



Oadby and Wigston Borough Council Local Plan Legal Compliance Checklist (January 2018)

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

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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

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

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		<ul style="list-style-type: none"> i. The adopted LDS at the time of commencement, publication and submission of the DPD ii. The relevant authority monitoring report (if changes need to be explained) 	<p>Yes. The Local Plan was identified in the Local Development Scheme 2014, 2015 and 2017.</p> <p>The Council updates the LDS regularly to ensure it is completely up to date.</p>
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	<ul style="list-style-type: none"> i. The SCI ii. The project plan for the DPD 	The Statement of Community Involvement (SCI) that underpins the process of consultation used during the preparation of the Local Plan was updated and published in 2014.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 -4.26	<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>	<ul style="list-style-type: none"> i. The SCI ii. Reports and decisions setting out the approach to specific and general consultation bodies iii. Consultation statement 	Yes. The Council's approach to public consultation at each stage is set out in the Oadby and Wigston Borough Council Statement of Consultation (2018) .
4. How you will co-operate with other local planning	The Act section 33A(1)(a) and (b), section	NPPF paras 178 to 181 (which comprise the	Section 33A(4) defines a "strategic matter".	<ul style="list-style-type: none"> i. Reports and decisions setting out the approach to be taken 	Oadby and Wigston Borough Council's approach to discharging the duty during

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
<p>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>33A(3)(d) (e) & (4) The Act Section 20(5)(c) Regulation 4</p>	<p>guidance referred to in the Act section 33A(7)) Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities. Strategic priorities are listed at NPPF Para 156</p>	<p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28. The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>ii. Consultation statement</p>	<p>the preparation of the Local Plan is set out in the Oadby and Wigston Borough Council Duty to Cooperate Statement (2018).</p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e) The Act section 20(5)(c). Regulation 4</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156. Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9). Under section 33A(6) the</p>	<p>i. Reports and decisions setting out the approach to be taken. ii. Consultation statement</p>	<p>The Council's Director of Finance and Transformation, together with the Council's Lead Member, attend the Leicester and Leicestershire Member Advisory Group (MAG) on a regular basis. This meeting is attended by all Leicester and Leicestershire authorities to discuss delivery of all Housing and Economic Development</p>



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areas?			required engagement includes consulting on joint approaches to relevant activities.		<p>priorities, as set out in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA, 2017). This document was prepared in partnership with the Leicester and Leicestershire Enterprise Partnership and has helped to inform the content of the Borough of Oadby and Wigston Local Plan.</p> <p>The Council's Head of Planning, Development and Regeneration attends the Leicester and Leicestershire Strategic Planning Group (SPG) meetings on a regular basis. This group is attended by all districts from across Leicester and Leicestershire and they are collectively seeking to develop a Leicester and Leicestershire Strategic Growth Plan for 2031 to 2050. This document is being prepared in partnership with the Leicester</p>

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					and Leicestershire Enterprise Partnership.
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		<ul style="list-style-type: none"> i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report 	<p>Yes. The various consultation documents prepared between 2015 (Key Challenges) to 2017 (Pre-Submission) identify the matters affecting development in the Borough of Oadby and Wigston and are based upon available evidence submitted to this examination.</p> <p>Various studies used as evidence have been reviewed, updated or created, as necessary, during the preparation of the Local Plan.</p> <p>This is explained, as appropriate, in each evidence document. The list of relevant documentation is set out in the Local Plan Supporting Documentation.</p>
7. Is baseline information being collected and evidence being	The Act section19(5)	NPPF paras 165 and 167		<ul style="list-style-type: none"> i. Sustainability report scoping document ii. Sustainability appraisal 	Yes. The Sustainability Appraisal Reports (incorporating Strategic Environmental Assessment

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gathered to set the framework for the sustainability appraisal?		Strategic Environmental Assessment Guide, chapter 5		report	and Habitat Regulations Assessment) prepared by LUC Ltd on behalf of the Council set the framework for the Sustainability Appraisal of the Local Plan and has been based upon available evidence.
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?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167 SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	Copies of the consultation letters sent to and any responses from the bodies	Yes. This was completed as part of the Sustainability Appraisal Scoping Report published in August 2015. Consultation versions of the document were sent to the statutory bodies and comments were received from the Environment Agency, Historic England and Natural England. Further details are set out and included within the Sustainability Appraisal documentation.



