



Dacorum's Local Planning Framework

Core Strategy - PAS Legal Compliance Toolkit

August 2012

The following table shows how Dacorum's Core Strategy has been prepared in accordance with the 'Legal Compliance Toolkit' developed by the Planning Advisory Service (PAS). In terms of the Core Strategy process, the stages equate to the following:

Stage 1:	Inception	-	Issues and Options
Stage 2:	Plan preparation (frontloading phase)	-	Issues and Options
Stage 3:	Plan preparation (formulation phase)	-	Emerging Core Strategy (including Place Workshops) and Consultation Draft Core Strategy
Stage 4:	Publication	-	Pre-Submission Core Strategy
Stage 5:	Submission	-	Pre-Submission Core Strategy (and schedule of proposed modifications)

The completion of this toolkit is intended to reinforce and signpost key sections of the content of the Report of Consultation and Report of Representations, which are separately published.

Stage one: Inception

Introduction

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

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

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

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

Regulation 24 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 25 is one of the proposed submission documents. In this tool, the term 'consultation statement' is used to describe this statement.

Stage 1: Inception

Activity	Legal Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
1. Is the development plan document identified in the adopted local development scheme and have you recorded the timetable for its production?	The Act section 15(2); section 19(1)	PPS12 paragraphs 4.50; 4.53-4.58	Milestones are set out in PPS12 (box after paragraph 4.55).	i. The adopted local development scheme at the time of: <ul style="list-style-type: none"> • commencement of the development plan document • the published development plan document • the submitted development plan document ii. The relevant annual monitoring report (if changes need to be explained)	<p>Local Development Scheme (LDS) adopted June 2009 (replacing previous versions from April 2005 and May 2007). See Examination document OT3.</p> <p>Progress against the timetable within the LDS is monitored through Annual Monitoring Reports (AMRs) and the programme reviewed if appropriate. The AMR 2010/11 contained the latest timetable for the Local Planning Framework - see Examination document PB 2.</p>
2. Have you considered how community	1. The Act section 19(3) 2. Regulation	PPS12 paragraphs 4.19-4.29	Unless the statement of community involvement	i. The statement of community involvement ii. The project	Statement of Community Involvement (SCI) adopted June 2006 (Examination document OT 2).

Activity	Legal Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
engagement will be programmed into the preparation of the development plan document?	n 25		has been amended, you may need to set out any changes to community engagement as a result of changes in legislation.	plan for the development plan document	Volume 7 of the Report of Consultation (Table 2 in Chapter 3) provides a comparison and explanation of the Core Strategy stages under both the 2004 and 2008 regulations. The 2012 regulations were not available when this comparison was produced. An update can be provided if required.
3. Have you considered the appropriate bodies you should consult?	Regulation 25	<ol style="list-style-type: none"> 1. PPS12 paragraphs 4.25 -4.26 2. Plan Making Manual – Consultee list 	Regulation 2 defines the general and specific consultation bodies	<ol style="list-style-type: none"> i. The statement of community involvement ii. Reports and decisions setting out the approach to be taken to specific and general consultation bodies iii. Consultation statement 	<p>Yes. The SCI lists these bodies.</p> <p>The Report of Consultation lists those consulted. A summary is provided in Tables A1 (specific consultation bodies) and A2 (other consultation bodies) in Volume 7. This shows that there has been continuity in terms of those from whom feedback has been sought.</p>
4. Is baseline information being collected and evidence being	The Act, section13	PPS12 paragraphs 4.36 – 4.47		<ol style="list-style-type: none"> i. Documents dealing with collection of baseline information 	<p>See list of technical document and background information on Examination website: www.dacorum.gov.uk/corestrategyexamination.</p>

Activity	Legal Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
gathered to keep the matters which affect the development of the area under review?				ii. Relevant technical studies iii. The annual monitoring report	<p>(Note: Studies produced up to the point of Submission are also available on the technical studies section of the planning webpages).</p> <p>Key studies have been updated at appropriate intervals.</p> <p>The Annual Monitoring Report(s), informed by the housing and residential land position statements, appraises policy performance and the delivery of the housing target.</p>
5. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section 19(5)	1. PPS12 paragraphs 4.50; 4.39-4.43 2. Strategic Environmental Assessment Guide, chapter five		i. Sustainability report scoping document ii. Sustainability appraisal report	<p>The Sustainability Appraisal Scoping Report (February 2006) (Examination document CS2) was subject to consultation with the specified bodies. This comprised written feedback and an interactive workshop. The SA/SEA process has been iterative, with a Working Note accompanying each Issues and Options paper. This full process is summarised in the Final Sustainability Appraisal Report – Addendum (June 2012) (Examination document SUB 7).</p>
6. Have you consulted the statutory environment consultation bodies for five	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes	PPS12 paragraph 4.40 SEA Guide Ch 3	The Strategic Environmental Assessment consultation bodies are also amongst	Copies of the consultation letters sent to the bodies	<p>The Sustainability Appraisal Scoping Report (February 2006) (Examination document CS2) was subject to consultation with the specified bodies. At the time these comprised:</p> <ul style="list-style-type: none"> • Environment Agency

