses the reasonable alternatives.</p> <p>The Council has produced site selection methodologies to inform the inclusion of sites for housing, employment (Ref: EB801A and EB805AK) and traveller accommodation (Ref: EB801P and EB805AI) which explain how the Council has arrived at its chosen approach for each settlement/site in the Draft Local Plan 2016 and the LPSV.</p>
12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental</p>	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	The Council has taken account of representations made following the consultation on the Draft Local Plan. The Council keeps a record of all representations received.

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
	<i>Assessment of Plans and Programmes Regulations 2004 No 1633</i>			
<p>13. <i>Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</i></p> <ul style="list-style-type: none"> <i>enable you to amend the currently adopted policies map?</i> <i>inform the community about the location of proposals?</i> 	<i>Regulations 5 (1)(b) and 9</i>	<i>NPPF para 157</i>	<p><i>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</i></p> <p><i>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</i></p>	Within the Draft Local Plan 2016 written document there are maps for each settlement, or area, which show proposed site allocations and potential changes to the currently adopted policies map where necessary, including alterations to the Green Belt. This identifies sites, and areas for the application of policy which are proposed to be amended, which will enable the Council to undertake future amendments to the adopted policies map with regard to these matters and inform the community about the location of proposals.
14. <i>Are the participation arrangements compliant with the SCI?</i>	<p><i>The Act, section 19(3)</i></p> <p><i>Regulation 18</i></p>	<i>NPPF paras 150 and 155</i>		The Regulation 22 Consultation Statement (Ref: EB115) demonstrates that public consultation has been carried out in line with the Epping Forest District SCI (Ref: EB104).



Stage four: Publication

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

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

- *do so and progress directly to publication*

OR

- *produce and consult on a revised preferred strategy.*

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

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

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

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

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

Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Have you prepared the sustainability appraisal report?	<i>The Act section 19(5)</i> <i>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</i>	<i>NPPF paras 165 - 168</i> <i>SEA Guide Chapter 5</i>		<i>Sustainability appraisal report</i> A SA and Equalities Impact Assessment 2017 (Ref: EB204) has been prepared to support the LP Submission Version 2017. This document has informed the strategic options selected and has assessed the likely impacts of the Plan.
2. Have you made clear where and within what period representations must be made?	<i>Regulation 17, 19, 20 and 35</i>		<i>The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).</i>	Publication of the Regulation 19 Local Plan Submission Version ran for the statutory 6 week period between 18 December 2017 and 29 January 2018. The timescale for responses and the procedure for submitting responses was made clear on the Council's website, within relevant publicity material and within the Local Plan document itself. Further details can be viewed as part of the Regulation 22 Consultation Statement (Ref: EB115).
3. Have you made copies of the following available for	<i>Regulation 19(a)</i>		<i>Regulation 17 gives definitions.</i>	The proposed submission documents were published on the Council's website and

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<i>inspection:</i> <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? 				<p>made available to view at the Council's offices, local libraries and leisure centres as well as being publicised through various other means.</p> <p>A statement of representations procedure was produced.</p> <p>Further details can be viewed as part of the Regulation 22 Consultation Statement (Ref: EB115).</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? statement and details of where and when documents can be inspected? 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	<p>All the proposed submission documents (referred to as 'Publication') including information as to where documents can be inspected have been published on the Council's website.</p> <p>Further details can be viewed as part of the Regulation 22 Consultation Statement (Ref: EB115).</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> A copy of each of the 	Regulation 19(b)		Regulations 2 and 17 give definitions.	A copy of each of the proposed submission documents were made available to the specific consultation bodies electronically.



Epping Forest
District Council

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p><i>proposed submission documents</i></p> <ul style="list-style-type: none"> <i>The statement of the representations procedure?</i> 				<p>The statement of representations procedure was contained within the Public Notice that appeared in the Epping Forest Guardian on 21 December 2017 and was placed on the website from 18 December 2017. The consultation letter/email sent out to all those on the database also contains information as to where and when documents could be inspected.</p>
<p>6. <i>Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</i></p> <ul style="list-style-type: none"> <i>the statement of the representations procedure?</i> <i>where and when the documents can be inspected?</i> 	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>A statement of the representations procedure and statement of availability were sent to the consultation bodies as part of their consultation letter/email.</p>
<p>7. <i>Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the</i></p>	<p>The Act section 24</p> <p>Regulation 21</p>		<p><i>The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation</i></p>	<p>N/A</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<i>DPD spatial development strategy?</i>			21).	