Stage two: Plan preparation - frontloading phase

Information assembled during this phase contributes to:

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

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

Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
1. Have you notified: <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	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 or included in consultation	Yes. The approach taken to inviting representations is set out in the Oadby and Wigston Borough Council Statement of Consultation (2018) , the Oadby and Wigston Local Development Scheme (2017) and Oadby and Wigston Statement of Community Involvement (2014) .
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		i. Consultation statement ii. Copies of documents consulting these persons iii. Record of discussions iv. Copies of representations made	Yes. The approach taken to inviting representations is set out in the Oadby and Wigston Borough Council Statement of Consultation (2018) .
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.	i. Consultation statement ii. Copies of documents consulting these people iii. Record of discussions	Yes. The approach taken to inviting representations is set out in the Oadby and Wigston Borough Council Statement of Consultation (2018) . In addition to that, the Council

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					<p>has also undertaken extensive consultation and networking with statutory consultees, housebuilders and locally significant stakeholder groups, for example, the Civic Societies.</p> <p>Where applicable, the Council has also sought to work with statutory bodies, National Governing Bodies (NGB's) or relevant Leicester and Leicestershire Local Planning Authorities on evidence based documents. Some examples of this include the Oadby and Wigston Playing Pitch Strategy (2018), the Oadby and Wigston Infrastructure Delivery Plan (2018), and, the South East Leicestershire Local Transport Study (2017). These, together with all of the supporting evidence based documents, can be viewed here.</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	<ul style="list-style-type: none"> i. Consultation statement ii. Any reports on the selection of alternatives 	Yes. Refer to the Oadby and Wigston Borough Council Statement of Consultation (2018) for more detail.

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			representations into account.	and options for the DPD	
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section19(5) Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168 SEA Guide, chapter 3		i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD iii. Sustainability appraisal report	Yes. The Sustainability Appraisal (SA) process was iterative and as such, the SA Report meets the requirements of the National Planning Practice Guidance (NPPG) and the SEA Directive. All details and an explanation is incorporated within the SA Reports .
6. Is the participation: <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? 	The Act section19(3)	NPPF para 155		i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies	Yes. The approach taken to participation and engagement on the Local Plan is consistent with the Oadby and Wigston Statement of Community Involvement (2014) and is set out in the Oadby and Wigston Borough Council Statement of Consultation (2018) .
7. Are you keeping a record of:	The Act section20(3)	NPPF paras 158 - 171	You will need to submit a statement of	i. Consultation statement ii. Reports by the council on	Yes. The approach taken to inviting representations is set

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<ul style="list-style-type: none"> the individuals or bodies invited to make representations? how this was done? the main issues raised? 	Regulation 17		<p>representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<ul style="list-style-type: none"> the consultation iii. Copies of representations and relevant correspondence iv. Technical reports on the engagement process 	<p>out in the Oadby and Wigston Borough Council Statement of Consultation (2018).</p> <p>The Council has a database of groups invited to comment on the Local Plan.</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county 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>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</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.</p> <p>The Council's approach to discharging the duty is set out in the Oadby and Wigston Duty to Cooperate Statement (2018).</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities</p>	The Act section 33A(1)(c) and Section 33A(9).	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-	<ul style="list-style-type: none"> i. Consultation statement ii. Reports by the council on the consultation iii. Copies of representations 	Yes. The Council invited all duty to cooperate bodies to identify any potential matters of a strategic nature. This is

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from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	The Act section 20(5) (c). Regulation 4		boundary issues before and during plan preparation. Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	and relevant correspondence iv. Technical reports on the engagement process	detailed in the Oadby and Wigston Duty to Cooperate Statement (2018) .
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35 Regulation 34 Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	NPPF paras 165 - 1687 SEA Guide, Chapter 5	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.	i. Sustainability appraisal report ii. The authority monitoring report iii. Reports or documents setting out the appraisal and monitoring framework	Yes. Chapter 12 of the Local Plan includes a full set of indicators in the Monitoring Framework.



