



Local Plan Legal Compliance Checklist (November 2017) Completed up to point of submission to the Planning Inspectorate

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

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

Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

Stage one: The early stages

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

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

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



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- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

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

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



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Stage one: The beginning

| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|---|---|------------------------------------|--|--|
| <p>1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?</p> | <p>The Act section 15(2) and section 19(1)</p> | <p>NPPF para 153</p> | <p>The Minerals and Waste Plan is a Joint Plan between three authorities and has been recorded in three separate LDS's.</p> | <p>i. The North Yorkshire Minerals and Waste Development Schemes Oct 2016 (CD41) and July 2017 (CD06) deal exclusively with the Minerals and Waste Joint Plan City of York LDS July 2016 (CD42) and November 2017 (CD07) makes reference to the Minerals and Waste Joint Plan North York Moors LDS March 2016 (CD43) and July 2017 (CD08) makes reference to the Minerals and Waste Joint Plan</p> |
| <p>2. How will community engagement be programmed into the preparation of the DPD?</p> | <p>The Act section 19(3) Regulation 18</p> | <p>NPPF paras 150, 155 and 157</p> | <p>If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.</p> | <p>i. The North Yorkshire County Council Statement of Community Involvement (Adopted 2006, Updated 2013) (SD05) City of York Statement of</p> |



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|----------|-------------------|--------------------|------------------|---|
| | | | | <p>Community Involvement (Adopted 2007) (SD06)</p> <p>North York Moors National Park Authority Statement of Community Involvement 2006. (SD07)</p> <p>All three Statements of Community Involvement have been taken into account when community engagement has taken place.</p> <p>A Communication Strategy (SD24) was produced which provided a framework for carrying out community engagement throughout the development of the Plan.</p> <p>ii. North Yorkshire Minerals and Waste Development Schemes Oct 2016 (CD41) and July 2017 (CD06)</p> <p>City of York LDS July 2016 (CD42) and November</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|--|----------------------|-------------------------------|---|--|
| | | | | <p>2017 (CD07) North York Moors LDS March 2016 (CD43) and July 2017 (CD08) The Local Development Schemes provided the timetable used for the development of the Minerals and Waste Joint Plan.</p> |
| <p>3. Have you considered the appropriate bodies you should consult?</p> | <p>Regulation 18</p> | <p>NPPF paras 4.25 - 4.26</p> | <p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p> | <ul style="list-style-type: none"> • NYCC Statement of Community Involvement (Adopted 2006, Updated 2013) (SD05) • City of York Statement of Community Involvement (Adopted 2007) (SD06) • North York Moors National Park Authority Statement of Community Involvement 2013 (SD07) <p>The SCI's ensure that 'specified bodies' identified in the regulations will be consulted along with 'general</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-------------------|--------------------|------------------|---|
| | | | | <p>bodies' who have an interest in the Plan.</p> <ul style="list-style-type: none">• The Communication Strategy (SD24) indicates how different consultees were be engaged with and consulted.• The Consultation statements March 2017 (CD40) and October 2017 (CD02) provide an audit trail of who was consulted and what methods were used at each stage of the Plan development.• The Duty to Cooperate Statements November 2016 (CD39) and October 2017 (CD03) identifies the key bodies who have been engaged with during the development of the Plan and the key issues which have been dealt |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| | | | | with as part of the Duty to Cooperate. |
| <p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p> | <p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p> | <p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p> | <p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p> | <p>The LDSs of the three Authorities (CD06, CD07, CD08, CD41, CD42, CD43) confirm the intention to prepare a Joint Minerals and Waste Plan. Other elements of cooperation are described in the Consultation Statements October 2017 (CD02) and March 2017 (CD40) and Duty to Cooperate Statements November 2016 (CD39) and October 2017 (CD03)</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</p> | <p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section</p> | <p>NPPF paras 178 to 181</p> | <p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the</p> | <p>i. The Duty to Cooperate Statements November 2016 (CD39) and October 2017(CD03) includes details of engagement with the LEPs and LNP and their involvement in any</p> |