Activity	Legal Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?</p>	<p>Regulations 2004 No 1633.</p>		<p>the 'specific consultation bodies' which are defined in Regulation 2)</p>		<ul style="list-style-type: none"> • Countryside Agency • English Nature • English Heritage <p>This consultation comprised written feedback (following a written request for input) and an interactive workshop, held jointly with St Albans, Three Rivers, and Watford Councils. The responses received are summarised in Appendix D of the Sustainability Report (September 2011). It is also referred to in the Report of Consultation (Volume 1, chapter 6)</p> <p>Copies of the following information relating to the workshop are available on request:</p> <ul style="list-style-type: none"> • email invitation • workshop agenda • workshop paper • attendees list

Stage two: Plan preparation - frontloading phase

Introduction

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

Information assembled during this phase contributes to:

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

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

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

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

Stage 2: Plan preparation - frontloading phase

Activity	Legal Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>1. Have you notified the specific consultation bodies that have an interest in the subject of the development plan document and invited them to make representations about its contents?</p>	<p>Regulation 25(1) and (2)(a)</p>	<p>PPS12 paragraphs 4.24 – 4.29</p>	<p>Specific consultation bodies are defined in Regulation 2 If any bodies are omitted, you should give a clear justification for doing so, including reference to the SCI.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these bodies iii. Record of discussions iv. Copies of representations made v. A brief statement setting out the reasons why any bodies have been omitted from consultation 	<p>See Report of Consultation, in particular Tables A1 and A2 of Volume 7.</p>
<p>2. Have you notified the general consultation bodies that you consider have an interest in the subject of the development plan document and invited them to make representations about its contents?</p>	<p>Regulation 25(1) and (2)(b)</p>	<p>PPS12 paragraphs 4.24 – 4.29</p>	<p>General consultation bodies are defined in Regulation 2. You should be able to give a clear justification for your selection of the bodies, including reference to the statement of community involvement.</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these bodies iii. Record of discussions iv. Copies of representations made v. A brief statement setting out the reasons why any bodies were or were not included 	<p>See Report of Consultation, in particular Tables A1 and A2 of Volume 7.</p>

Activity	Legal Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
3. Are you inviting representations from people resident or carrying out business in your area about the content of the development plan document?	Regulation 25(3)	PPS12 paragraphs 4.24 – 4.29		<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these persons iii. Record of discussions iv. Copies of representations made 	See Report of Consultation, Volumes 1-6, with an overview in Volume 7.
4. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 25	PPS12 paragraphs 4.4; 4.27 – 4.29; 4.45	PPS12 paragraph 4.29 gives examples of relevant delivery agencies	<ul style="list-style-type: none"> i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions 	<p>See Report of Consultation, Volumes 1-6, with an overview in Volume 7.</p> <p>Infrastructure providers have also been consulted as part of work to inform the Infrastructure Delivery Plan (see Examination documents ID 3 and ID 4). Some providers were also engaged through the Local Strategic Partnership (LSP). A specific 'Hemel 2020 and Infrastructure Delivery Board,' a sub-group of the LSP was established in January</p>

Activity	Legal Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
					2010.
5. Are you taking into account representations made?	Regulation 25(5)	PPS12 paragraphs 4.19-4.29; 4.37	Evidence from participation is part of the justification	<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the development plan document 	See Report of Consultation, Volumes 1-6, with an overview in Volume 7.
6. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<ul style="list-style-type: none"> 1. The Act section 19(5) 2. Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633. 	<ul style="list-style-type: none"> 1. PPS12 paragraphs 4.39-4.43 2. SEA Guide, chapter three 		<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives and options for the development plan document iii. Sustainability appraisal report 	Sustainability Working Notes have been prepared for each stage of the process. See Table 1-1 of the Sustainability Appraisal Report Addendum (June 2012) for the illustration of this iterative approach.
7. Is the participation: <ul style="list-style-type: none"> • following the principles set out in your statement of community involvement • integrating involvement with the sustainable community strategy 	<ul style="list-style-type: none"> 1. The Act s.19(3) 2. Regulation 25 	PPS12 paragraphs 4.19 – 4.26; 4.42		<ul style="list-style-type: none"> i. Consultation Statement ii. The statement of community involvement iii. The relevant sustainable community strategies 	See Report of Consultation – in particular Volume 7, Chapter 3, Tables 2, 3 and 4 for a comparison between 2004 and 2008 regulations. A further comparison with the 2012 regulations can be provided on request.