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.

Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
<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>Documents supporting decisions on alternatives and any preferred strategy</p>	<p>Yes. The Sustainability Appraisal process involved the identification and appraisal of reasonable alternatives for both site and policy options. In relation to the reasonable alternative sites the appraisal of those considered is presented in Appendix 5 of the Pre-Submission Sustainability Appraisal Report (SA). Appendix 6 presents a summary of the Council's reasoning for allocating or discounting sites as communicated to LUC during preparation of the SA.</p> <p>In relation to the emergence of those reasonable alternative site options considered, the previous iteration of the SA Report (Preferred Options) considered sites identified within the Council's Strategic Housing Land Availability Assessment, sites illustrated within the town centre</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
					<p>masterplans and Local Development Orders, and sites submitted through the Call for Sites process that have had recent developer interest. Once the SA Report for the Preferred Options Local Plan was published alongside that version of the Local Plan, further sites were promoted. Once the Council had identified the reasonable alternative site options for the Local Plan, they were subject to SA by LUC. The findings were presented to the Council officers preparing the Local Plan in an internal summary note in August 2016, so that the SA findings could inform decision making about which site options to take forward in the Local Plan. LUC also assessed the additional site options that came through the Preferred Options consultation and similarly passed the appraisal results onto the Council officers preparing the Plan, prior to finalisation of the Pre-Submission version of the Plan.</p>



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					<p>In relation to the reasonable alternatives considered for the policy options in the Local Plan, initially high level options for the policies to be included in the Local Plan were identified by the Council and from this reasonable alternative policy options were subject to SA by LUC during summer 2016. Findings were presented to the Council officers preparing the Plan in an internal summary note in August 2016, so that the SA findings could inform decision making about which policy options to take forward in the Preferred Options document. The SA matrices for the reasonable alternative policy options were presented in the Preferred Options SA Report (November 2016) and these are included in Appendix 7 of the Pre-Submission SA Report. Appendix 8 of the full SA Report presents an audit trail explaining the reasons for the Council's decision making about which policy options to</p>

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					<p>take forward in the Local Plan.</p> <p>As such, it is demonstrated how reasonable alternative options for both sites to be allocated and policies included in the Local Plan have been considered through the SA Report process. As such, the SA Report meets the requirements of the PPG and SEA Directive.</p> <p>This is all evidenced in the SA Reports on the Council's website.</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>i. Supporting documents</p> <p>ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)</p>	<p>Yes. Please see full explanation above (1).</p> <p>Regional Spatial Strategy no longer applicable.</p>
<p>3. Are you having regard to (where</p>	<p>The Act sections 19 (2)</p>		<p>Where the regional strategy has been revoked you</p>	<p>i. Supporting documents</p> <p>ii. Correspondence with the</p>	<p>Not directly relevant.</p>

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relevant): <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? 	and 24 (1) and (4) Regulation 10 and 21		should record that fact.	Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate) iii. CLG notice of revocation of the regional strategy	
4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?	The Act section 33A(2)(a) Section 33A(6)(a)(b) Section 20(5)(c)	NPPF paras 181 and 185	.	i. Supporting documents ii. Correspondence with LPA/County Council	Yes. The Council has carried out all appropriate cross-boundary engagement and this is presented in more detail within the Oadby and Wigston Duty to Cooperate Statement (2018) . The Council does not consider it appropriate to prepare a joint local plan with any other area. However, the Council does have a close relationship through the duty with all of its partners in the Leicester and

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					<p>Leicestershire Housing Market Area. The most significant piece of evidence based work that has taken account of cross-boundary issues is the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) that was published in January 2017.</p> <p>The Leicester and Leicestershire Housing Market Area Local Planning Authorities, together with the Leicester and Leicestershire Enterprise Partnership (LLEP) are also now working together via the Strategic Planning Group (SPG) on the Leicester and Leicestershire Strategic Growth Plan for 2031 to 2050.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</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>i. Supporting documents ii. Correspondence with prescribed bodies</p>	<p>Yes. Details of the progress made to date (January 2018) is set out within the Oadby and Wigston Duty to Cooperate Statement (2018).</p>