Stage five: Submission

At the submission stage, the council should receive and collate any representations made at publication stage. You don't have to report these representations to councillors but there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered. Or you might just think it is a good idea to report on it anyway.

If they are reported it should be on the facts of the representations made, not the results of a consultation process by the council. They should not be treated as a consultation or an opportunity to make changes or answer representations. NB: under the 2012 Regulations there is no longer any requirement to give notice by local advertisement.

You should ensure you are in legal compliance with the SCI, the Habitats Directive and the Strategic Environmental Assessment Directive in any additional work. Any formal publication of additional or changed matters would need to allow at least a six-week period for representations to be made.

There are different approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements if any changes are made (and any consequential effects on the DPD as a whole).

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission.

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	The LPSV 2011-2033 was included in the Epping Forest District LDS agreed in October 2017. The LP accords with the listing and description in the most recent LDS. Authority Monitoring Reports (AMR) (Ref: EB1708L) have been produced from the start of the plan period. This report monitors the progress of the Local Plan

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				timeline set out in the LDS. The latest AMR is the 2016-17 version.
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182		The LP has been prepared having had regard to the objectives of the Epping Forest Community Strategy 2010 - 2031.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	The LP is compliant with the Epping Forest District SCI (Ref: EB202). The SCI was revised in July 2013. The Regulation 22 Consultation statement (Ref: EB115) demonstrates that public participation has been carried out in line with the SCI.
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues If you have not agreed on the approach is there a	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	The identification and management of cross boundary issues has been integral to the production of the LP. Housing, Employment, Green Belt, Transport, and the impacts of development on Epping Forest SAC are areas where particular cross boundary issues have been recognised. A number of the allocated sites (including the Garden Town Communities of Latton Priory, the Water Lane area and land East of Harlow) either adjoin or straddle the boundary with neighbouring authorities. Therefore a

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
justification?				<p>collaborative working approach has been adopted with regards to these sites.</p> <p>Joint governance arrangements have been agreed for the Cooperation for Sustainable Development Board and are being developed for the Harlow and Gilston Garden Town (which includes the sites referred to above). In addition, Strategic Masterplans will be jointly prepared with Harlow District Council where appropriate. Policy SP 4 sets out the overarching requirements for the three Garden Town Communities and a similar Garden Town policy is contained within Harlow's Local Plan, which will help to ensure a consistent approach across the Garden Town, and particularly the East Harlow site which straddles the two administrative areas.</p> <p>Joint evidence studies have been produced. The outcome of independent work has been shared across borders, with input being sought from relevant stakeholders.</p> <p>The Duty to Co-operate Compliance Statement (Ref: EB119) demonstrates how the</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				Council has worked with neighbouring authorities, County Councils, the South East LEP, and other Duty to Co-operate bodies including Corporation of London (Conservators of Epping Forest), Lee Valley Regional Park Authority, London Stansted Cambridge Consortium, Highways England, Natural England, Homes and Communities Agency, princess Alexandra Hospital and the Environment Agency. The Council has been involved in ongoing discussions and has signed MoUs with a number of Duty to Co-operate bodies.
5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5) Regulation 22(1)(a)	NPPF para 165 SEA Practical Guide, chapter 5		A SA and Equalities Impact Assessment 2017 (Ref: EB204) has been prepared to support the LPSV. This document has informed the strategic options selected and has assessed the likely impacts of the Plan.
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		Yes.
7. Does the DPD contain any policies or proposals that are not in general conformity with	The Act section 24(1)(a) and 24(4)	NPPF para 218 footnote 41	In London the requirement is for general conformity with the spatial development	The Regional Spatial Strategy has been revoked.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p><i>the regional strategy where it still exists?</i></p> <p><i>If yes, is there local justification?</i></p> <p><i>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</i></p>	Regulation 21		strategy (The London Plan).	
<p>8. <i>Has the council published the prescribed documents, and made them available at their principal offices and their website?</i></p> <p><i>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</i></p> <p><i>Does the DPD contain a list of superseded saved policies?</i></p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	NPPF para 182	Requirements relating to publication of the prescribed documents are listed later in this table.	<p>The Council has made all the submission documents available at their principal offices and the website.</p> <p>The Council has notified the relevant statutory and general consultation bodies, as well as other consultees.</p> <p>Paragraph 1.4 of the LPSV (P.2) states that 'Once adopted the, Epping Forest District Local Plan will replace all of the surviving policies of the Local Plan 1998 and the 2006 Local Plan Alterations'. In addition a list of the policies to be replaced is set out at Appendix 2 (P208-215).</p>
9. <i>Are there any policies</i>	Regulations 5(1) (b),			A Policies Map (Ref: EB114B),

