



Local Plan Legal Compliance Checklist (April 2013)

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
- 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.



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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	Possible evidence
<p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p>	<p>The Act section 15(2) and section 19(1)</p>	<p>NPPF para 153</p>		<p>At the time of publication, the Tendring District Council Local Development Scheme (TDC/045) September 2016 was in effect.</p> <p>The Local Development Scheme contained a timetable for the production of the Local Plan, including the intention to consult in June/July 2017 and submit the Local Plan to the Secretary of State in October 2017. A new LDS was adopted in October 2017, and introduced the timetable for the Garden Communities DPDs.</p>
<p>2. How will community engagement be programmed into the preparation of the DPD?</p>	<p>The Act section 19(3) Regulation 18</p>	<p>NPPF paras 150, 155 and 157</p>	<p>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.</p>	<p>Engagement on the Local Plan has been carried out in line with the Tendring Statement of Community Involvement (SDTDC/007) published in October 2014.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>All consultations on the Local Plan have been carried out in conformity with the extant SCI. The SCI is considered to be compliant with the NPPF and relevant regulations. An updated SCI was published for consultation in October 2017, introducing the engagement mechanisms for the Garden Communities DPD.</p>
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 - 4.26</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>Appendix 1 of the Tendring SCI 2014 (SDTDC/007) contains lists of 'Stakeholder Groups' that will be consulted on Local Plans. This includes statutory bodies under the Duty to Co-operate, other consultation bodies, Sustainability Appraisal consultation bodies, businesses, landowners, developers, community representatives, community groups, residents and hard to reach groups. Appendix 2 of the same document sets out</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>the communication techniques that will be employed during consultation exercises.</p> <p>The Tendring District Council Statement of Consultation October 2017 (SDTDC/006) details the Local Plan consultation process specifically. Appendix 1 sets out who was consulted whilst the statement also highlights the consultation techniques used including copies of letters, emails and leaflets.</p>
<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) & (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</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</p>	<p>The Tendring District Council Duty to Co-operate Statement 2017 (SDTDC/005) sets out how the Duty has been met with regard to the process undertaken with neighbouring authorities and on co-operation with cross boundary groups and organisations. The Statement</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
		<p>cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>sets out how the authority has co-operated, and with whom, across a range of strategic issues including Housing, Employment, Infrastructure and Garden Communities.</p> <p>Additionally, the numerous stages of public consultation represented further opportunities for engagement with prescribed bodies.</p> <p>In terms of joint plan making, Section One of the Tendring Local Plan has been developed in combination with Braintree and Colchester, who share the same Section One in their Local Plans.</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and</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>Strategic priorities are listed at NPPF Para 156.</p>	<p>Tendring District Council is part of the South East Local Enterprise Partnership (LEP) which includes authorities and stakeholders from East</p>



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<p>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>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9). Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>Sussex, Kent and Essex. Appendix 1 of the Statement of Community Involvement (SDTDC/007) recognises that the LEP is a statutory body subject to the Duty to Co-operate. Consultation on the Local Plan was carried out in adherence to the Statement of Community Involvement and the requirements of the Duty to Co-operate. The Local Enterprise Partnership were consulted for the Local Plan Section 1. These comments were collated by Colchester Borough Council and apply to all three Local Authorities. With regard to the Local Nature Partnership, no such group has been established in the Tendring area instead consultation has continued with the Essex Wildlife Trust</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				and the issues raised are set out within the Consultation Statement 2017 (SDTDC/006).
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF paras 158 - 177		<p>The Council has collected a comprehensive suite of evidence base documents to support the plan making process. The full evidence base is available to view here.</p> <p>The Council also produce an authority monitoring report which periodically updates baseline information. These monitoring reports are also available on the authority website.</p>
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		A Sustainability Appraisal Scoping Report (TDC/046) was subjected to appropriate consultation and published in June 2015. Baseline information was collected to inform the development of the



