

Local Plan for the Bradford District

**Waste Management DPD**

**Submission**

**Legal Compliance Self-Assessment**

**May 2016**

**Note:-**

This legal compliance checklist was been produced by the Planning Advisory Service (PAS) in April 2013 for the purposes of the legal compliance self assessment.

The City of Bradford Metropolitan District Council has used this checklist to demonstrate how the Waste Management DPD meets the legal and procedural requirements as set out in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) (Amended) Regulations 2012.

This report is intended to support the submission version of the Waste Management DPD for Examination.



## **Local Plan Legal Compliance Checklist Waste Management DPD: Submission – May 2016**

This checklist has been updated for PAS by SNR Denton (April 2013). 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.



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### Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153		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)	<ul style="list-style-type: none"> <li>The Waste Management DPD was identified in the <a href="#">LDS April 2007 - June 2011</a> which was approved by the Council in December 2007 bringing the Scheme into effect. This covers the commencement of the Waste Management DPD.</li> <li>The LDS was reviewed in 2014 and a <a href="#">revised LDS</a> approved by the Council's Executive at its meeting on 22 July 2014. This sets out an ongoing commitment to a package of DPDs in support of the Core Strategy. The revised LDS sets out the anticipated timetable for the Waste Management DPD preparation and adoption.</li> <li>Section 2 of the Council's <a href="#">Annual Monitoring Reports</a> (AMR) provide an annual commentary on the progress of the Development Plan production.</li> </ul>
2. How will community engagement be programmed into the preparation of	The Act section 19(3)  Regulation 18  <b>Regulation 25 &amp; 26</b>	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	i. The SCI ii. The project plan for the DPD	<ul style="list-style-type: none"> <li>Consultation on the Waste Management DPD <a href="#">Issues and Options (2009)</a> [WM-SD-038], <a href="#">Preferred Approach (2011)</a> [WM-SD-027], <a href="#">Preferred Approach Revised Chapter 5 (2011)</a> [WM-SD-021] and <a href="#">Publication draft (2015)</a> [WM-SD-010] have been undertaken in accordance with the adopted <a href="#">Statement of</a></li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
the DPD?	<b>(2004)</b>		legislation.		<p><a href="#">Community Involvement</a> (2008).</p> <ul style="list-style-type: none"> <li>• <a href="#">LDS April 2007 - June 2011'</a></li> <li>• Engagement Plans (<a href="#">2009</a>, <a href="#">2011</a>, <a href="#">2011</a> and <a href="#">2015</a>) [<a href="#">WM-SD-042</a>, <a href="#">WM-SD-036</a>, <a href="#">WM-SD-023</a>, <a href="#">WM-SD-018</a>] are prepared and published at each consultation stage alongside the consultation documents.</li> </ul>
3. Have you considered the appropriate bodies you should consult?	Regulation 18  <b>Regulation 25 &amp; 26 (2004)</b>	NPPF paras 4.25 - 4.26  <b>PPS 12 (2004)</b>	Regulation 2 defines the general and specific consultation bodies.  The possible evidence may duplicate each other. Only use what you need to.	i. The SCI ii. Reports and decisions setting out the approach to specific and general consultation bodies iii. Consultation statement	<ul style="list-style-type: none"> <li>• Consultation on the Waste Management DPD <a href="#">Issues and Options (2009)</a> [<a href="#">WM-SD-038</a>]</li> <li>• The adopted <a href="#">Statement of Community Involvement</a> (2008).</li> <li>• The adopted <a href="#">Statement of Community Involvement</a> (2008) broadly identifies which bodies, organisations, groups who will be consulted. Contact details for these bodies are kept on an internal database along with individuals who have requested to be notified of any periods of consultation.</li> <li>• Engagement Plans are prepared at each stage of the process and published alongside the consultation documents. A list of those to be consulted is contained within the reports appendices. <ul style="list-style-type: none"> <li>○ <a href="#">Issues and Option Engagement Plan (2009) Appendix 2</a> [<a href="#">WM-SD-042</a>]</li> <li>○ <a href="#">Preferred Approach Engagement Plan (2011) Appendix 2</a> [<a href="#">WM-SD-036</a>]</li> </ul> </li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					<ul style="list-style-type: none"> <li>○ <a href="#">Preferred Approach Revised Chapter 5 Engagement Plan</a> (2011) Appendix 2 [WM-SD-023]</li> <li>○ <a href="#">Publication Draft Engagement Plan</a> (2015) Appendix 2 [WM-SD-018]</li> <li>● Executive Committee Report &amp; Decision – 2 February 2010 –Issues &amp; Options.</li> <li>● Executive Committee Report &amp; Decision – 15 September 2015 – Publication draft.