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issues including preparing joint approaches?	Regulation 4				
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182		i. Supporting documents ii. Correspondence with LEP/LNP	Yes. Details of the progress made to date (January 2018) is set out within the Oadby and Wigston Duty to Cooperate Statement (2018) .
7. Are you having regard to: <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? 	The Act section 19(2)			i. Supporting documents ii. The sustainable community strategies iii. Relevant local development documents iv. Correspondence with the local strategic partners	Yes. The Local Plan has taken account of the most important issues in the Borough, including those set out in the Council's Community Safety Partnership's Strategic Plan for 2017-2020 . The Council promotes healthy lifestyles and takes an active role in the Leicestershire Health and Wellbeing Board .
8. Do you have regard to other matters and relevant strategies relating to:	The Act section 19(2) Regulation 10		As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters	i. Supporting documents ii. Correspondence with the relevant bodies	Yes. The Local Plan has been informed by a range of evidence relating to local economic, transport, and waste

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<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>identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>		<p>matters, as well as a number of related bodies with an interest in such matters. The Council has also had a close relationship with Leicestershire County Council on these matters.</p> <p>All relevant evidence has been submitted as part of the evidence base supporting this Local Plan. The list of relevant documentation is set out in the Local Plan Supporting Documentation.</p> <p>Regional Spatial Strategy is no longer applicable.</p>
<p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p>	<p>The Act section 19(1A)</p>	<p>NPPF paras 93-108</p>		<p>Supporting documents</p>	<p>Yes. Chapter 10 in the Local Plan covers Protected Places and Policy 38 specifically considers Climate Change, Flood Risk and Renewable Low Carbon Energy.</p> <p>A number of other policies included within the Local Plan will also have an indirect influence on this aim including</p>

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					<p>Policy 26 Sustainable Transport and Initiatives which seeks to promote alternative methods of movement to the car and to safeguard public transport infrastructure.</p> <p>Policy 6 High Quality Design and Materials may also have an influence.</p>
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<ul style="list-style-type: none"> i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents 	<p>Yes. Please see full explanation above (1).</p> <p>This is also all evidenced in the SA Reports on the Council's website.</p>
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	<ul style="list-style-type: none"> i. Any reports setting out alternatives and choices considered ii. Supporting documents 	<p>Yes. Please see full explanation above (1).</p> <p>This is also all evidenced in the SA Reports on the Council's website.</p>
12. Have you taken into	Regulations 17,	NPPF paras	Records on the	i. Correspondence from	Yes. With regards to the Local

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<p>account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>18(3) and 22 (1) (c) (iv) Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>150, 155, 157 and 159-171</p>	<p>sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<p>those making representations ii. Reports on issues raised iii. Consultation statement iv. Sustainability appraisal report</p>	<p>Plan, the approach taken on representations received is set out in the Oadby and Wigston Borough Council Statement of Consultation (2018).</p> <p>With regards to the SA, please see a full explanation above (1).</p> <p>Representation and an explanation of how those were taken into account is also included within the Appendices to the SA Report on the Council's website.</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? 	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>i. Adopted policies map ii. Any reports on proposals to amend the policies map iii. Illustrative material that shows how the policies map will be amended or replaced</p>	<p>Yes. An amended proposals map (otherwise referred to as the 'Draft Adopted Policies Map' was issued alongside the Pre-Submission Local Plan consultation document. The map remains unchanged for submission and illustrates the relevant policies, as set out in the Local Plan, should it be adopted.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
<ul style="list-style-type: none"> inform the community about the location of proposals? 					
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 150 and 155		i. The SCI ii. Consultation statement	<p>Yes. The Council has followed the advice set out the Oadby and Wigston Statement of Community Involvement (2014).</p> <p>The Oadby and Wigston Borough Council Statement of Consultation (2018) also makes reference, as appropriate, to the SCI.</p>