Activity	Legal Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<ul style="list-style-type: none"> • proportionate to the scale of issues involved in the development plan document? 					
<p>8. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations • How this was done • The main issues raised? 	Regulation 24	PPS12 paragraphs 4.24 – 4.29	<p>You will need to submit a statement of representations under Regulation 30(1)(d): see Submission stage below.</p> <p>Regulation 49 deals with the availability of documents and the time of their removal</p>	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>Yes. See Report of Consultation, in particular Volumes 1 and 2 which cover the Issues and Options stage.</p>
<p>9. Are you developing a framework for monitoring the effects of the development plan document?</p>	<ul style="list-style-type: none"> 1. The Act section 35 2. Regulation 48 Reg 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363 	<ul style="list-style-type: none"> 1. PPS12 paragraphs 4.39 – 4.43 and 4.47 2. SEA Guide, Chapter five 3. Office of the Deputy Prime Minister monitoring guide 		<ul style="list-style-type: none"> i. Sustainability appraisal report ii. The annual monitoring report iii. Reports or documents setting out the appraisal and monitoring framework 	<p>The SA/SEA process is iterative. The SA Report contains a monitoring framework.</p> <p>The AMR has been structured to reflect the format of the Core Strategy.</p> <p>Monitoring indicators are provided after each policy or group of policies in the Core Strategy, and the</p>

Activity	Legal Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
					Council's approach set out in Section 29 of the Pre-Submission Core Strategy.
10. Have you arranged to send copies of documents used in consultation to the Government Office and Planning Inspectorate?	Not statutory, but will assist in identifying issues leading towards a sound development plan document	Plan Making Manual - New Regulation 25		Copies of correspondence with the Government Office and Planning Inspectorate	Yes. GoEast were sent copies of relevant documents until the office was closed in 2010. The Government Office sent on appropriate documents to the Planning Inspectorate. It was therefore not necessary to separately write to the Planning Inspectorate at this stage in the process. See Report of Consultation, Volume 7 - Table 2.

Stage three: Plan preparation - formulation phase

Introduction

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

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

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

- completed body of information from evidence gathering
- results of sustainability appraisal
- findings from community participation.

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

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

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

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

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

- Core strategy: managing its development
- Sustainability appraisal
- Considering alternatives

Stage three: Plan preparation - formulation phase

Activity	Statutory Requirement	Guidance reference	Additional Notes	Possible evidence	Evidence provided
1. Are you preparing reasonable alternatives for evaluation during the preparation of the development plan document?	Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	1. PPS12 paragraph 4.38 2. SEA Guide, Chapter five	The sustainability appraisal report and supporting documents relevant to the preparation of the development plan document are part of the proposed submission documents (see Regulation 24)	Documents supporting decisions on alternatives and any preferred strategy	<p>Alternatives were primarily considered through the Emerging Core Strategy, Working Draft Core Strategy and Core Strategy Consultation Draft (Examination documents CS 8, CS 14 and CS16).</p> <p>See Report of Consultation, especially Volume 6 for record of Cabinet decisions. Key report of July 2011 is separately provided as Examination document CS17.</p> <p>The SA Report (Table 1-1) summarises the alternatives that have been tested and how these have performed against the sustainability framework.</p>
2. Have you	The Act	PPS12 4.30 –	General conformity	i. Supporting documents	The NPPF compliance