</li> <li>● ‘Statement of Consultation’ [WM-SD- 045, WM-SD- 037, WM-SD-026, WM-SD-020] documents record list of all consultees who have made representations.</li> <li>● The Local Plan consultee database was kept up-to-date to ensure all interested parties were aware of the progress against the relevant milestones. The database is also used to distribute the Council’s planning E-newsletter – <a href="#">Plan-It Bradford</a>.</li> </ul>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) &amp; (4)</p> <p>The Act</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes</p>	<p>i. Reports and decisions setting out the approach to be taken</p> <p>ii. Consultation statement</p>	<ul style="list-style-type: none"> <li>● Early stages of preparation were based upon the strategic planning work that informed the now revoked Regional Spatial Strategy (RSS)</li> <li>● Ongoing work through the LCR governance arrangements on the Duty to Co-operate following the Localism Act and revocations of RSS. See <a href="#">Duty to cooperate Statement (2015)</a> [WM-SD-017] for further details.</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>Section 20(5)(c)  Regulation 4</p>	<p>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>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>		<ul style="list-style-type: none"> <li>• Consultation materials have been sent to statutory bodies, including the adjoining LPAs in accordance with the SCI and relevant Regulations. Correspondence with bodies can be provided on request.</li> <li>• Engagement Plans are prepared at each stage of the process and published alongside the consultation documents. A list of those to be consulted is contained within the reports appendices.               <ul style="list-style-type: none"> <li>• <a href="#">Issues and Option Engagement Plan</a> (2009) Appendix 2 [WM-SD-042]</li> <li>• <a href="#">Preferred Approach Engagement Plan</a> (2011) Appendix 2 [WM-SD-036]</li> <li>• <a href="#">Preferred Approach Revised Chapter 5 Engagement Plan</a> (2011) Appendix 2 [WM-SD-023]</li> <li>• <a href="#">Publication Draft Engagement Plan</a> (2015) Appendix 2 [WM-SD-018]</li> </ul> </li> <li>• A <a href="#">Duty to Co-operate Statement (2015)</a> [WM-SD-017] has been produced in support of the Publication Draft. This provides further detail of work up to submission stage.</li> </ul>
<p>5. How you will co-operate with any local enterprise</p>	<p>The Act section 33A(1)(c) and section</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(4) defines a "strategic matter". Strategic priorities</p>	<p>i. Reports and decisions setting out the approach to be taken.</p>	<ul style="list-style-type: none"> <li>• Leeds City Region LEP since its inception has had a role in strategic planning matters. See meetings of LCR Board and Leaders, available on <a href="#">LCR web site</a>.</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	33A(9), section 33A(3)(d) and (e)  The Act section 20(5)(c).  Regulation 4		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 required engagement includes consulting on joint approaches to relevant activities.	ii. Consultation statement	<ul style="list-style-type: none"> <li>Leeds City Region Leaders Board agreed the approach to be adopted to discharge Duty at its meeting on 6 December 2012.</li> <li>Ongoing work through LCR evidence and development of current Strategic Economic Plan.</li> <li>The <a href="#">Duty to Cooperate Statement [WM-SD-017]</a> sets out LCR duty to cooperate arrangements (See in particular Appendix 2 copy of LCR Statement of Cooperation).</li> </ul>
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 section 13	NPPF paras 158 - 177		i. Documents dealing with collection of baseline information ii. Relevant technical studies iii. The annual monitoring report	<ul style="list-style-type: none"> <li>Sustainability Appraisal Reports</li> <li><a href="#">Baseline Analysis report [WM-SD-033]</a></li> <li><a href="#">Annual Monitoring Reports</a> provide a commentary on Development Plan production and progress.</li> </ul>
7. Is baseline	The Act	NPPF paras		i. Sustainability	<ul style="list-style-type: none"> <li><a href="#">Baseline Analysis Report [WM-SD-033]</a></li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
information being collected and evidence being gathered to set the framework for the sustainability appraisal?	section19(5)	165 and 167  Strategic Environmental Assessment Guide, chapter 5		report scoping document  ii. Sustainability appraisal report	<ul style="list-style-type: none"> <li>• Sustainability Appraisal Scoping Report (2008) [WM-SD-039]</li> <li>• Sustainability Appraisal Reports</li> </ul>
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	<ul style="list-style-type: none"> <li>• Sustainability Appraisal Scoping Report (2008) [WM-SD-039]</li> <li>• Consultation materials have been sent to all statutory bodies, including environmental bodies in accordance with the SCI and relevant regulations. Copies of correspondence can be made available on request.</li> </ul>