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>sustainability framework.</p> <p>Since publication of the SA Scoping Report (TDC/046), there have been a number of Sustainability Appraisal Reports covering various parts of the plan and subsequent plan amendments as well as updates to baseline information. These cover documents SDTDC/014 – SDTDC/020.</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</p> <p>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>SA Scoping consultation ran from 19 June to 31 July 2015. Statutory bodies were consulted.</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	Possible evidence
<p>1. Have you notified:</p> <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	<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>Appendix 1 of the Tendring SCI 2014 (SDTDC/007) contains lists of ‘Stakeholder Groups’ to be consulted on Local Plans. This includes statutory bodies under the Duty to Co-operate, other consultation bodies, Sustainability Appraisal consultation bodies, businesses, landowners, developers, community representatives, community groups, residents and hard to reach groups.</p> <p>The Tendring District Council Statement of Consultation October 2017 (SDTDC/006) details the Local Plan consultation process specifically. Appendix 1 sets out who was consulted whilst the statement also highlights the consultation techniques used including copies of letters, emails and leaflets.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>		<p>The Tendring District Council Statement of Consultation (SDTDC/006) contains a list of those bodies consulted on the Local Plan, which includes local businesses. This appendix does not contain individual residents. Resident details are maintained on a consultation database held by the Authority. All of these consultees were informed of each of the stages of consultation and invited to make representations.</p> <p>The Statement of Consultation makes a clear distinction with regard to whom representations were received from. Comments received from businesses and landowners, and members of the public, are reported separately.</p> <p>The Statement of Consultation also highlights the consultation techniques used including</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				copies of letters, emails and leaflets.
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.	<p>Appendix 1 of the Tendring Statement of Community Involvement 2014 (SDTDC/007) contains lists of ‘Stakeholder Groups’ that will be consulted on Local Plans. This includes statutory bodies under the Duty to Co-operate, other consultation bodies, Sustainability Appraisal consultation bodies, businesses, landowners, developers, community representatives, community groups, residents and hard to reach groups. Appendix 2 of the same document sets out the communication techniques to be employed during consultation exercises.</p> <p>The Tendring District Council Statement of Consultation October 2017 (SDTDC/006) details the Local Plan</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>consultation process specifically. Appendix 1 sets out who was consulted whilst the statement also highlights the consultation techniques used including copies of letters, emails and leaflets.</p> <p>The Tendring District Council Duty to Co-operate Statement (SDTDC/005) records strategic cross-boundary issues with those bodies who will be required to aid in the delivery of cross boundary issues.</p>
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.	<p>Public consultations on previous iterations of the Local Plan have informed the submission draft.</p> <p>Issues and Options: 01 September to 13 October 2015</p> <p>Preferred Options: 14 July to 8 September 2016</p> <p>Publication Draft: 16 June to 28 July 2017</p> <p>Officers recommended changes to the Preferred Options Local</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>Plan at item A.1 of the Local Plan Committee on 20th April and again at item A.3 of the 12th June Local Plan Committee meeting. Agendas and minutes can be found at the following links:</p> <p>20th April LPC 12th June LPC</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<p>The production of successive Sustainability Appraisals including a recent addendum on single policy demonstrates that the SA and Plan making processes have been iterative. The relevant SA was made available at each relevant stage of the Local Plan consultation process subsequent to the Issues and Options iteration, which was in any effect made redundant following the emergence of the collaborative Section One part of the Local Plan.</p> <p>In terms of appraising alternatives, Section One</p>



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				<p>Sustainability Appraisal & Strategic Environmental Assessment – Environmental Report (SDTDC/014), Sustainability Appraisal & Strategic Environmental Assessment –Environmental Report Annex C (Alternatives and Consultation Comments) (SDTDC/017), Section 2 Sustainability Appraisal & Strategic Environmental Assessment – Environmental Report (SDTDC/019), and Tendring Local Plan (Part 2) Preferred Options SA and SAE Environmental Report and Alternative Options August 2016 (TDC/045) clearly set out alternatives and the results of consultation on these.</p> <p>Outside of the SA, alternatives were considered through a series of committee reports over a number of years: 2014-2017.</p>