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	OWBC response
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		Sustainability appraisal report	Yes. A copy of all relevant documentation can be viewed on the Council's website and the SA Reports have been submitted to this examination.
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).	i. Report or record of decisions ii. The statement of community interest	Yes. An advert was published setting out the details of all consultation periods and the Council can confirm that it met and / or exceeded the minimum requirements of the Oadby and Wigston Statement of Community Involvement (2014) . The Oadby and Wigston Borough Council Statement of Consultation (2018) also makes reference, as appropriate, to this procedure.
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none">the proposed submission	Regulation 19(a)		Regulation 17 gives definitions.	i. Copies of the relevant statements ii. Report on where and when made available iii. Record of where	Yes. The statement relating to the representations procedure is included in the submission documents for this examination.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
<p>documents?</p> <ul style="list-style-type: none"> the statement of the representations procedure? 				<p>and when made available</p>	
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> the proposed submission documents? the statement of the representations procedure? statement and details of where and when documents can be inspected? 	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>Record of publication</p>	<p>Yes. These details have / are published on the website at the following address:</p> <p>https://www.oadby-wigston.gov.uk/pages/new_local_plan</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> A copy of each of the proposed submission documents The statement of 	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>i. Copies of correspondence ii. Record of sending</p>	<p>Yes. The Council contacted all relevant consultation bodies to advertise the availability of the Pre-Submission (Regulation 19) documentation.</p> <p>The Council will also contact all relevant consultation bodies to acknowledge that the plan has been submitted and to advertise the availability of all documentation.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
the representations procedure?					
<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.	<ul style="list-style-type: none"> Copies of correspondence Record of sending 	<p>Yes. The approach taken to consulting with the General Consultation Bodies is set out in the Oadby and Wigston Borough Council Statement of Consultation (2018) and is consistent with the guidelines set out within the Oadby and Wigston Statement of Community Involvement (SCI).</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>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).	Copies of correspondence	Not applicable.



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	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	<ul style="list-style-type: none"> i. The LDS ii. Explanation of any changes from the milestones set out in the LDS iii. Relevant authority monitoring reports 	<p>Yes. The Local Development Scheme has evolved and has been updated accordingly throughout the drafting process.</p> <p>To a view the latest copy of the LDC, click here.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
the LDS been met?					
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		<ul style="list-style-type: none"> i. The sustainable community strategy(ies) ii. Reference to sections of the DPD showing how regard has been had to them 	<p>Yes. The Local Plan makes connections with a number of local and sub-regional plans and strategies.</p> <p>The Local Plan has taken account of the most important issues in the Borough, including those set out in the Council's Community Safety Partnership's Strategic Plan for 2017-2020.</p> <p>The Council promotes healthy lifestyles and takes an active role in the Leicestershire Health and Wellbeing Board.</p>
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3) Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the	<ul style="list-style-type: none"> i. The SCI ii. The Regulation 22(1)(c) statement 	<p>Yes. The Council has followed the advice set out the Oadby and Wigston Statement of Community Involvement (2014).</p> <p>The Oadby and Wigston Borough Council Statement of Consultation (2018) also makes reference, as appropriate, the SCI.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
			regulations (as amended).		
<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>Statement identifying any strategic cross-boundary issues or impacts on county matters addressed in the document and explaining the approach taken to co-operate with the relevant bodies.</p> <p>Supporting correspondence and reports e.g. Memorandum of Understanding, shared and agreed evidence</p>	<p>Yes. The approach taken and the detail of progress made to date (January 2018) is set out in the Oadby and Wigston Duty to Cooperate Statement (2018).</p>
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p>		<p>Sustainability appraisal report</p>	<p>Yes. A copy of all relevant documentation can be viewed on the Council's website and the SA Reports have been submitted to this examination.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
of the findings of the appraisal?					
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		<ul style="list-style-type: none"> i. Correspondence with PINS? ii. PAS Soundness self-assessment checklist 	Yes. The Local Plan has been assessed against the criteria set out in the PAS Soundness Checklist .
<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>	NPPF para 218 footnote 41	In London the requirement is for general conformity with the spatial development strategy (The London Plan).	<ul style="list-style-type: none"> i. Correspondence with or representations from Mayor of London (where appropriate) ii. Confirmation of (where appropriate) conformity from the Mayor or that no Regional Strategy is in place 	Not applicable.
8. Has the council	The Act section	NPPF para 182	Requirements relating	i. The documents	Yes. The prescribed documents have