## **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	Evidence provided
1. Have you notified: <ul style="list-style-type: none"> <li>the specific consultation bodies?</li> <li>the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	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	<ul style="list-style-type: none"> <li>The Council notified specific statutory consultation and general bodies at each stage of the plans preparation in accordance with the submission SCI (2006) with consideration of the Inspectors Report received on 14<sup>th</sup> January 2008 and Regulations.</li> <li><a href="#">Plan-it Bradford Newsletter</a> (Jan, 2008)</li> <li>Engagement Plans               <ul style="list-style-type: none"> <li><a href="#">Issues and Option Engagement Plan</a> (2009) Appendix 2 [WM-SD-042]</li> <li><a href="#">Preferred Approach Engagement Plan</a> (2011) Appendix 2 [WM-SD-036]</li> <li><a href="#">Preferred Approach Revised Chapter 5 Engagement Plan</a> (2011) Appendix 2 [WM-SD-023]</li> <li><a href="#">Publication Draft Engagement Plan</a> (2015) Appendix 2 [WM-SD-018]</li> </ul> </li> <li>'Statement of Consultation' [WM-SD-045, WM-SD-037, WM-SD-026, WM-SD-020] documents record list of all consultees who have made representations</li> </ul>
2. Are you inviting representations from people	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		i. Consultation statement ii. Copies of	<ul style="list-style-type: none"> <li>Engagement Plans               <ul style="list-style-type: none"> <li><a href="#">Issues and Option Engagement Plan</a> (2009) Appendix 2 [WM-SD-042]</li> </ul> </li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>resident or carrying out business in your area about the content of the DPD?</p>				<p>documents consulting these persons</p> <p>iii. Record of discussions</p> <p>iv. Copies of representations made</p>	<ul style="list-style-type: none"> <li>- <a href="#">Preferred Approach Engagement Plan</a> (2011) Appendix 2 [WM-SD-036]</li> <li>- <a href="#">Preferred Approach Revised Chapter 5 Engagement Plan</a> (2011) Appendix 2 [WM-SD-023]</li> <li>- <a href="#">Publication Draft Engagement Plan</a> (2015) Appendix 2 [WM-SD-018]</li> <li>• Representations have been invited from residents and businesses, in accordance with the SCI and Regulations.</li> <li>• Article placed in the Council's '<a href="#">Plan-It Bradford</a>' newsletter</li> <li>• Communities and stakeholders were invited to three area sessions in Shipley, Keighley and Bradford City Centre</li> <li>• Summary of Representations</li> <li>• Press releases</li> <li>• <b>Statement of Consultation'</b> [WM-SD-045, WM-SD-037, WM-SD-026, WM-SD-020] documents record list of all consultees who have made representations</li> </ul>
<p>3. Are you engaging with stakeholders responsible for delivery of the strategy?</p>	<p>Regulation 18</p>	<p>NPPF para 155</p>	<p>NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.</p>	<p>i. Consultation statement</p> <p>ii. Copies of documents consulting these</p>	<ul style="list-style-type: none"> <li>• Engagement Plans               <ul style="list-style-type: none"> <li>- <a href="#">Issues and Option Engagement Plan</a> (2009) Appendix 2 [WM-SD-042]</li> <li>- <a href="#">Preferred Approach Engagement Plan</a> (2011) Appendix 2 [WM-SD-036]</li> </ul> </li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
				people iii. Record of discussions	<ul style="list-style-type: none"> <li>- <a href="#">Preferred Approach Revised Chapter 5 Engagement Plan</a> (2011) Appendix 2 <a href="#">[WM-SD-023]</a></li> <li>- <a href="#">Publication Draft Engagement Plan</a> (2015) Appendix 2 <a href="#">[WM-SD-018]</a></li> <li>• Representations have been invited from delivery bodies (including the Highways Agency), in accordance with the SCI and Regulations.</li> <li>• <a href="#">Statement of Consultation'</a> <a href="#">[WM-SD-045, WM-SD-037, WM-SD-026, WM-SD-020]</a> documents record list of all consultees who have made representations</li> </ul>
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.	i. Consultation statement ii. Any reports on the selection of alternatives and options for the DPD	<ul style="list-style-type: none"> <li>• Representations and the Council's response to them, in informing the preparation of the plan are set out in <a href="#">Statement of Consultation'</a> <a href="#">[WM-SD-045, WM-SD-037, WM-SD-026, WM-SD-020]</a> documents record list of all consultees who have made representations</li> <li>• <a href="#">Publication Draft</a> <a href="#">[WM-SD-010]</a></li> </ul>
5. Does the consultation contribute to the development and sustainability appraisal of	The Act section 19(5)  Regulations 12 and 13 of The	NPPF paras 165 – 168  SEA Guide, chapter 3		i. Consultation statement ii. Any reports on the selection of alternatives and options for the	<ul style="list-style-type: none"> <li>• Engagement Plans</li> <li>• Policy options have been incorporated as part of the set of consultation questions and also in relation to the SA</li> <li>• Waste Management DPD consultation</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
alternatives?	Environmental Assessment of Plans and Programmes Regulations 2004 No 1633			DPD iii. Sustainability appraisal report	documents: <ul style="list-style-type: none"> <li>- <a href="#">Issues and Option</a> (2009) [WM-SD-038]</li> <li>- <a href="#">Preferred Approach</a> (2011) [WM-SD-027]</li> <li>- <a href="#">Preferred Approach Revised Chapter 5</a> (2011) [WM-SD-021]</li> <li>- <a href="#">Publication Draft</a> (2015) [WM-SD-010]</li> <li>• <a href="#">Sustainability Appraisal Reports</a> [WM-SD-002, WM-SD-022, WM-SD-028, WM-SD-040]</li> </ul>
6. Is the participation: <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable community strategy?</li> <li>• proportionate to the scale of issues involved in the DPD?</li> </ul>	The Act section19(3)	NPPF para 155		i. Consultation Statement ii. The SCI iii. The relevant sustainable community strategies	<ul style="list-style-type: none"> <li>• Consultation and participation has followed the principles set out in the <a href="#">Statement of Community Involvement</a> (2008) and regulations.</li> <li>• Engagement Plans</li> <li>• <a href="#">Bradford's Community Strategy</a></li> </ul>
7. Are you keeping a record of: <ul style="list-style-type: none"> <li>• the individuals or bodies invited to make</li> </ul>	The Act section20(3)  Regulation 17	NPPF paras 158 - 171	You will need to submit a statement of representations under Regulation 22 (1) (c): see	i. Consultation statement ii. Reports by the council on the consultation	<a href="#">Statement of Consultation'</a> [WM-SD-045, WM-SD-037, WM-SD-026, WM-SD-020] documents record list of all consultees who have made representations