Activity	Statutory Requirement	Guidance reference	Additional Notes	Possible evidence	Evidence provided
<p>assessed alternatives against:</p> <ul style="list-style-type: none"> consistency with national policy general conformity with the regional spatial strategy? 	<p>section19(2), section 24</p>	<p>33</p>	<p>with the regional spatial strategy is tested formally later but you need to consider it during preparation of the development plan document</p>	<p>ii. Correspondence with Government Offices and regional planning body (or Mayor of London)</p>	<p>checklist has been completed (Examination document OT 7) and discussed with an Inspector at a pre-submission meeting. GoEast assisted with a check of the Core Strategy's policy approach against the Regional Strategy (see Report of Consultation – Volume 7, paragraph 6 and Table A4)</p>
<p>3. Are you having regard to:</p> <ul style="list-style-type: none"> adjoining regional spatial strategies, the spatial development strategy for London, or Welsh Spatial Plan (as appropriate) the National Planning Framework for Scotland? 	<p>1. The Act section19(2) 2. Regulation 15(1)(g)</p>			<p>i. Supporting documents ii. Correspondence with the relevant bodies</p>	<p>NPPF for Scotland, Welsh Spatial Plan and spatial development strategy for London are not relevant. See Report of Consultation for list of adjoining authorities consulted – some of whom lie within the South East region.</p> <p>See also Statement of Compliance with the Duty to Co-Operate (Examination</p>

Activity	Statutory Requirement	Guidance reference	Additional Notes	Possible evidence	Evidence provided
<p>4. Are you having regard to:</p> <ul style="list-style-type: none"> • the sustainable community strategy of the authority or other authorities whose area comprises part of the area of the council • any other local development documents adopted by the council? 	<p>The Act section19(2)</p>	<p>PPS12 paragraphs 1.6; 4.22 - 4. 23; 4.34 - 4. 35</p>		<ul style="list-style-type: none"> i. Supporting documents ii. The Sustainable community strategies iii. Relevant local development documents iv. Correspondence with the local strategic partners 	<p>document SUB 8)</p> <p>Both Dacorum’s and Hertfordshire’s Sustainable Communities Strategy (Examination document BP 3 and REG 6) have been considered when preparing the Core Strategy (see Figure 8 of Pre-Submission Core Strategy). The Local Strategic Partnership (LSP) were consulted at key stages and their input recorded within the Report of Consultation.</p>
<p>5. Do you have regard to other matters and strategies relating to:</p> <ul style="list-style-type: none"> • resources • the regional development agencies’ regional economic strategy • the local transport 	<ul style="list-style-type: none"> 1. The Act section19(2) 2. Regulation 15 		<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</p>	<ul style="list-style-type: none"> i. Supporting documents ii. Correspondence with the relevant bodies and the Government Office 	<p>Yes. These bodies were consulted direct. See Report of Consultation (especially Volumes 3-5).</p> <p>The Health and Safety Executive are especially import</p>

Activity	Statutory Requirement	Guidance reference	Additional Notes	Possible evidence	Evidence provided
<p>plan and transport facilities and services</p> <ul style="list-style-type: none"> • waste strategies • hazardous substances and accidents? 			<p>have regard to in preparing the development plan document.</p>		<p>consultees due to the presence of the Buncefield Oil terminal within the Borough.</p> <p>See also input of key partners in the process of developing the Infrastructure Delivery Plan (Examination documents ID 3 and ID 5) and Hertfordshire Infrastructure and Investment Strategy (Examination document ID 1)</p>
<p>6. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>		<p>Annex to PPS1 on climate change</p>	<p>This is expected to be an amendment to section 19(2) of the Act.</p>	<p>Supporting documents</p>	<p>Yes. See in particular Core Strategy policies CS28, CS29 and CS30.</p> <p>Issue of climate change also assessed as part of the SA/SEA process.</p> <p>See evidence base, including the Hertfordshire Renewable and Low Carbon in Energy Technical Study (July 2010) (Examination</p>

Activity	Statutory Requirement	Guidance reference	Additional Notes	Possible evidence	Evidence provided
					document SD 2).
7. Have you undertaken the necessary sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	1. The Act section 19(5) 2. Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	1. PPS12 paragraphs 4.38 – 4.43 2. SEA Guide, Chapter five	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures	i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents	See Table 1-1 of SA Report Addendum (June 2012) for illustration of iterative approach (Examination document SUB 7).
8. Are you setting out clear reasons for any preferences between alternatives?	Regulation 13(1)	PPS12 paragraphs 4.36 – 4.38	This will include information from the sustainability appraisal.	i. Any reports setting out alternatives and choices considered ii. Supporting documents	See SA Report (September 2011) for summary of alternatives considered. See Report of Consultation. Key Cabinet report which considered options for housing targets is also provided as Examination document CS18.
9. Have you taken into account any representations made on the content of the development plan document and the sustainability	1. Regulations 24, 25(5) and 30(1)(d)(iv) 2. Regulation 13(4) of The Environmental Assessment of	PPS12 paragraphs 4.19 – 4.29	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive	i. Correspondence from those making representations ii. Any reports on issues raised iii. Consultation statement iv. sustainability appraisal	Yes. Summarised in relevant volumes of Report of Consultation and SA Working Notes and Reports.

