



## **Local Plan Legal Compliance Checklist Edmonton Leaside Area Action Plan Submission (2018)**

This checklist has been updated for PAS by SNR Denton. It supersedes the previous checklist and is based on **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**. It should be used with the Soundness Self Assessment Checklist (also updated January 2013).

Remember that the evidence you provide to support your plan should be relevant and proportionate. Please don't use this checklist as a reason to assemble more than is needed.

### **Glossary:**

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

### **Stage one: The early stages**

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

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

- planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- identifying significant cross boundary and inter-authority issues



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- 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.



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### Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
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 Plan has been identified in the Local Development Scheme (LDS) 2013-2016.
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.	The Statement of Community Involvement sets out the council's methods of consultation. The Regulation 22 Consultation Statement (March 2018) provides details of how the Council consulted organisations, residents, businesses and the community and voluntary sector as part of the preparation of the 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.	The Statement of Community Involvement identifies the appropriate bodies to consult in relation to policy making. Please refer to Regulation 22 Consultation Statement and integrated Duty to Cooperate Statement (March 2018) that supports the submission of the ELAAP.



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>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.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>A Duty to Cooperate Statement has been prepared (as an integrated part of the Regulation 22 Consultation Statement) which sets out how other local planning authorities and prescribed bodies have been involved in the evolution of the AAP, and how this involvement has helped shape the proposals as they emerged.</p> <p>Enfield Council is of the view that the duty to cooperate has been fulfilled and has not received any objections to the Plan regarding the Duty to cooperate.</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP)</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d)</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter".</p>	<p>Not applicable</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
<p>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?</p>	<p>and (e) The Act section 20(5)(c). Regulation 4</p>		<p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section 13</p>	<p>NPPF paras 158 - 177</p>		<p>Yes. An evidence base has been prepared and reviewed. This forms part of the submission of the ELAAP. The Council will continue to monitor issues affecting this Plan through its Local Plan Monitoring Report.</p>
<p>7. Is baseline</p>	<p>The Act</p>	<p>NPPF paras 165</p>		<p>A Sustainability (SA) Scoping Report was</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
<p>information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>section 19(5)</p>	<p>and 167  Strategic Environmental Assessment Guide, chapter 5</p>		<p>completed, consulted on with the relevant statutory bodies, and updated. A Sustainability Appraisal report was prepared for the ELAAP and forms part of the submission.</p>
<p>8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>NPPF paras 165 and 167  SEA Guide chapter 3</p>	<p>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</p>	<p>The SA Scoping Report for the Edmonton Leaside underwent consultation with the three statutory bodies: Natural England, the Environment Agency and English Heritage, and other relevant non-statutory organisations. Comments were received from the Environment Agency, Natural England and English Heritage and informed the final SA Scoping Report.</p>



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## **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.



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## Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
<p>1. Have you notified:</p> <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<p>Yes. Specific and general consultation bodies were invited to make representations:</p> <ul style="list-style-type: none"> <li>• Interim Direction Document (2012)</li> <li>• Proposed Submission AAP (2013)</li> <li>• Proposed Submission AAP (2017)</li> </ul> <p>The Regulation 22 Consultation Statement provide details of how the Council consulted organisations, residents, businesses and the community and voluntary sector as part of the preparation of the Plan, summarises the representations received and how they have been taken into account in the preparation of the Plan.</p> <p>A Statement on the Duty to Cooperate has also been prepared to demonstrate how other local planning authorities and prescribed bodies have been involved in the evolution of the AAP.</p>
<p>2. Are you inviting representations from people resident or carrying out</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>		<p>Yes. See the Regulation 22 Consultation Statement.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
business in your area about the content of the DPD?				
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.	Yes. See the Regulation 22 Consultation Statement.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	Yes. See: <ul style="list-style-type: none"> <li>• The Regulation 22 Consultation Statement;</li> <li>• Schedule of Minor Amendments; and</li> <li>• Schedule of Representations and LBE Response.</li> </ul>
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section19(5)  Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes	NPPF paras 165 – 168  SEA Guide, chapter 3		Yes, see the Regulation 22 Consultation statement.



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
	Regulations 2004 No 1633			
<p>6. Is the participation:</p> <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable community strategy?</li> <li>• proportionate to the scale of issues involved in the DPD?</li> </ul>	The Act section19(3)	NPPF para 155		<p>The consultation on the ELAAP followed the principles in the Council’s adopted SCI. See the Regulation 22 Consultation Statement. The SCI was adopted in 2015 and aligned to the regulatory requirements.</p> <p>The Regulation 22 Consultation Statement demonstrates how this process has been carried out in line with the requirements of the 2012 Regulations.</p> <p>The scale of consultation has been proportionate to the nature of issues set out in the AAP.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <li>• the individuals or bodies invited to make representations ?</li> <li>• how this was done?</li> <li>• the main issues</li> </ul>	<p>The Act section20(3)</p> <p>Regulation 17</p>	NPPF paras 158 - 171	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and</p>	The Council has a record of who was invited to make representations, all of the representations made, and has summarised the main issues raised in the Consultation Statements.