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>representations?</p> <ul style="list-style-type: none"> <li>• how this was done?</li> <li>• the main issues raised?</li> </ul>			<p>Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</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) &amp; (e)</p> <p>section 33A(4)</p> <p>section 33A(9)</p> <p>The Act section 20 (5)(c)</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.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>i. Consultation statement</p> <p>ii. Reports by the council on the consultation</p> <p>iii. Copies of representations and relevant correspondence</p> <p>iv. Technical reports on the engagement process</p>	<ul style="list-style-type: none"> <li>• Engagement Plans</li> <li>• 'Summary of Representations' documents</li> <li>• <a href="#">Duty to Co-operate Statement (2015)</a> [WM-SD-017]</li> <li>• See also response in Section 1, point 5.</li> </ul>
<p>9. Are you inviting representations on</p>	<p>The Act section</p>	<p>NPPF paras 178 to 181</p>	<p>Section 33A(3)(d) and (e) requires</p>	<p>i. Consultation statement</p>	<ul style="list-style-type: none"> <li>• <a href="#">Duty to Co-operate Statement (2015)</a> [WM-</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	33A(1)(c) and Section 33A(9).  The Act section 20(5) (c).  Regulation 4		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.	ii. Reports by the council on the consultation  iii. Copies of representations and relevant correspondence  iv. Technical reports on the engagement process	<p><b>SD-017</b></p> <ul style="list-style-type: none"> <li>See also response in Section 1, point 5.</li> </ul>
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	<ul style="list-style-type: none"> <li><a href="#">Sustainability Appraisal- Issues and Options (2010)</a> <b>WM-SD-040</b></li> <li><a href="#">Annual Monitoring Reports</a></li> <li>Monitoring framework in the Core Strategy</li> <li>Monitoring framework for the Waste DPD set out in Chapter 7 Delivery and Monitoring of the Waste DPD Publication Draft</li> </ul>