Activity	Statutory Requirement	Guidance reference	Additional Notes	Possible evidence	Evidence provided
appraisal? 10. Are you keeping a record?	Plans and Programmes Regulations 2004 No 1633			report	
11. Where sites are to be identified or areas for the application of policy in the development plan document, are you preparing sufficient illustrative material to: <ul style="list-style-type: none"> enable you to amend the currently adopted proposals map inform the community about the location of proposals? 	Regulations 9 and 14	PPS12 paragraphs 4.6 - 4.7; 8.1-8.3	<ol style="list-style-type: none"> Regulation 2 defines the terms 'submission' and 'adopted' proposals map. A map showing changes to the adopted proposals map is part of the proposed submission documents defined in Regulation 24. 	<ol style="list-style-type: none"> The adopted proposals map Any reports on proposals to amend the proposals map Illustrative material that shows how the proposals map will be amended or replaced 	Changes to the Proposals Map form part of the Submission documents (Examination document SUB 2).
12. Are the participation arrangements compliant with the statement of community involvement?	<ol style="list-style-type: none"> The Act, section 19(3) Regulation 25 	PPS12 paragraphs 4.19-4.29	You should make sure the arrangements remain in line with legislative changes affecting community engagement.	<ol style="list-style-type: none"> The statement of community involvement Consultation statement 	Yes. See Tables 2-4 of Chapter 3 in Report of Consultation – Volume 7.
13. Have you remained in close contact		Plan Making Manual - New		i. Copies of correspondence with	Yes – until the closure of the GoEast office in

Activity	Statutory Requirement	Guidance reference	Additional Notes	Possible evidence	Evidence provided
<p>with the Government Office and discussed any emerging issues that might affect the soundness of the development plan document?</p>		<p>Regulation 25</p>		<p>the Government Office ii. Copies of the relevant documents</p>	<p>2010. See Report of Consultation – Volumes 1-6 (with an overview in Volume 7).</p>

Stage 4: Publication

Introduction

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

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

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

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

- comply with the requirements of the statement of community involvement
- update the sustainability appraisal report.

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

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

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

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

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

Stage 4: Publication

Activity	Statutory Requirement	Guidance Reference	Additional notes	Possible evidence	Evidence provided
1. Have you prepared the sustainability appraisal report?	1. The Act section 19(5) 2. Regulation 12 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	1. PPS12 paragraphs 4.38 – 4.43 2. SEA Guide Chapter five		Sustainability appraisal report	See Sustainability Appraisal Report (September 2011) and SA Addendum Report (June 2012) (Examination document SUB 3 and SUB 7).
2. Have you made clear where and within what period representations must be made?	Regulation 28(2) and (3)		The period must be at not less than 6 weeks from when you give notice under Regulation 27(e) (see below)	i. Report or record of decisions ii. The statement of community interest	Yes – see Report of Representation (Examination document SUB 5).
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none">• the proposed submission documents?• the statement of the representations procedure?	Regulation 27(a)		Regulation 24 gives definitions	i. Copies of the relevant statements ii. Report on where and when made available iii. Record of where and when made available	Yes – see Report of Representation (Examination document SUB 5).
4. Have you published on your website the	Regulation 27(b)		Regulations 2 and 24 give definitions	Record of publication	Yes – see Report of Representation (Examination

Activity	Statutory Requirement	Guidance Reference	Additional notes	Possible evidence	Evidence provided
<p>following:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 					document SUB 5).
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 25(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 27(c)		Regulations 2 and 24 give definitions	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	Yes – see Report of Representation (Examination document SUB 5).
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation</p>	Regulation 27(d)		Regulations 2 and 24 give definitions	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	Yes – see Report of Representation (Examination document SUB 5).

Activity	Statutory Requirement	Guidance Reference	Additional notes	Possible evidence	Evidence provided
25(1): <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 					
7. Have you given notice by local advertisement setting out: <ul style="list-style-type: none"> • the statement of the representations procedure • where and when the documents can be inspected? 	Regulation 27(e)		Regulation 24 gives definitions	i. Copy of advertisement ii. Where and when placed	Yes – see Report of Representation (Examination document SUB 5).
8. Have you requested the opinion of the regional planning body (or the Mayor in London) on the general conformity of the development plan document with the regional spatial strategy (or spatial development strategy)?	1. The Act section 24 2. Regulation 29	PPS12 paragraph 4.21	The period is six weeks from when you make copies available for inspection under Regulation 27(a)	Copies of correspondence	Letter sent to DCLG in the absence of a regional planning body. See Report of Representations.