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<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	<p>The Act section19(3)</p>	<p>NPPF para 155</p>		<p>Consultation procedures have been in full accordance with the Statement of Community Involvement 2014 (SDTDC/007). This was used to guide the preparation of the Local Plan. Consultations in accordance with the SCI are considered to be proportional to the scale of issues involved.</p> <p>In common with most Local Authorities, Tendring District Council no longer maintain a Sustainable Community Strategy.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p>The Act section20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below. Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>The Tendring District Council Statement of Consultation October 2017 (SDTDC/006) details the Local Plan consultation process, including those issues raised. Appendix 1 sets out who was consulted whilst the statement also highlights the consultation techniques used including copies of letters, emails and leaflets.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>The Council is currently in the process of creating an outcomes report.</p> <p>Representations have been responded to in the following documents: Issues and Options: 01 September to 13 October 2015, Preferred Options: 14 July to 8 September 2016, Publication Draft: 16 June to 28 July 2017.</p> <p>Officers recommended changes to the Preferred Options Local Plan at item A.1 of the Local Plan Committee on 20th April and again at item A.3 of the 12th June Local Plan Committee meeting. Agendas and minutes can be found at the following links: 20th April LPC; 12th June LPC; and SDTDC/021. These documents can be provided on request.</p>
8. Are you inviting representations on issues that would have significant	The Act section 33A(1)(a) (b) and (c), section	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-	The Issues and Options stage involved agreement on plan alignment and joint working with