### **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	Evidence provided
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182  SEA Guide, Chapter 5	The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).	Documents supporting decisions on alternatives and any preferred strategy	<ul style="list-style-type: none"> <li>Policy options, spatial options and reasonable alternatives have been covered as part of the plans production and evaluated as part of the Statement of Consultation and Sustainability Appraisal. See:               <ul style="list-style-type: none"> <li><a href="#">Issues and Option</a> (2009) [WM-SD-038]</li> <li><a href="#">Preferred Approach</a> (2011) [WM-SD-027]</li> <li><a href="#">Preferred Approach Revised Chapter 5</a> (2011) [WM-SD-021]</li> <li><a href="#">Publication Draft</a> (2015) [WM-SD-010]</li> </ul> </li> <li><a href="#">Sustainability Appraisal Report</a> (2016) [WM-SD-002]</li> </ul>
2. Have you assessed alternatives against: <ul style="list-style-type: none"> <li>consistency with national policy?</li> <li>general conformity with the regional</li> </ul>	The Act section 19 (2), section 24	NPPF para 151	For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you	<ul style="list-style-type: none"> <li>i. Supporting documents</li> <li>ii. Correspondence with Mayor of London (London Boroughs and Mayoral Development Corporations only)</li> </ul>	<ul style="list-style-type: none"> <li>Policy options and alternatives have been considered against the relevant national policy and the Yorkshire &amp; Humber RSS / Regional body – whilst still in force.</li> <li>The RSS informed, in general terms, Waste DPD core approach and the Council are still signed up under the LCR interim policy statement.</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>spatial strategy where still in force?</p>			<p>need to consider it during preparation of the DPD.</p>		
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development strategy for London?</li> <li>• Planning Policy for Wales?</li> <li>• the National Planning Framework for Scotland?</li> </ul>	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<ul style="list-style-type: none"> <li>i. Supporting documents</li> <li>ii. Correspondence with the Mayor of London, relevant Welsh or Scottish regional planning bodies (as appropriate)</li> <li>iii. CLG notice of revocation of the regional strategy</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic alignment and consistency via Duty to Co-operate arrangement.</li> <li>• See also response in section 1 point 5.</li> </ul>
<p>4. Are you co-operating with other local planning authorities including counties, to address</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<ul style="list-style-type: none"> <li>i. Supporting documents</li> <li>ii. Correspondence with LPA/County Council</li> </ul>	<ul style="list-style-type: none"> <li>• Other Local Planning Authorities have been engaged through out the Plan making process.</li> <li>• Initial work was undertaken as part of Regional Planning coordination and work in support of and implementation of RSS.</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>Section 20(5) (c)</p>				<ul style="list-style-type: none"> <li>• Following demise of regional planning body, strategic planning has been a key elements of Leeds City Region. Strategic matters considered at LCR Leaders, Directors of development and Heads of Planning. Council are signed up to interim statement to inform all plans beyond revocation of RSS</li> <li>• Agreed protocol for LCR consideration of strategic matters under duty to cooperate.</li> <li>• See also response in section 1 point 5.</li> <li>• Detailed work with adjoining LPAs on a one to one basis on key areas where required including involvement and engagement in evidence as well as formal consultation and engagement.</li> <li>• The <a href="#">Duty to Cooperate Statement (2015)</a> [WM-SD-017] sets out LCR duty to cooperate arrangements see in particular Appendix 2 - copy of LCR Statement of Cooperation.</li> </ul>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</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>	<ul style="list-style-type: none"> <li>• <a href="#">Duty to Co-operate Statement (2015)</a> [WM-SD-017]</li> <li>• See also response in section 1 point 5.</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 20 (5) (c)  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	<ul style="list-style-type: none"> <li>Leeds City Region LEP since its inception has had a role in strategic planning matters. See meetings of LCR Board and Leaders, available on request.</li> <li>See also response in section 1 point 5.</li> </ul>
7. Are you having regard to: <ul style="list-style-type: none"> <li>your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>any other local development documents adopted by the</li> </ul>	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	<p>The broad scope of the Waste DPD is aligned with <a href="#">Bradford's Community Strategy</a>.</p> <ul style="list-style-type: none"> <li>Waste DPD is in alignment with the Core Strategy and the Area Action Plans.</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
council?					
8. Do you have regard to other matters and relevant strategies relating to: <ul style="list-style-type: none"> <li>resources</li> <li>the local/regional economy</li> <li>the local transport plan and transport facilities and services</li> <li>waste strategies</li> <li>hazardous substances</li> </ul>	The Act section19(2)  Regulation 10		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.	i. Supporting documents ii. Correspondence with the relevant bodies	<ul style="list-style-type: none"> <li>The Waste DPD addresses these other matters through relevant policies.</li> <li>The Baseline information within SA reports provides local data and links to other documents and information.</li> </ul>
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	NPPF paras 93 - 108		Supporting documents	<ul style="list-style-type: none"> <li>All the objectives of the Waste Management DPD aim to contribute towards an approach of avoidance of the impacts and mitigation measures.</li> <li>Specific policies (e.g. WDM 2 and WDM4) are included within the Waste Management DPD which seek to plan for adaptation and long term resilience</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
					against climate change <ul style="list-style-type: none"> <li>These policies reflect the Council's commitments as part of the Climate Change Strategy and Bradford Climate Change Framework for Action</li> </ul>
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182  SEA Guide, Chapter 5	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	i. Reports on the sustainability of alternatives ii. Record of work undertaken on sustainability appraisal iii. Supporting documents	<ul style="list-style-type: none"> <li>Sustainability Appraisal report, incorporating a Strategic Environmental Assessment (SEA) has been undertaken at key stages in preparation, as follows:               <ul style="list-style-type: none"> <li><a href="#">Sustainability Appraisal Scoping Report (2008) – Issues and Options</a> [WM-SD-039]</li> <li><a href="#">Sustainability Appraisal (2010) - Issues and Options</a> [WM-SD-040]</li> <li><a href="#">Sustainability Appraisal Report (2016)</a> [WM-SD-002]</li> </ul> </li> </ul>
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.	i. Any reports setting out alternatives and choices considered ii. Supporting documents	<ul style="list-style-type: none"> <li>The Issues and Options provide an explanation with regards to 'choosing the preferred options'.</li> <li>SA process considered and assessed alternatives</li> </ul>
12. Have you taken into account any representations made on the	Regulations 17, 18(3) and 22 (1) (c) (iv)	NPPF paras 150, 155, 157 and	Records on the sustainability appraisal should also include	i. Correspondence from those making representations ii. Reports on issues raised iii. Consultation statement	<ul style="list-style-type: none"> <li>Executive Report &amp; Decision</li> <li>Full Council Minutes &amp; Decision</li> <li>Summary of representations reports</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>159-171</p>	<p>recording any assessment made under the Habitats Directive.</p>	<p>iv. Sustainability appraisal report</p>	<ul style="list-style-type: none"> <li>• SA reports</li> <li>• Correspondence with statutory bodies can be made available on request.</li> <li>• The Statement of Consultation provides a record of the council's response and action to any representation made</li> <li>• <b>Statement of Consultation</b> [WM-SD-045, WM-SD-037, WM-SD-026, WM-SD-020] documents record list of all consultees who have made representations</li> </ul>
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> <li>• enable you to amend the currently adopted policies map?</li> <li>• inform the community</li> </ul>	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<ul style="list-style-type: none"> <li>i. Adopted policies map</li> <li>ii. Any reports on proposals to amend the policies map</li> <li>iii. Illustrative material that shows how the policies map will be amended or replaced</li> </ul>	<ul style="list-style-type: none"> <li>• The Waste Management DPD allocates land or makes detailed proposal statements. Figures and maps are included in the Plan which are set out on O/S base maps</li> <li>• Maps and figures within the Plan are made available online. Reference copies are also provided in all deposit locations in line with Engagement Plan</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
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	<ul style="list-style-type: none"> <li>• Consultation has been undertaken in accordance with the SCI and relevant Regulations.</li> <li>• Engagement Plans</li> </ul>