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
raised?			the time of their removal.	
8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)  The Act section 20 (5)(c)	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.  Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	The Council invited prescribed bodies and adjoining authorities to make representations. See the Regulation 22 Consultation Statement.
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise	The Act section 33A(1)(c) and Section 33A(9).	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during	The Statement on the Duty to Co-operate sets out who and how the relevant 'Duty to co-operate' bodies have been involved in the preparation of the AAP, and how any strategic issues relevant to the Plan area were addressed.



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
partnership (LEP) or a local nature partnership (LNP)?	<p>The Act section 20(5) (c).</p> <p>Regulation 4</p>		<p>plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	
10. Are you developing a framework for monitoring the effects of the DPD?	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p>	<p>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 Officer letter 30 March 2011 withdrawing ODPM guidance.</p>	<p>Yes. The ELAAP document Part D, Delivery and Implementation, will form the basis for monitoring the progress of the Plan and outcomes of the monitoring will be reported through the Council’s Monitoring Report.</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.



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### Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182  SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	Previous stages in the document preparation and consultation have allowed for alternatives to be raised and considered. Reasonable alternatives were also assessed by the Sustainability Appraisal.
2. Have you assessed alternatives against: <ul style="list-style-type: none"> <li>consistency with national policy?</li> <li>general conformity with the regional spatial strategy where still in force?</li> </ul>	The Act section 19 (2), section 24	NPPF para 151	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.	The Council considers that the AAP is consistent with national policy.  See the Regulation 22 Consultation Statement for the GLAs response to the ELAAP. The GLA found the Plan was not in general conformity with the Mayor's London Plan (2016) due to the release of designated industrial land. The Council will seek further discussion with the GLA to resolve this issue.
3. Are you having regard to (where	The Act sections 19 (2) and 24 (1)		Where the regional strategy has been revoked you should	See above



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
relevant): <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development strategy for London?</li> <li>• Planning Policy for Wales?</li> <li>• the National Planning Framework for Scotland?</li> </ul>	and (4)  Regulation 10 and 21		record that fact.	
4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?  Have you discussed doing joint local development documents?	The Act section 33A(2)(a)  Section 33A(6)(a)(b)  Section 20(5)(c)	NPPF paras 181 and 185	.	See Duty to Co-operate Statement (integrated as part of the Regulation 22 Statement).
5. Are you cooperating	The Act	NPPF paras 181	The bodies	See Duty to Co-operate Statement.



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	section 33A(2)(a), section 33A(6)(a)  The Act section 20 (5) (c)  Regulation 4	and 182	prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182		Not applicable.
7. Are you having regard to: <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the</li> </ul>	The Act section 19(2)			The ELAAP will form part of suite of documents that make up Enfield's Local Plan. The AAP is supported by the core policies 37 and 38 of the adopted Core Strategy. The London Plan (successive versions) and the Upper Lee Valley Opportunity Area (2013) support regeneration in this area. There is strong consistency between the documents that make up Enfield's planning framework.



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
<p>council?</p> <ul style="list-style-type: none"> <li>• any other local development documents adopted by the council?</li> </ul>				
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> <li>• the local transport plan and transport facilities and services</li> <li>• waste strategies</li> <li>• hazardous substances</li> </ul>	<p>The Act section19(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>Enfield Council has consulted all relevant bodies during the Plan's preparation, including; Transport for London, the Greater London Authority, Highways Agency, North London Waste Authority, the adjoining boroughs of Waltham Forest, Haringey and the Lee Valley Regional Park. This has allowed for the consideration of relevant strategies to be considered in ELAAP preparation.</p>
<p>9. Are you having regard to the need to include policies on mitigating and</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 - 108</p>		<p>The ELAAP includes extensive policy to mitigate and adapt to climate change, including: EL8 on managing flood risk at Meridian Water; and EL26 (Lee Valley Heat Network) to provide a low carbon energy source.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
adapting to climate change?				The borough-wide approach to mitigating and adapting to climate change is established in Enfield's Core Strategy (2010) and Development Management Document (2014).
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182  SEA Guide, Chapter 5	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	See the Sustainability Appraisal Report.
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.	See the Sustainability Appraisal Report.
12. Have you taken into account any representations made on the content	Regulations 17, 18(3) and 22 (1) (c) (iv)	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include	A record has been kept for notification of consultation and representations received. The consultation statement summarises the issues and provides a Council response.