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>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)?</p>	<p>33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>		<p>boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>Braintree and Colchester Councils. This has resulted in an agreement to produce a joint Section One Local Plan which is shared between the three authorities. The submitted Tendring Local Plan has been drafted on this basis.</p> <p>The Tendring District Council Duty to Co-operate Statement 2017 (SDTDC/005) sets out how the Duty to Co-operate has been fulfilled with the relevant bodies. It contains details of the involvement of relevant parties on significant cross-boundary issues and strategic priorities.</p> <p>Representations have been responded to in the following documents: Issues and Options: 01 September to 13 October 2015, Preferred Options: 14 July to 8 September 2016, Publication Draft: 16 June to 28 July 2017. Officers</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>recommended changes to the Preferred Options Local Plan at item A.1 of the Local Plan Committee on 20th April and again at item A.3 of the 12th June Local Plan Committee meeting. Agendas and minutes can be found at the following links: 20th April LPC; 12th June LPC; and SDTDC/021. These documents can be provided on request.</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>The Act section 33A(1)(c) and Section 33A(9). The Act section 20(5) (c). Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>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.</p>	<p>In line with the Statement of Consultation (SDTDC/006) and Duty to Co-operate statement (SDTDC/005), appropriate consultation has been undertaken to provide members of the LEP with the opportunity to engage with the Local Plan. With regard to the Local Nature Partnership, no such group has been established in the Tendring area instead consultation has continued with the Essex Wildlife Trust and the</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>issues raised are set out within the Consultation Statement 2017 (SDTDC/006).</p> <p>. The full text of the Essex Wildlife Trust response can be found in Appendix 2 of the Section Two Schedule of All Representations - Representations from technical stakeholders (SDTDC/021).</p>
<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<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>Section 11 of the Tendring District Council Local Plan (SDTDC/001) sets out the commitment to monitor policies in the Local Plan annually with the results being published at the end of each calendar year in an authority monitoring report. In accordance with the Planning and Compulsory Purchase Act 2004 (as amended), the Council produces an Annual Monitoring Report. This contains an assessment of Development Plan documents that are being prepared against the milestones set out in the Local Development Scheme, and the</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>extent to which policies are being achieved and targets met.</p> <p>The Sustainability Appraisal Environmental Reports associated with Section One and Section Two of the Tendring Local Plan (SDTDC/014 and SDTDC/019 respectively) also set out monitoring indicators linked to the Sustainability Objectives set out in each report.</p> <p>For our monitoring framework, please see Chapter 11 of the Local Plan SDTDC/001.</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	Possible evidence
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>NPPF paras 152 - 182 SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>Preparation of the Preferred Options Local Plan involved joint working with Braintree and Colchester Councils to agree the location of three cross-boundary Garden Communities, proposals for which were contained in the joint Section One Local Plan common to all three authorities.</p> <p>The evidence base concerning reasonable alternatives is contained in Sustainability Appraisal & Strategic Environmental Assessment – Environmental Report Annex C (Alternatives and Consultation Comments) (SDTDC/017) and the North Essex Garden Communities Feasibility Study (June 2016), with the latter document hosted on the Braintree District Council</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>website.</p> <p>Section 2 Sustainability Appraisal & Strategic Environmental Assessment – Environmental Report (SDTDC/019) also contains further plan alternatives relating to Section Two of the Tendring Local Plan.</p> <p>Outside of the SA, alternatives were considered through a series of committee reports over a number of years: 2014-2017.</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where still in force? 	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 151</p>	<p>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.</p>	<p>The alternatives considered were assessed against national policy as detailed in those documents listed above.</p> <p>The East of England Regional Spatial Strategy was revoked in January 2013.</p>
<p>3. Are you having regard to (where relevant):</p>	<p>The Act sections 19 (2)</p>		<p>Where the regional strategy has been revoked</p>	<p>The East of England Regional Spatial Strategy was revoked</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial development strategy for London? • Planning Policy for Wales? • the National Planning Framework for Scotland? 	<p>and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>you should record that fact.</p>	<p>in January 2013.</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?</p> <p>Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)(c)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<p>The Tendring District Council Duty to Co-operate Statement 2017 (SDTDC/005) sets out how the Duty to Co-operate has been fulfilled with the relevant bodies. It contains details of the involvement of relevant parties on significant cross-boundary issues and strategic priorities.</p> <p>Preparation of the Preferred Options Local Plan involved joint working with Braintree and Colchester Councils to agree the location of three cross-boundary Garden</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Communities, proposals for which were contained in the joint Section One Local Plan common to all three authorities.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>NPPF paras 181 and 182</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>The Tendring District Council Duty to Co-operate Statement 2017 (SDTDC/005) sets out how the Duty to Co-operate has been fulfilled with the relevant bodies. It contains details of the involvement of relevant parties on significant cross-boundary issues and strategic priorities.</p> <p>Preparation of the Preferred Options Local Plan involved joint working with Braintree and Colchester Councils to agree the location of three cross-boundary Garden Communities, proposals for which were contained in the joint Section One Local Plan common to all three</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				authorities.
<p>6. Are you cooperating with having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>NPPF para 181 and 182</p>		<p>In line with the Statement of Consultation (SDTDC/006) and Duty to Co-operate statement (SDTDC/005), appropriate consultation has been undertaken to provide members of the LEP with the opportunity to engage with the Local Plan.</p> <p>With regard to the Local Nature Partnership, no such group has been established in the Tendring area instead consultation has continued with the Essex Wildlife Trust and the issues raised are set out within the Consultation Statement 2017 (SDTDC/006). The full text of the Essex Wildlife Trust response can be found in Appendix 2 of the Section Two Schedule of All Representations - Representations from technical</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>stakeholders (SDTDC/021). Please see attached document for all of EWT's comments to TDC's consultations.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> • your sustainable community strategy or of 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>Tendring District Council does not maintain a Sustainable Community Strategy.</p> <p>Section 1.3 of Section One of the Tendring District Council Local Plan (SDTDC/001) sets out the need for a strategic approach.</p> <p>Section 1.3 of Section Two of the Tendring District Council Local Plan (SDTDC/001) sets out the existing policy context within which the Local Plan sits. This section focusses on the NPPF, the LEP, the Haven Gateway Partnership, Essex County Council and existing strategies in neighbouring authorities and Tendring District Council itself.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances 	<p>The Act 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>The Tendring evidence base includes, but is not limited to:</p> <ul style="list-style-type: none"> • Infrastructure Delivery Plan (2017, TDC/006 and a subsequent report TDC/023), • an Economic Viability Study (2017, TDC/015), • Economic Development Strategy (2013, TDC/013), • Retail Study (2016, TDC/022), • Housing Land Availability Assessment (2017, TDC/012) • Housing Needs Study (2016, TDC/020). <p>The Tendring District Council Duty to Co-operate Statement (SDTDC/005) further sets out how economic and transport/infrastructure issues have been taken forward.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Duty to Co-operate meetings have also taken place with Essex County Council with regard to minerals and waste issues.</p> <p>The Sustainability Appraisal highlights where contaminated land and hazardous substances could potentially be an issue.</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 -108</p>		<p>The Tendring District Council Local Plan (SDTDC/001) includes a strategic objective related to Water and Climate Change.</p> <p>Climate change and its potential impacts is an important driver for many of the policies in the Local Plan, including HP3 – Green Infrastructure, PPL1 – Development and Flood Risk, PPL5 – Water Conservation,</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>Drainage and Sewerage, and PPL10 – Renewable Energy Generation</p> <p>The submitted evidence base also includes a number of documents that seek to ensure that the potential impacts of climate change are appropriately mitigated including Flood Risk Assessments at the strategic and town level and the Tendring District Council Water Cycle Study (TDC/014).</p> <p>The various iterations of the SA accompanying the Plan through its formation also assesses climatic impacts.</p>
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Act section 19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<p>Sustainability Appraisal, including appraisals of plan alternatives, was carried out at all appropriate stages of plan formation following the Issues and Options document, which was in any event made redundant following the</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
	Plans and Programmes Regulations 2004 No 1633			<p>emergence of the collaborative Section One part of the Local Plan. The SA Scoping Report 2015 (TDC/046) was subject to consultation with the appropriate bodies, with the various iterations of the SA itself consulted on with the Local Plan that it informed.</p> <p>A Section One SA report and Section Two SA report were published for the statutory six week consultation alongside the Preferred Options Local Plan and Publication Draft consultation.</p> <p>Preferred Options SA: 08/08/2016 – 19/09/2016</p> <p>Publication Draft SA: 16/06/2017 – 28/07/2017</p> <p>Publication Draft SA Addendum: 14/07/2017 – 25/08/2017</p>
11.Are you setting out reasons	Regulation 8(2)	NPPF para 182	This will include	The SA Environmental Reports