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|--|--|-----------------------------|--|---|
| <p>have a significant impact on at least two planning areas?</p> | <p>20(5)(c). Regulation 4</p> | | <p>purposes of section 33A(9). Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p> | <p>key issues relevant to them. ii. The Consultation Statements March 2017 (CD40) and October 2017 (CD02) indicates the methods of engagement used for 'specified bodies'</p> |
| <p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p> | <p>The Act section13</p> | <p>NPPF paras 158 - 177</p> | | <p>A range of evidence has been produced and regularly updated to support the development of the Plan, this includes</p> <ul style="list-style-type: none"> • The Sustainability Appraisal Scoping Report Oct 2016. (CD31) NYCC Minerals Evidence Base March 2017, (MEB04) • Local Aggregate Assessment September 2016. (MEB01) • North Yorkshire sub-region – Waste arisings and capacity requirements update report – September 2016, |



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|--|-----------------------------|--|------------------|--|
| | | | | <p>(WEB03)</p> <ul style="list-style-type: none"> • Waste net self-sufficiency paper – July 2016, (WEB07) • BGS Minerals Safeguarding reports for North Yorkshire County Council, (SEB01) North York Moors National Park (SEB03) and City of York Council (SEB02) • NYCC Authorities Monitoring Report 2015/16. (OEB06) |
| <p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p> | <p>The Act section19(5)</p> | <p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p> | | <p>The Sustainability Appraisal has been running in parallel since the first stage of Plan development, the most recent reports which cover the baseline are</p> <ol style="list-style-type: none"> i. Sustainability report scoping document October 2016 (CD31) ii. Sustainability appraisal report October 2016 |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| | | | | (CD25, CD26, CD27 and CD28) |
| 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. | Letters regarding MWJP consultation, including SA Scoping report sent out May 2013, (included in Consultation Statements March 2017 (CD40) and October 2017 (CD02) sent to all specific consultation bodies. Responses received regarding scoping report available in 'Consultation Outcomes Report' February 2014 (FPC06) |



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 |
|---|---------------------------------|----------------------|---|--|
| i. 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. The Consultation Statements March 2017 (CD40) and October 2017 (CD02) includes the ‘specified bodies’ and ‘general bodies’ who have been consulted at each stage of the Plans preparation ii. All consultees were provided with a notification letter, plus a consultation leaflet throughout the Regulation 18 stage including the First Consultation stage (leaflet FPC01), Issues and Options stage (leaflet IPC02) and Preferred Options stage (leaflet PPC15). (Copies of letter at each stage included in Consultation statements CD02 and CD40) iii. A Record of discussions on strategic matters is recorded in the Duty to Cooperate Statements (CD03 and |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|---|------------------------------------|-----------------------------|------------------|--|
| | | | | <p>CD39) throughout the Regulation 18 stage.</p> <p>iv. Copies of representations made are available in the Summary of responses report for the First Consultation (FPC03); Summary of responses report for the Issues and Options consultation (IPC06): Summary of responses to supplementary sites consultation (SPC02) and Summary of responses to Preferred Options consultation (PPC16). All specific consultation bodies and bodies the Authorities are aware of who have an interest in minerals and waste matters were invited to make representations.</p> |
| <p>i. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p> | <p>Regulation 18(1) and (2)(c)</p> | <p>NPPF paras 159 – 173</p> | | <p>i. The Consultation Statements March 2017 (CD40) and October 2017(CD02) contains details of all consultees who were invited</p> |