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
<p>of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>		<p>recording any assessment made under the Habitats Directive.</p>	
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> <li>• enable you to amend the currently adopted policies map?</li> <li>• inform the community about the location of proposals?</li> </ul>	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>A Policies Map has been published together with the Proposed Submission ELAAP.</p>
<p>14. Are the participation arrangements compliant with the</p>	<p>The Act, section 19(3)</p>	<p>NPPF paras 150 and 155</p>		<p>The consultation on the ELAAP has followed the principles in the SCI. See the Regulation 22 Consultation Statement. The SCI was adopted</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
SCI?	Regulation 18			in 2015 and meets the regulatory requirements.



#### **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'.



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### Stage four: Publication

Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
1. Have you prepared the sustainability appraisal report?	The Act section 19(5)  Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168  SEA Guide Chapter 5		A Sustainability Appraisal has been prepared.
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	The consultation webpage, emails, letters and notices for the Proposed Submission ELAAP provided information on where and within what period representations must be made. The AAP was formally published for a 6-week consultation from 15 <sup>th</sup> March 2017.
3. Have you made copies of the following available for inspection:  • the proposed submission	Regulation 19(a)		Regulation 17 gives definitions.	The ELAAP proposed submission documents and the statement of representations procedure were available for public inspection in accordance with the details as set out in the Statement of Fact, including online, at the Council main offices, and at the local public libraries.



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
<p>documents?</p> <ul style="list-style-type: none"> <li>the statement of the representations procedure?</li> </ul>				
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> <li>statement and details of where and when documents can be inspected?</li> </ul>	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>The ELAAP Proposed Submission Documents, statement of representations and statement of fact have been published on the Council's website.</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p>	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>The proposed submission documents and statement of representations procedure were sent to all of the organisations and individuals on the Planning Policy consultation database (containing around 1,500 records), and were made available for public inspection.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
<ul style="list-style-type: none"> <li>• A copy of each of the proposed submission documents</li> <li>• The statement of the representations procedure?</li> </ul>				
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• the statement of the representations procedure?</li> <li>• where and when the documents can be inspected?</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	Contact with consultation bodies was made through email and letter, accompanied by the statement of representations procedure. The ELAAP proposed submission documents were made available for public inspection in accordance with the regulatory requirements, including on the Council's website, at the main Council offices, and in libraries in proximity to the AAP area.
7. Have you requested the opinion of the Mayor of London (if a London Borough or	The Act section 24  Regulation 21		The request must be made on the day you publish the documents under	The Council requested the opinion of the Mayor of London on the general conformity of the ELAAP at the commencement of public consultation, on 15 <sup>th</sup>



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Activity	Statutory requirement	Guidance reference	Additional notes	Evidence provided
Mayoral DC) on the general conformity of the DPD spatial development strategy?			Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	March 2017.



## 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	Evidence provided
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further	The Plan has been identified in the Local Development Scheme (LDS) 2013-2016. Due to further requirement on the AAP, in particular for the Meridian Water regeneration area, the timescales have moved back.



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Activity	Legal requirement	Guidance reference	Additional notes	Evidence provided
Have the timescales set out in the LDS been met?			matters are prescribed in the Regulations.	
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 ELAAP has been developed in line with relevant objectives set out in Enfield's Sustainable Community Strategy.
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 consultation on the ELAAP followed the principles in the Council's adopted SCI. The SCI was adopted in 2015. The Regulation 22 Consultation Statement demonstrates how this process has been carried out in line with the requirements of the 2012 Regulations.  The scale of consultation has been proportionate to the nature of issues set out in the AAP.
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-	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	The Statement of Community Involvement identifies the appropriate bodies to consult in relation to policy making. Please refer to Regulation 22 Consultation Statement and integrated Duty to Cooperate Statement (March 2018) that supports the submission of



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<p>operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>			<p>priorities to be found 'Effective'.</p>	<p>the Area Action Plan.</p>
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>A Sustainability Appraisal has been prepared and will be submitted.</p>
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p>		<p>The Plan is considered to be consistent with national policy and has undertaken the PAS Soundness self-assessment checklist.</p>
<p>7. Does the DPD contain any policies or proposals that are not in general</p>	<p>The Act section 24(1)(a) and 24(4)</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity</p>	<p>The Council considers that the AAP is consistent with national policy.</p>