#### **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	Evidence provided
1. Have you prepared the sustainability appraisal report?	The Act section 19(5)  Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168  SEA Guide Chapter 5		Sustainability appraisal report	<ul style="list-style-type: none"> <li>Sustainability Appraisal Report (2016) [WM-SD-002]</li> </ul>
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).	<ul style="list-style-type: none"> <li>i. Report or record of decisions</li> <li>ii. The statement of community interest</li> </ul>	<ul style="list-style-type: none"> <li>The eight week representation period (December 2015 –February 2016) was set out in:               <ul style="list-style-type: none"> <li>– as evidenced in the Publication draft Statement of Consultation [WM-SD-020]</li> <li>– Statement of Representation Procedure</li> <li>– Publication Draft (2015) [WM-SD-010]</li> <li>– Council’s website &amp; webpage</li> <li>– Representation Form</li> </ul> </li> </ul>
3. Have you made copies of the following available for	Regulation 19(a)		Regulation 17 gives definitions.	<ul style="list-style-type: none"> <li>i. Copies of the relevant statements</li> <li>ii. Report on</li> </ul>	<ul style="list-style-type: none"> <li>The key publication documents, including the Publication Draft and Statement of the Representations Procedure, have been placed on deposit for inspection at Council</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
inspection: <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> </ul>				where and when made available iii. Record of where and when made available	offices and the main libraries across the Bradford District. and are available on the council's website <ul style="list-style-type: none"> <li>Publication Draft Engagement Plan (2015)</li> </ul>
4. Have you published on your website: <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> <li>statement and details of where and when documents can be inspected?</li> </ul>	Regulations 19 and 35		Regulations 2 and 17 give definitions.	Record of publication	<ul style="list-style-type: none"> <li>Comprehensive documentation relating to the Publication Draft was published on the <u>Council's website</u>, this includes the following key publication documents:               <ul style="list-style-type: none"> <li>Publication Draft (2015)</li> <li>Statement of Consultation</li> <li>Statement of the Representations Procedure</li> <li>Engagement Plan</li> <li>Sustainability Appraisal</li> <li>HRA Screening Report</li> <li>Full HRA Report</li> <li>Equality Impact Assessment</li> <li>Representation Form</li> </ul> </li> <li>Details of when and where the documents can be inspected also contained on the Council's <u>Local Plan</u> web pages.</li> </ul>
5. Have you sent to	Regulation		Regulations 2 and 17	i. Copies of	<ul style="list-style-type: none"> <li>Consultation materials have been sent to the specific consultation bodies in accordance</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• A copy of each of the proposed submission documents</li> <li>• The statement of the representations procedure?</li> </ul>	19(b)		give definitions.	<p>correspondence</p> <p>ii. Record of sending</p>	<p>with the SCI and Local Plan Regulations.</p> <ul style="list-style-type: none"> <li>• Statement of the Representation Procedure</li> <li>• Correspondence with bodies can be provided on request.</li> </ul>
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• the statement of the representations procedure?</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>i. Copies of correspondence</p> <p>ii. Record of sending</p>	<ul style="list-style-type: none"> <li>• Consultation materials have been sent to the general consultation bodies in accordance with the adopted SCI and Local Plan Regulations.</li> <li>• Statement of the Representation Procedure</li> <li>• Correspondence with bodies can be provided on request.</li> </ul>