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p><i>applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</i></p> <p><i>If yes, have you prepared a submission policies map?</i></p>	9 (1), 17 & 22(1)			has been produced and published alongside the LP. This is included in the submission package in accordance with Regulation 22.
10. <i>Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</i>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<i>Development Plan is defined in Section 38 of the Act.</i>	Paragraph 1.4 of the LPSV (P.2) states that 'Once adopted the, Epping Forest District Local Plan will replace all of the surviving policies of the Local Plan 1998 and the 2006 Local Plan Alterations'. In addition a list of the policies to be replaced is set out at Appendix 2 (P208-215).
<p>11. <i>Have you prepared a statement setting out:</i></p> <ul style="list-style-type: none"> <i>Which bodies and persons were invited to make representations under Regulation 18?</i> <i>How they were invited?</i> <i>A summary of the main issues raised?</i> <i>How the representations have been taken into account?</i> 	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<i>This will bring forward material from the Consultation statement (see Stage 2 above).</i>	<p>Yes. See the Consultation Statement (EB115).</p> <p>This sets out which bodies and persons were invited to make representations under Regulation 18, how they were invited, summaries of the main issues raised and how the representations have been taken into account in the preparation of the Local Plan.</p>
12. <i>Have you prepared a statement giving:</i>	The Act section 20(3)			Yes. See the Regulation 22 Consultation Statement (EB115).

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> the number of representations made under Regulation 22? a summary of the main issues raised? OR <ul style="list-style-type: none"> that no representations were made? 	Regulation 22(1)(c)			
13. Have you collected together all the representations made under Regulation 22?	The Act section 20(3) Regulation 22(1)(e)			Yes. See the Regulation 22 Consultation Statement (EB115).
14. Have you assembled the relevant supporting documents?	The Act section 20(3) Regulation 22(1)(g)			Yes. A list of relevant supporting documents as well as a USB stick for the Planning Inspectorate containing all the submission and other evidence base documents has been prepared. All relevant supporting documents are also available to view on the Council's website.
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	A meeting of the Council on 14 December 2017 resolved to publish the Regulation 19 Local Plan and to submit the Local Plan to the Secretary of State for Examination. The agenda, reports and minutes of the meeting are available on the Council's website, here: http://rds.eppingforestdc.gov.uk/ie

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				ListDocuments.aspx?CId=296&MId=9455.
<p>16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> the DPD? the submission policies map (unless there are no site allocation policies)? the documents prescribed in Regulation 22(1)? 	<p>The Act section 20(1) and 20(3)</p> <p>Regulations 22(1) and 22(2)</p>		<p>Regulation 35 deals with the availability of documents and the time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	A paper copy of the Local Plan Submission Version and policies map and an electronic copy of all the submission documents will be sent on submission.
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> The DPD? The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	The submission documents and the prescribed documents are available on the Councils website. Copies of the LPSV and policies map are available in hard copy format from the Council offices.
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> DPD? submission policies map? sustainability appraisal report? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	These documents are available on the Council's website.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 				
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> • notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection • where and when they can be inspected? 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	Prescribed notices will be emailed or posted to the relevant general consultation bodies.
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	The prescribed notices will be sent by the Council under the supervision of the Local Plan Examination Programme Officer.
<p>21. If an examination is being held, at least six weeks before its opening has the</p>	<p>The Act section 20</p> <p>Regulations 24 and</p>			The Local Plan Examination Programme Officer will oversee appropriate notices and

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p><i>Programme Officer:</i></p> <ul style="list-style-type: none"> <i>published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</i> <i>notified those who have made representations on the published DPD which have not been withdrawn of these details?</i> 	35			advertisements in line with Regulations.