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<p>conformity with the regional strategy where it still exists? If yes, is there local justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>	<p>Regulation 21</p>		<p>with the spatial development strategy (The London Plan).</p>	<p>See the Regulation 22 Consultation Statement for the GLAs response to the ELAAP. The GLA found the Plan was not in general conformity with the Mayor's London Plan (2016) due to the issues around the release of designated industrial land. The Council will seek a resolution to this issue through further discussion with the GLA.</p>
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>The Council will publish the proposed submission documents at the date of submission and make them available in accordance with the regulatory requirements. Consultees will be notified of submission.</p> <p>In some instances the AAP provides a policy approach which diverges from the borough-wide framework; the AAP does not specify these.</p>



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<p>plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>				
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 &amp; 22(1)</p>			<p>The submission includes a Policies Map for the area which reflects the amended policy position in the ELAAP.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>The ELAAP will form part of suite of documents that make up Enfield's Local Plan. While there is broad consistency between ELAAP and other Local Plan documents, the AAP varies in the policy approach to the Core Strategy and DMD policy in some areas, for example housing mix and industrial land. This is due to evidence and modelling which supports different requirements for this area. The reasons for the different approach are set out</p>



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				in the ELAAP, although it does not list these.
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> <li>• Which bodies and persons were invited to make representations under Regulation 18?</li> <li>• How they were invited?</li> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>The Regulation 22 Consultation Statement provide details of the organisations and individuals consulted as part of the Regulation 18 stage of the preparation of the Plan, the number of representations made, a summary of the main issues, and how they have been taken into account.</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> <li>• the number of representations made under Regulation 22?</li> <li>• a summary of the main issues raised?</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• that no representations were made?</li> </ul>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>The Regulation 22 Consultation Statement provide details of the organisations and individuals consulted as part of the preparation of the Plan, the number of representations made, a summary of the main issues, and how they have been taken into account.</p>



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13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3)  Regulation 22(1)(e)			All representations have been collected and saved.
14. Have you assembled the relevant supporting documents?	The Act section 20(3)  Regulation 22(1)(g)			These relevant supporting documents have been assembled for submission.
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.	The Proposed Submission ELAAP was approved by Council on 25 <sup>th</sup> January 2017 for publication for public consultation, and submission to the Secretary of State for public examination. The Council also approved that the Executive Director of Regeneration & Environment be delegated authority to make appropriate changes to the Submission version of the Edmonton Leaside AAP and undertake any further consultation required, in the run up to and during the public examination process into the document, in response to representations received, requests from the Planning Inspector and any emerging evidence, guidance or legal advice.



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<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"> <li>• the DPD?</li> <li>• the submission policies map (unless there are no site allocation policies)?</li> <li>• the documents prescribed in Regulation 22(1)?</li> </ul>	<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>	<p>The submitted documents will fulfil the requirements of the Planning Inspectorate. Changes resulting from Regulation 22 on 15<sup>th</sup> January 2018 removed the requirement for Local Authorities to submit documents to PINS for examination in paper and electronic form. This means that authorities can elect to submit documents either electronically or by paper, although the Council we seek to meet any requests of the Planning Inspectorate on the most suitable format.</p>
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p>	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>These documents will be made available as required at the date of ELAAP submission, including online.</p>



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<ul style="list-style-type: none"> <li>• The DPD?</li> <li>• The documents prescribed in Regulation 22(1)?</li> </ul>				
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> <li>• DPD?</li> <li>• submission policies map?</li> <li>• sustainability appraisal report?</li> <li>• Regulation 22(1)(c) statement?</li> <li>• supporting documents (where practicable) ?</li> <li>• representations made under Regulation 20 (where practicable) ?</li> <li>• statement as to where and when the DPD and the documents are available?</li> </ul>	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Electronic copies of all required submission documents will be made available on the Council's website at the date of submission.
19. For each general consultation body invited to make representations	Regulation 22(3)(b)		You should do this as soon as reasonably	Notifications will be made to the relevant persons and organisations following submission. Submission documents will be



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under Regulation 18(1), have you sent: <ul style="list-style-type: none"> <li>notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</li> <li>where and when they can be inspected?</li> </ul>			practicable after submitting to the Secretary of State.	published on the Council website and made available at the Council's principal office.
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	Notifications will be made to the relevant persons and organisations following submission.
21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <ul style="list-style-type: none"> <li>published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> </ul>	The Act section 20  Regulations 24 and 35			The ELAAP Programme Officer will carry out the necessary duties, including publication of the time and place of the examination, the name of the inspector, and notification of those who have made representations, as required.



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<ul style="list-style-type: none"><li>notified those who have made representations on the published DPD which have not been withdrawn of these details?</li></ul>				