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Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<ul style="list-style-type: none"> <li>where and when the documents can be inspected?</li> </ul>					
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?	The Act section 24  Regulation 21		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	<ul style="list-style-type: none"> <li>N/A</li> </ul>



## **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	Evidence provided
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	<ul style="list-style-type: none"> <li>i. The LDS</li> <li>ii. Explanation of any changes from the milestones set out in the LDS</li> <li>iii. Relevant authority monitoring reports</li> </ul>	<ul style="list-style-type: none"> <li>• The revised <a href="#">LDS 2014 – 2017</a> published in July 2014 provides the latest timetables for the production of Local Plan documents including a commentary on their progress. The revised LDS was approved by the Council's Executive on 22 July 2014.</li> <li>• Sections 2 of the Council's <a href="#">Annual Monitoring Reports</a> (AMR) provide an annual commentary on the progress of the Development Plan production.</li> </ul>
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"> <li>i. The sustainable community strategy(ies)</li> <li>ii. Reference to sections of the DPD showing how regard has been had to them</li> </ul>	<ul style="list-style-type: none"> <li>• The vision, objectives and broad scope of the Waste Management DPD has been informed by Core Strategy, 2020 Vision and The Sustainable Community Strategy.</li> <li>• See: Section 2 of the <a href="#">Waste DPD Publication Draft (2015)</a> <a href="#">[WM-SD-010]</a></li> </ul>
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out	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	<ul style="list-style-type: none"> <li>i. The SCI</li> <li>ii. The Regulation 22(1)(c) statement</li> </ul>	<ul style="list-style-type: none"> <li>• Consultation has been undertaken in accordance with the adopted SCI (2008).</li> <li>• The <a href="#">Publication draft Statement of Consultation (2015)</a> <a href="#">[WM-SD-020]</a> sets out how the Council has complied with</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
consultation as described in the SCI?			how the community engagement that you carried out met the regulations (as amended).		Regulation 22 (1)(C).
<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>	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	<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>	<ul style="list-style-type: none"> <li>The Council has produced a detailed 'Duty to Co-operate Statement' (2016) [WM-SD-005] which sets out key strategic issues which have been considered and how these have been addressed with the relevant bodies.</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?	The Act section 19(5)  Regulation 22(1)(a)	NPPF para 165  SEA Practical Guide, chapter 5		Sustainability appraisal report	<ul style="list-style-type: none"> <li>Waste Management DPD Publication Draft Sustainability Appraisal (2016) &amp; Non-Technical Summary [WM-SD-002, WM-SD-004]</li> </ul>
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"> <li>i. Correspondence with PINS?</li> <li>ii. PAS Soundness self assessment checklist</li> </ul>	<ul style="list-style-type: none"> <li>The Council has benefitted from a PINS Advisory visit on 22 October 2013.</li> <li>Submission – Soundness Self-Assessment Checklist (2016) [WM-SD-006]</li> <li>Submission – Legal Compliance Self-Assessment (2016) [WM-SD-007]</li> </ul>
7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification?  If the LPA is a London borough or	The Act section 24(1)(a) and 24(4)  Regulation 21	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"> <li>i. Correspondence with or representations from Mayor of London (where appropriate)</li> <li>ii. Confirmation of (where appropriate) conformity from the Mayor or that no</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>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>Regional Strategy is in place</p>	
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</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>i. The documents prescribed at Regulation 22(1)</p> <p>ii. Relevant authority monitoring reports</p> <p>iii. Records of the actions undertaken (see below)</p>	<ul style="list-style-type: none"> <li>• The Council's made available a comprehensive set of documents at its principal office and deposit locations across the Bradford District and on the Council's website.</li> <li>• The Council will notify all consultees in accordance with the adopted SCI and Regulation 22.</li> <li>• The Waste Management DPD doesn't contain a list of superseded saved policies</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
Does the DPD contain a list of superseded saved policies?					
9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map? If yes, have you prepared a submission policies map?	Regulations 5(1) (b), 9 (1), 17 & 22(1)			<ul style="list-style-type: none"> <li>i. Submission policies map</li> <li>ii. Brief statement if a submission policies map is not required</li> </ul>	<ul style="list-style-type: none"> <li>• The Waste Management DPD includes a policies map that outlines extent as well as location of specific sites allocated/promoted for development.</li> <li>• See <a href="https://maps.bradford.gov.uk/LocalViewExt/Sites/SCRC_AAP/">https://maps.bradford.gov.uk/LocalViewExt/Sites/SCRC_AAP/</a></li> </ul>
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	Regulation 8(3) and (4)  Regulation 8(5)		Development Plan is defined in Section 38 of the Act.	<ul style="list-style-type: none"> <li>i. The core strategy</li> <li>ii. Documents or reports demonstrating conformity</li> </ul>	<ul style="list-style-type: none"> <li>• The Waste Management DPD is consistent and in line with the policies and proposals contained in the Core Strategy which is currently at EIP</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
policies?					
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> <li>• Which bodies and persons were invited to make representations under Regulation 18?</li> <li>• How they were invited?</li> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<ul style="list-style-type: none"> <li>i. Consultation statement</li> <li>ii. The Statement as required in Regulation 22(1)(c)</li> </ul>	<ul style="list-style-type: none"> <li>• Adopted Statement of Community Involvement (2008)</li> <li>• Engagement Plans               <ul style="list-style-type: none"> <li>– Issues and Option Engagement Plan (2009) Appendix 2</li> <li>– Preferred Approach Engagement Plan (2011) Appendix 2</li> <li>– Preferred Approach Revised Chapter 5 Engagement Plan (2011) Appendix 2</li> <li>– Publication Draft Engagement Plan (2015) Appendix 2</li> </ul> </li> <li>• See <b>Publication draft Statement of Consultation (2015)</b> [WM-SD-020]</li> </ul>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> <li>• the number of representations made under Regulation 22?</li> <li>• a summary of the main issues raised?</li> </ul>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>The Statement as required in Regulation 22(1)(c)</p>	<ul style="list-style-type: none"> <li>• <b>“Statement of Consultation”</b> [WM-SD-020] document records list of all consultees who have made representations</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
OR <ul style="list-style-type: none"> <li>that no representations were made?</li> </ul>					
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3)  Regulation 22(1)(e)			Copies of the representations	<ul style="list-style-type: none"> <li>Not applicable at this time.</li> </ul>
14. Have you assembled the relevant supporting documents?	The Act section 20(3)  Regulation 22(1)(g)			All necessary evidence and records of decisions relevant to the DPD	<ul style="list-style-type: none"> <li>See <a href="#">Waste DPD Publication Draft</a> – section 2 and 3</li> <li>Executive Committee Report &amp; Decision – 15 September 2015 – Publication draft.</li> <li>Waste Needs Assessment [WM-SD-047, WM-SD-048, WM-SD-049, WM-SD-050]</li> <li>supporting core documents submitted</li> </ul>
15. Has your council approved the DPD for submission?	The Act section 20		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	<ul style="list-style-type: none"> <li>The Council, on 15 September 2015, resolved that the Waste DPD Publication Draft be published for formal representations and be submitted to the Government for examination.</li> </ul>
16. Have you sent the Secretary of State (the Planning	The Act section 20(1)		Regulation 35 deals with the availability of	i. Record of sending	<ul style="list-style-type: none"> <li>Boxed hard copies of the key Submission documents as well as data stick with evidence and other documents have been</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>Inspectorate) both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> <li>the DPD?</li> <li>the submission policies map (unless there are no site allocation policies)?</li> <li>the documents prescribed in Regulation 22(1)?</li> </ul>	<p>and 20(3)</p> <p>Regulations 22(1) and 22(2)</p>		<p>documents and the time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>ii. Reasons why documents cannot be sent electronically</p>	<p>provided by Courier.</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"> <li>The DPD?</li> <li>The documents prescribed in Regulation 22(1)?</li> </ul>	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Record of where and when made available</p>	<ul style="list-style-type: none"> <li>The Council has made the following documents available at its principle planning office at Jacobs Well, Bradford and at other deposit locations across the Bradford District, as specified in the adopted SCI : <ul style="list-style-type: none"> <li>Submission Waste Management DPD (2016) [WM-SD-001]</li> <li>Sustainability Appraisal [WM-SD-002]</li> <li>Statement of Consultation (2015) [WM-SD-020]</li> <li>Representations made under Regulation 20 – Publication Draft</li> </ul> </li> </ul>