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
for any preferences between alternatives?			Information from the sustainability appraisal.	<p>(SDTDC/013 SDTDC/014 SDTDC/015 SDTDC/016 SDTDC/017 SDTDC/018 SDTDC/019 SDTDC/020) set out the reasons for taking forward those options that form the Preferred Options and further iterations of the Local Plan. This includes Sustainability Appraisal & Strategic Environmental Assessment –Environmental Report Annex C (Alternatives and Consultation Comments) (SDTDC/017) and Tendring Local Plan (Part 2) Preferred Options SA and SEA Environmental Report and Alternative Options August 2016 (TDC/045)</p> <p>Outside of the SA, alternatives were considered through a series of committee reports over a number of years: 2014-2017.</p>
12. Have you taken into account any	Regulations 17, 18(3) and 22 (1)	NPPF paras 150, 155, 157 and 159-	Records on the sustainability appraisal	The Tendring District Council Statement of Consultation



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>(c) (iv) Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>171</p>	<p>should also include recording any assessment made under the Habitats Directive.</p>	<p>(SDTDC/006) provides a record of representations made in relation to the Tendring District Local Plan. This includes any representation made in relation to the Sustainability Appraisal and Habitats Regulations Assessment (SDTDC/016). A response to the representations received in relation to the Pre-Submission Plan will be made available in due course.</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"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map. A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>The Pre-Submission iteration of the Local Plan contained four proposals maps comprising of documents SDTDC/008 – SDTDC/011 inclusive. Further local scale maps are included in the Plan itself. The Preferred Options document (TDC/044) included maps illustrating the spatial extent of that proposed in the</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				Plan.
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		The participation arrangements were in conformity with the Tendring District Council Statement of Community Involvement (SDTDC/007) and are detailed in the Tendring District Council Consultation Statement (SDTDC/006).