Stage five: Submission

Introduction

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

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

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

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

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

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

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

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

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

Stage five: Submission

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>1. Are you ready to submit the DPD?</p> <p>2. Are there any major issues revealed by the representations on publication?</p> <p>3. Are all the relevant documents in place?</p>	<p>1. The Act section 20(2)(b)</p> <p>2. The Act section 20(1)</p> <p>3. Regulation 30(1)</p>		<p>If you are not ready to submit, you may need to do more work on the development plan document or consider withdrawing and republishing a revised version. Regulation 30(1) sets out the documents which must be submitted in addition to the development plan document.</p>	<p>i. Report on issues resulting from Regulation 28 representations</p> <p>ii. Resolution to carry out more work on part of the development plan document or to withdraw plan</p> <p>iii. The development plan document</p> <p>iv. The documents prescribed at Regulation 30(1)</p>	<p>Core Strategy submitted on 22 June 2012.</p> <p>See Report of Representations for summary of issues raised.</p> <p>Examination page of the website contains links to all relevant documents: www.dacorum.gov.uk/corestrategyexamination</p>
<p>4. Has the development plan document been prepared in accordance with the local development scheme?</p> <p>5. Does the development plan document's listing and description in the local development scheme match the document?</p>	<p>The Act, section 19(1)</p>	<p>PPS12 paragraph 4.50; 4.53 – 4.55</p>	<p>The Act section 15(2) and Regulation 8 note the matters specified in the local development scheme</p> <p>The box on local development schemes in PPS12 after paragraph 4.55 sets out milestones</p>	<p>i. The local development scheme</p> <p>ii. Explanation of any changes from the milestones set out in the local development scheme</p> <p>iii. Relevant annual monitoring reports</p> <p>iv. Correspondence</p>	<p>Yes. See Report of Representations (Examination document SUB 5) and Local Development Scheme (Examination document OT 3).</p> <p>Yes. See Local Development Scheme.</p> <p>No, but see answer to</p>

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
6. Have the timescales set out in the local development scheme been met?				with the Government Office on the local development scheme	question 1. Timetable updated through Annual Monitoring Report (AMR) process.
7. Has the development plan document had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	PPS12 paragraph 4.34 – 4.35; 4.50		<ul style="list-style-type: none"> i. The sustainable community strategy(ies) ii. Reference to sections of the development plan document showing how regard has been had to them 	<p>Yes. See comparison table in Pre-Submission Core Strategy (Figure 8).</p> <p>The LSP were consulted at appropriate stages during the Core Strategy preparation. See Report of Consultation and Report of Representations.</p>
<p>8. Is the development plan document in compliance with the statement of community involvement (where one exists)?</p> <p>9. Has the council carried out consultation as described in the statement of community involvement?</p>	<ul style="list-style-type: none"> 1. The Act s19(3) 2. Regulation 32(1)(c) 	PPS12 paragraph 4.50; box after paragraph 4.26	Before the statement of community involvement 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).	<ul style="list-style-type: none"> i. The statement of community involvement ii. The Regulation 32(1)(c) statement 	Yes. Refer to Report of Consultation – Volume 7 (Chapter 3, Tables 2-4) and Report of Representations.

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>10. Has the development plan document been subject to sustainability appraisal?</p> <p>11. Has the council provided a final report of the findings of the appraisal?</p>	<p>1. The Act section 19(5)</p> <p>2. Regulation 32(1)(a)</p>	<p>1. PPS12 paragraph 4.39 – 4.43; 4.50</p> <p>2. SEA Practical Guide, chapter five</p>		Sustainability appraisal report	Yes. See SA Report (September 2011) and SA Report Addendum (June 2012).
12. Is the development plan document to be submitted consistent with national policy?	The Act section 20(2) and Schedule 8	PPS12 paragraphs 4.30 – 33; 4.50	You need to be sure changes made up to the time of submission are compliant with the requirements	<p>i. Correspondence with Government Offices</p> <p>ii. Representations from Government Offices</p>	<p>See NPPF compliance checklist (Examination document OT 7).</p> <p>Some changes have been proposed to key policies to ensure NPPF compliance (see Report of Representations – Annex B, Tables 2 and 3).</p> <p>No input from GoEast since the closure of regional offices in 2010.</p>
13. Does the development plan document contain any policies or proposals that are not in general conformity with the	<p>1. The Act s 24(1)(a); 24(2) and 24(4)</p> <p>2. Regulation 29</p>	PPS12 paragraphs 4.30 – 33; 4.50	In London the requirement is for general conformity with the spatial development strategy (The London Plan)	<p>i. Correspondence with or representations from the regional planning body, or Mayor of London</p> <p>ii. Confirmation of</p>	No. GoEast assisted with a check of the Core Strategy's policy approach against the Regional Strategy (see Report of Consultation – Volume 7, paragraph 6 and Table