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|----------|-------------------|--------------------|------------------|--|
| | | | | <p>to make representations at each stage of the Plans development, including interested residents and businesses.</p> <p>ii. All consultees were provided with a notification letter (Copies of letter at each stage included in Consultation Statements CD02 and CD40), plus a consultation leaflet throughout the Regulation 18 stage including the First Consultation stage (FPC01), Issues and Options stage (IPC01) and Preferred Options stage (PPC15).</p> <p>iii. A record of discussions and engagement with other local authorities are recorded in the Duty to Cooperate Statements (CD03 and CD39), communication with residents, and businesses has been through the consultation process.</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| | | | | iv. Copies of representations made are available in the Summary of responses report for the First Consultation (FPC03) ; Summary of responses report for the Issues and Options consultation (IPC06): Summary of responses to supplementary sites consultation (SPC02) and Summary of responses to Preferred Options consultation (PPC16). |
| i. 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. The Consultation Statements March 2017 (CD40) and October 2017 (CD02) details all of the bodies consulted throughout the Regulation 18 stage, including the minerals and waste industry. ii. A letter was sent to all organisations (Copies of letter at each stage included in Consultation Statements CD02 and CD40) along with a consultation leaflet for the |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| | | | | <p>First Consultation (FPC01), Issues and Options (IPC02) and Preferred Options consultation (PPC15), a letter was sent to all organisations for the supplementary sites consultation (Copy of the letter is included in the Consultation Statements March 2017 (CD02) and October (CD40)). All 'specific bodies', District/Borough Councils, adjoining Local Authorities, businesses in the minerals and waste industry were consulted at all stages of the Regulation 18 consultations. A 'Call for Sites' was issued as part of the First Consultation letter (Copy of the letter is included in the Consultation Statements March 2017 (CD02) and October (CD40)) to give minerals and waste industry to opportunity to put forward sites for</p> |



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| | | | | consideration to aid the delivery of the Plan. |
| 7. 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. | <ul style="list-style-type: none"> i. The Consultation Statements March 2017 (CD40) and October 2017 (CD02) includes summaries of the key issues identified through the representations at each consultation stage. ii. The report First consultation – how comments are being addressed (FPC04) includes all of the representations and a response to the representation from the Local planning Authority along with any action resulting from the representation. iii. At Issues and Options stage produced – Summary of responses report including authorities’ response report (IPC07) which includes all of the representations and a response to the representation from the |



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|----------|-------------------|--------------------|------------------|--|
| | | | | <p>Local planning Authority along with any action resulting from the representation.</p> <p>iv. Summary of responses to supplementary sites consultation; (SPC02) these were taken into account during the site assessment process.</p> <p>v. The Summary of responses and Authorities' response to Preferred Options comments report (PPC17) includes all of the representations and a response to the representation from the Local planning Authority along with any action resulting from the representation. Alternative options – at Issues and Options stage identified possible alternative options as a result of the representations and the feasibility of these was assessed, with those</p> |



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| | | | | <p>considered feasible given further consideration. The audit trail for this is recorded in 'Identification of alternative options and progression to Preferred Options.' (PC21)</p> <p>vi. The 'Detailed audit trail of policy development' (SD11) provides information for each policy and details how they have moved from Issues and Options through each stage to Publication, including the consideration of alternative options.</p> |
| <p>7. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p> | <p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p> | <p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p> | | <p>i. The Consultation statements March 2017 (CD040 and October 2017 (CD02) includes summaries of the key issues identified through the representations at each consultation stage and includes reference to different alternative options for the issues identified in the Issues and Options consultation..</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-------------------|--------------------|------------------|--|
| | | | | <ul style="list-style-type: none">ii. Alternative options – at Issues and Options stage possible alternative options were suggested in some of the representations, these were collated and assessed for their feasibility and whether they should be taken forward for consideration in the development of the preferred options, this is recorded in ‘Identification of alternative options and progression to Preferred Options’ (IPC09) report.iii. The ‘Detailed audit trail of policy development’ (SD11) provides information for each policy and details how they have moved from Issues and Options through to Publication, including the consideration of alternative options and Sustainability Appraisal assessment of alternatives.iv. The sustainability appraisal |