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	Possible evidence
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		The submitted evidence base included the SA Scoping Report 2015 (TDC/046), Preferred Options and Alternative Options 2016 (TDC/044) and full SA's on Section One and Section Two of the Local Plan (documents SdTDC/013 – SdTDC/020)
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 period within which representations could be made were set out within the Local Plan, notifications, press releases and on the website. Please see the Tendring District Council Statement of Consultation (SdTDC/006) for examples of the notification material.
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none">the proposed	Regulation 19(a)		Regulation 17 gives definitions.	The Tendring District Council Statement of Consultation (SdTDC/006) states that the Local Plan



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
submission documents? <ul style="list-style-type: none"> the statement of the representations procedure? 				and supporting information was available to view on the Council website, at the Council offices, Town Hall and at all libraries in the district. Public drop-in sessions were also held where copies of documents were made available.
4. Have you published on your website: <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? statement and details of where and when documents can be inspected? 	Regulations 19 and 35		Regulations 2 and 17 give definitions.	The Plan, its supporting documents, where these could be inspected and instructions with regard to how to make a representation were included on the Tendring District Council website.
5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1): <ul style="list-style-type: none"> A copy of each of the 	Regulation 19(b)		Regulations 2 and 17 give definitions.	Yes. The consultation process was managed as detailed in the Tendring District Council Statement of Consultation. Copies of the Local Plan were sent along



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>proposed submission documents</p> <ul style="list-style-type: none"> The statement of the representations procedure? 				with details of how to make a representation.
<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"> the statement of the representations procedure? where and when the documents can be inspected? 	Regulation 19(b)		Regulations 2 and 17 give definitions.	Yes. The consultation process was managed as detailed in the Tendring District Council Statement of Consultation. Notification letters were sent out explaining how/where to view the Plan along with details of how to make a representation.
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24</p> <p>Regulation 21</p>		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	N/A



Stage five: Submission

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

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

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

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

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

Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the	The current Tendring District Council Local Development Scheme (TDC/045) was published in January 2017 and covers the period 2016 - 2019. The Plan was published under



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
Have the timescales set out in the LDS been met?			Regulations.	<p>the previous LDS adopted in 2014.</p> <p>The Local Development Scheme 2017 contains a timetable for the production of the Local Plan, including the intention to consult in June/July 2017 and submit the Local Plan to the Secretary of State in October 2017. These key milestones were met. Subsequent milestones are also included within the current Local Development Scheme.</p>
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		Tendring District Council do not have an extant 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?	<p>The Act section 19(3)</p> <p>Regulation 22(1)(c)</p>		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the	The Publication draft of the Tendring District Local Plan is in compliance, and relevant consultations were in compliance, with the Tendring