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>regional spatial strategy?</p> <p>14. If yes, is there local justification?</p> <p>15. Has the council got confirmation from the regional planning body about the general conformity of the plan with the regional spatial strategy?</p>				<p>conformity from the regional planning body, or Mayor</p>	<p>A4). No input from GoEast since closure of regional offices in 2010.</p> <p>Letter sent to DCLG in the absence of a regional planning body. See Report of Representations.</p>
<p>16. Does the development plan document comply with the 2004 regulations (as amended)?</p> <p>17. Specifically, has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>18. Has the council placed local advertisements?</p> <p>19. Has the council notified the</p>	<p>1. The Act section 20(2), 20(3) and 20(5)(b)</p> <p>2. Regulations 13(1), 13(2), 13(5) and 30(1)</p>	<p>PPS12 paragraphs 4.36; 4.50</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>i. The documents prescribed at Regulation 30(1)</p> <p>ii. Relevant annual monitoring reports</p> <p>iii. Records of the actions undertaken (see below)</p>	<p>Yes. Regulations followed and all prescribed document produced. See examination webpage for full list of documents: www.dacorum.gov.uk/corestrategyexamination.</p> <p>All key documents available at specified deposit points.</p> <p>Advert placed in The Gazette June 27th 2012. Note: This is no longer a requirement under the 2012 regulations. Copy can be provided on request.</p>

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>development plan document bodies?</p> <p>20. Does the development plan document contain a list of superseded saved policies?</p>					<p>Relevant bodies notified by letter / email on 3rd July 2012. List and copies of letter / email available on request.</p> <p>List of superseded policies contained in Appendix 1 of Pre-Submission Core Strategy.</p>
<p>21. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted proposals map?</p> <p>22. If yes, have you prepared a submission proposals map?</p>	Regulations 13(4) 14 and 30(1)(b)	PPS12 paragraphs 4.6 - 4.7; 8.1-8.3		<p>i. Submission proposals map</p> <p>ii. Brief statement if a submission proposals map is not required</p>	Yes. See Submission Proposals Map (Examination document SUB 2).
23. If the development plan document is not a core strategy, is it in conformity with the core strategy?	Regulation 13(6)			<p>i. The core strategy</p> <p>ii. Documents or reports demonstrating conformity</p>	N/A.
<p>24. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> Which bodies and 	The Act section 20(3) Regulation		This will bring forward material from the Consultation	<p>i. Consultation statement</p> <p>ii. The Statement as</p>	See Report of Consultation Volumes 1-6 with overview in Volume 7,

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>persons were invited to make representations under Regulation 25</p> <ul style="list-style-type: none"> • How they were invited • A summary of the main issues raised • How the representations have been taken into account? 	30(1)(d)		statement (see Stage 2 above)	required in Regulation 30(1)(d)	and Report of Representations.
<p>25. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 28(2) • a summary of the main issues raised <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? 	The Act section 20(3) Regulation 30(1)(e)			The Statement as required in Regulation 30(1)(e)	Yes. See Report of Representations.
<p>26 Have you collected together all the representations made under Regulation 28?</p>	The Act section 20(3) Regulation 30(1)(f)			Copies of the representations	<p>Yes. See Examination webpage for link to all representations:</p> <p>www.dacorum.gov.uk/corestrategyexamination</p>

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
27 Have you assembled the relevant supporting documents?	1. The Act section20(3) 2. Regulation 30(1)(g)			All necessary evidence and records of decisions relevant to the development plan document	Yes. See Examination webpage. List of documents may be added to during course of the Examination.
28 Has your council approved the development plan document for submission?	The Act section20		The full council has to approve the development plan document for submission (requirements are set out in Local Authorities Functions Regulations)	Report and resolution of the council	Approved at Full Council on 22 nd May, following a Cabinet meeting on 24 th April. Full Council, decision is available on the Council's website: http://www.dacorum.gov.uk/pdf/Council%20-%2012-05-22%20-%20Part%201%20-%20Decision%20Sheet.pdf
29 Have you sent the Secretary of State (the Planning Inspectorate) a paper copy of the following: <ul style="list-style-type: none"> the development plan document? the submission proposals map (unless there are 	1. The Act s20(1) and 20(3) 2. Regulations 30(1) and 30(2)(a)		Regulation 49 deals with the availability of documents and the time of their removal.	Record of sending	Yes. Inspector confirmed at meeting on 11 th July that documents had been received.