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
<p>published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>	<p>20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>		<p>to publication of the prescribed documents are listed later in this table.</p>	<p>prescribed at Regulation 22(1)</p> <p>ii. Relevant authority monitoring reports</p> <p>iii. Records of the actions undertaken (see below)</p>	<p>been published on the website and made available at the Council's offices for the public to view. Invitations have also been sent to all relevant statutory and non-statutory bodies to make representations.</p> <p>No – the DPD does not contain a list of superseded saved policies, but a Statement of Superseded Policies (2018) has been prepared and submitted to this examination.</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>i. Submission policies map</p> <p>ii. Brief statement if a submission policies map is not required</p>	<p>Yes. The Draft Adopted Policies Map has been submitted to the examination. There have been no changes to the Map as a result of the Pre-Submission (Regulation 19) public consultation.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?	Regulation 8(3) and (4) Regulation 8(5)		Development Plan is defined in Section 38 of the Act.	i. The core strategy ii. Documents or reports demonstrating conformity	Yes. The superseding plan refers to those documents that will be superseded in paragraph 1.2.5.
11. Have you prepared a statement setting out: <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? 	The Act section 20 (3) Regulation 22(1)(c)		This will bring forward material from the Consultation statement (see Stage 2 above).	i. Consultation statement ii. The Statement as required in Regulation 22(1)(c)	Yes. This is set out in the Oadby and Wigston Borough Council Statement of Consultation (2018) .
12. Have you prepared a statement giving: <ul style="list-style-type: none"> • the number of 	The Act section 20(3)			The Statement as required in Regulation 22(1)(c)	Yes. This is set out in the Oadby and Wigston Borough Council Statement of Consultation (2018) .



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
<p>representations made under Regulation 22?</p> <ul style="list-style-type: none"> a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> that no representations were made? 	Regulation 22(1)(c)				
13. Have you collected together all the representations made under Regulation 28?	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			Copies of the representations	Not applicable.
14. Have you assembled the relevant supporting documents?	<p>The Act section 20(3)</p> <p>Regulation 22(1)(g)</p>			All necessary evidence and records of decisions relevant to the DPD	Yes. All relevant evidence proportionate to the Local Plan preparation has been submitted to the examination. An online and paper-based library has been prepared.
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.	Report and resolution of the appropriate council body	Yes. The Local Plan was approved for submission in October 2017.
16. Have you sent the Secretary of State (the Planning Inspectorate)	The Act section 20(1) and 20(3)		Regulation 35 deals with the availability of documents and the	i. Record of sending	Yes. Paper and compact disc copies have been sent.



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
<p>both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> the DPD? the submission policies map (unless there are no site allocation policies)? the documents prescribed in Regulation 22(1)? 	Regulations 22(1) and 22(2)		<p>time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>ii. Reasons why documents cannot be sent electronically</p>	
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> The DPD? The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		<p>You should do this as soon as reasonably practicable after submission.</p>	Record of where and when made available	Yes.
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> DPD? submission policies map? sustainability 	Regulation 22(3) and 35(1)(b)		<p>You should do this as soon as reasonably practicable after submission.</p>	Record of publication	<p>Yes.</p> <p>https://www.oadby-wigston.gov.uk/pages/new_local_plan</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
<p>appraisal report?</p> <ul style="list-style-type: none"> • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • representations made under Regulation 20 (where practicable) ? • statement as to where and when the DPD and the documents are available? 					
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> • notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection • where and when they can be inspected? 	<p>Regulation 22(3)(b)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<ul style="list-style-type: none"> i. Copies of correspondence ii. Record of sending 	<p>Yes.</p>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	OWBC response
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	i. Copies of correspondence ii. Record of sending	Yes
21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <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? 	The Act section 20 Regulations 24 and 35			i. Record of publication of information ii. Record of sending iii. Copies of correspondence iv. Copy of advertisement	This will be done.