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			community engagement that you carried out met the regulations (as amended).	District Council Statement of Community Involvement (SDTDC/007).
<p>4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 181 and 182</p>	<p>Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>Section One of the Local Plan (SDTDC/001) was prepared jointly with Braintree and Colchester Councils, and also forms Section One of their Plans. Section One was also prepared in consultation with Essex County Council.</p> <p>The Tendring District Council Duty to Co-operate Statement (SDTDC/005) contains details with regard to discussions around strategic issues and their resolution between Tendring District Council and prescribed bodies. The Tendring District Council Statement of Consultation (SDTDC/006) contains a further record of strategic issues. All representations to Section 1 are in the file</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				labelled SDTDC/002 and all Section 2 representations are in the file labelled SDTDC/021.
<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) Regulation 22(1)(a)</p>	<p>NPPF para 165 SEA Practical Guide, chapter 5</p>		<p>The Publication draft of the Local Plan was subjected to Sustainability Appraisal. The Sustainability Appraisal has been submitted alongside the Plan as documents SDTDC/013 – SDTDC/020 inclusive.</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 Publication Plan and all its supporting information has been prepared in conformity with the NPPF.</p> <p>A PAS Soundness Self-Assessment Checklist has been completed and will be available online as part of the evidence base supporting the Plan.</p> <p>A meeting with PINS inspector took place on 12th April 2017 where guidance on the Local Plan was provided.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists?</p> <p>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>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>N/A</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</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 has published the prescribed documents and made them available at its offices and on a dedicated web page.</p> <p>The Council has appropriately</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>				<p>notified the relevant statutory and non-statutory bodies as well as all those who have made a representation.</p> <p>The Plan does not contain any saved policies. As highlighted by the Tendring District Council Local Development Scheme 2017 (TDC/003), the Plan is intended to replace those policies saved in 2007.</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 & 22(1)</p>			<p>The submission evidence base includes four policies maps (documents SDTDC/008 – SDTDC/011 inclusive) whilst the Local Plan itself (SDTDC/001) contains a number of local scale maps.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to</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 Tendring District Council Local Development Scheme (TDC/003) states that the new Tendring Local Plan is to</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>				<p>supersede the Council's 2007 saved policies and be the main planning document extant in the administrative area.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 	<p>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>Those consulted, how and a summary of the main issues raised can be found in the Tendring District Council Statement of Consultation (SDTDC/006).</p> <p>Copies of the full representations can be found in SDTDC/021.</p> <p>TDC are in the process of creating Outcome reports for Section 1 and 2 and they will be given to the inspector in due course.</p> <p>Comments from previous iterations of the Local Plan can be found in the Committee Paperwork: 2014-2017.</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>This is set out in the Tendring District Council Statement of Consultation (SDTDC/006)</p>
<p>13. Have you collected together all the representations made under Regulation 20?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>Those consulted, how and a summary of the main issues raised can be found in the Tendring District Council Statement of Consultation (SDTDC/006)</p> <p>Copies of the full representations can be found in SDTDC/021</p>
<p>14. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p> <p>Regulation</p>			<p>All relevant documents can be found in the submission library and are hosted on the 'Local Plan Submission Documents'</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	22(1)(g)			portion of the Tendring District Council website.
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	On 15 th June 2017, Tendring Full Council approved the Local Plan for consultation and submission for Examination in Public.
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? 	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)		Regulation 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and supporting documents may not be practicable. Regulation 35 deals with the availability of documents and the time of their removal.	The Planning Inspectorate was provided with a copy of all relevant documents as set out on the Tendring District Council Local Plan Submission Documents web page.
17. Have you made the following available at the same places where the proposed submission documents were to be seen:	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	Documents have been made available at the same places as the proposed submission document – they are available at all libraries across the Tendring District and at the



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 				Council's offices at Weeley and the Town Hall in Clacton.
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	All documents required to be published under regulations can be found on the Tendring District Council Local Plan Submission Documents web page .
19. For each general consultation body invited to make representations	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the	Letters and emails confirming the submission of the plan and notifying of the location of



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection where and when they can be inspected? 			Secretary of State.	<p>relevant documentation were issued in late October 2017. Emails sent to Parish Councils sent 17 November 2017; Letters sent to stakeholders with no e-mail address on 20 November 2017; E-mails sent to stakeholders with e-mail addresses on 20 November 2017.</p>
<p>20. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	<p>Letters and emails confirming the submission of the plan and notifying of the location of relevant documentation were issued in late October 2017. Emails sent to Parish Councils sent 17 November 2017; Letters sent to consultees with no e-mail address sent 20 November 2017; E-mails sent to consultees with e-mail address on 20 November 2017.</p>
<p>21. If an examination is being held, at least six weeks before its opening has the</p>	The Act section 20 Regulations 24			<p>A Programme Officer has been appointed and the commencement date is 16th January for the hearings. The</p>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>Programme Officer:</p> <ul style="list-style-type: none">published the time and place of the examination and the name of the person appointed to carry out the examination on your website?notified those who have made representations on the published DPD which have not been withdrawn of these details?	and 35			<p>Tendring District Council website reflects this.</p> <p>In accordance with the regulations, notification of the examination process and hearing dates is being undertaken via the programme officer.</p>