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>no site allocation policies)?</p> <ul style="list-style-type: none"> the documents prescribed in Regulation 30(1)? 					
<p>30 Have you sent the Secretary of State (the Planning Inspectorate) an electronic copy of the:</p> <ul style="list-style-type: none"> development plan document? submission proposals map (unless there are no site allocation policies)? documents prescribed in Regulation 30(1)? 	<ol style="list-style-type: none"> The Act s20(1) and 20(3) Regulations 30(1) and 30(2)(b) 		<p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 49 deals with the availability of documents and the time of their removal.</p>	<ol style="list-style-type: none"> Record of sending Reasons why documents cannot be sent electronically 	<p>Programme Officer has confirmed that Inspector does not require electronic copies of those documents for which paper copies have been provided. All documents available via the Council's examination webpage.</p>
<p>31. 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 development plan document? 	<p>Regulation 30(3)(a)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State</p>	<p>Record of where and when made available</p>	<p>All document available from deposit points (as of 27 June for Tring and Hemel Hempstead and 28 June for Berkhamsted) and on website. All submission document together with key technical studies provided to all</p>

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<ul style="list-style-type: none"> The documents prescribed in Regulation 30(1)? 					libraries within the Borough..
<p>32 On your website, have you published the:</p> <ul style="list-style-type: none"> development plan document submission proposals map sustainability appraisal report Regulation 30(1)(d) statement Regulation 30(1)(e) statement supporting documents (where practicable) representations made under Regulation 28 (where practicable) statement as to where and when the development plan document and the documents are available? 	Regulation 30(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State	Record of publication	<p>Yes. See Examination webpage.</p> <ul style="list-style-type: none"> Submission documents are Examination documents SUB 1-11 Statement of Fact Notice is Examination document CS 20. technical evidence and other supporting information are also listed.

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>33. For each specific consultation body invited to make representations under Regulation 25(1), have you sent the:</p> <ul style="list-style-type: none"> • development plan document • submission proposals map • sustainability appraisal report • adopted statement of community involvement • Regulation 30(1)(d) statement • Regulation 30(1)(e) statement • supporting documents you consider relevant to each body • statement as to where and when the development plan document and the documents are available? 	Regulation 30(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	<p>Yes. Letters sent 3rd July 2012. Copies of letters and list of contacts available on request.</p> <p>All specified documents provided on a CD.</p>
34 For each general	Regulation		You should do this as	i. Copies of	Notification letters sent out

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
<p>consultation body invited to make representations under Regulation 25(1), have you sent:</p> <ul style="list-style-type: none"> • notification that the documents prescribed in Regulation 30(1) are available for inspection • where and when they can be inspected? 	30(3)(d)		soon as reasonably practicable after submitting to the Secretary of State	<ul style="list-style-type: none"> ii. Record of sending 	on 3 rd July 2012. Letter referred to key information and a Statement of Fact Note (Examination document CS20) was also enclosed. Copies available on request.
<p>35 Have you given notice by local advertisement setting out:</p> <ul style="list-style-type: none"> • the title of the development plan document? • the subject and area covered by the development plan document? • notification that the documents prescribed in Regulation 30(1) are available for inspection • where and when they 	Regulation 30(3)(e)		You should do this as soon as reasonably practicable after submitting to the Secretary of State	<ul style="list-style-type: none"> i. Copy of advertisement ii. Where and when placed 	Yes. Advert published in local paper – The Gazette on 27 th June 2012. Copy available on request.

Question	Statutory Requirement	Guidance Reference	Additional Notes	Possible evidence	Evidence provided
can be inspected?					
36 Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 30(3)(f)		You should do this as soon as reasonably practicable after submitting to the Secretary of State	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	Yes. Letters and emails sent 3 rd July 2012. Copies available on request.
<p>37 If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> • published the time and place of the examination and the name of the person appointed to carry out the examination on your website • notified those who have made representations on the published development plan document which have not been withdrawn of these details • advertised these details? 	<ul style="list-style-type: none"> 1. The Act section 20 2. Regulation 34 			<ul style="list-style-type: none"> i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement 	<p>Website refers to provisional hearing dates.</p> <p>Tasks to be carried out by Programme Officer in consultation with the Inspector.</p>