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					<ul style="list-style-type: none"> <li>Copies of these documents will be made available to download from the council's <a href="#">website</a></li> </ul>
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> <li>DPD?</li> <li>submission policies map?</li> <li>sustainability appraisal report?</li> <li>Regulation 22(1)(c) statement?</li> <li>supporting documents (where practicable) ?</li> <li>representations made under Regulation 20 (where practicable)?</li> <li>statement as to where and when the DPD and the documents are available?</li> </ul>	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Record of publication</p>	<ul style="list-style-type: none"> <li>The Council has published the following documents on its <a href="#">website</a>: <ul style="list-style-type: none"> <li>Submission Waste Management DPD (2016)</li> <li>Sustainability Appraisal</li> <li><u>Statement of Consultation</u> - Regulation 22 (1)(C)</li> <li>Supporting documents: <ul style="list-style-type: none"> <li>Habitats Regulation Assessment</li> <li>Equality Impact Assessment</li> <li>Soundness Checklist</li> <li>Legal Compliance Checklist</li> </ul> </li> <li>Publication Draft (2016) Written Representations made under Regulation 20</li> <li><b>Statement of Consultation – Publication Draft (2015)</b> [WM-SD-020]</li> </ul> </li> </ul>



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<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"> <li>• notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</li> <li>• where and when they can be inspected?</li> </ul>	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	<ul style="list-style-type: none"> <li>i. Copies of correspondence</li> <li>ii. Record of sending</li> </ul>	<ul style="list-style-type: none"> <li>• The Council has notified each general consultation body of the fact that submission has taken place and that documents are available for inspection during specified opening times at deposit locations and on the Council's website.</li> </ul>
<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.	<ul style="list-style-type: none"> <li>i. Copies of correspondence</li> <li>ii. Record of sending</li> </ul>	<ul style="list-style-type: none"> <li>• The Council has notified all those persons who have requested to be notified of the fact that submission has taken place and that documents are available for inspection during specified opening times at deposit locations and on the Council's website.</li> <li>• In addition the Council has notified all other consultees on its database via a special edition of the E-newsletter 'Plan-it Bradford'.</li> </ul>
<p>21. If an examination is being held, at</p>	The Act			<ul style="list-style-type: none"> <li>i. Record of publication of</li> </ul>	<ul style="list-style-type: none"> <li>• The Council has appointed a Programme Officer who will ensure compliance with</li> </ul>



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Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence	Evidence provided
<p>least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> <li>• published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> <li>• notified those who have made representations on the published DPD which have not been withdrawn of these details?</li> </ul>	<p>section 20</p> <p>Regulations 24 and 35</p>			<p>information</p> <ul style="list-style-type: none"> <li>ii. Record of sending</li> <li>iii. Copies of correspondence</li> <li>iv. Copy of advertisement</li> </ul>	<p>Regulations 24 and 25.</p>