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|--|-----------------------------|----------------------|------------------|--|
| | | | | <p>of the proposed alternative options is summarised in the Preferred Options- Sustainability Appraisal Report – Volume 1: Assessment of Preferred Policies report (PPC07). The full assessment of the proposed alternative options is recorded in the Sustainability Appraisal Issues and Options Update Report – draft revised appraisals and consideration of further policies generated through Issues and Options (IPC10). (also known as Sustainability Appraisal of Additional Options)</p> |
| <p>i. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved | <p>The Act section19(3)</p> | <p>NPPF para 155</p> | | <p>i. The Consultation Statements March 2017 (CD40) and October 2017 (CD02) has regard to the three SCI's produced by the three authorities involved in the development of the Plan.</p> <p>ii. The North Yorkshire County</p> |



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|-------------|-------------------|--------------------|------------------|--|
| in the DPD? | | | | <p>Council SCI (SD05) – specifically has regard to minerals and waste planning, which is what the Local Plan is dealing with. Includes a section linking to the NYCC sustainable community strategy.</p> <p>iii. The three Authorities have adopted SCI’s which are North Yorkshire County Council Statement of Community Involvement (SD05), City of York Statement of Community Involvement (SD06) and North York Moors National Park Authority Statement of Community Involvement (SD07). A Communication Strategy (SD24) was produced, which draws on all three of the SCIs, this sets out how consultation will be carried out at each stage of the Minerals and Waste Joint Plan development process.</p> <p>iv. The relevant sustainable</p> |



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|--|--|-----------------------------|--|--|
| | | | | <p>community strategies for the three Authorities are the – North Yorkshire Community Plan 2014 - 17 (OEB09)). Then strategy for York 2011 – 2025 (OEB16)</p> <p>v. At the time of Publication NYMNP Management Plan 2012 was the most current (OEB15) this has subsequently been updated in 2016 (OEB13) (plus 2017 amendment sheet (OEB14))</p> <p>The Plan has had regard to the Sustainable Community Strategies.</p> |
| <p>i. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? | <p>The Act section20(3)</p> <p>Regulation 17</p> | <p>NPPF paras 158 - 171</p> | <p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below. Regulation 35 deals with the availability of documents and the time of their removal.</p> | <p>i. The Consultation Statements March 2017 (CD40) and October 2017 (CD02) includes details of individuals and bodies who were invited to make representations at each stage of the Plans development and the methods used to invite respondents to take part. The statement also includes</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-------------------|--------------------|------------------|--|
| | | | | <p>the main key issues raised at each stage of consultation. A statement of representations procedure was produced which included all of the venues where documents could be viewed and between which dates.</p> <p>ii. A summary of responses report was produced after each stage of consultation, the reports include First Consultation summary of responses report (FPC03); Summary of responses report for Issues and Options (IPC06); Summary of responses to supplementary sites consultation (SPC02); Summary of responses to preferred Options consultation (PPC16) Publication Draft Responses (CD37).</p> <p>iii. Statement of representations (under Regulation 22) is contained in the Consultation Statements (CD02 and</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|---|--|------------------------------|---|--|
| <p>i. 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> | <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>CD40)</p> <p>i. The Consultation Statements March 2017 (CD40) and October 2017 (CD02) includes information representations relating to cross boundary issues which are related to minerals and waste movement into and out of the Plan area.</p> <p>ii. The Duty to Cooperate Statements November 2016 (CD39) and October 2017 (CD03) includes a record of engagement with other Local Authorities on strategic minerals and waste issues at the different stages of the Plans development and a record of any outcomes resulting from the engagement.</p> |
| <p>ii. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership</p> | <p>The Act section 33A(1)(c) and Section 33A(9).</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</p> | <p>i. The Consultation Statements March 2017 (CD40) and October 2017 (CD02) includes a list of individuals and bodies who</p> |



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|--|---|--|---|--|
| (LEP) or a local nature partnership (LNP)? | <p>The Act section 20(5) (c).</p> <p>Regulation 4</p> | | <p>preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p> | <p>were requested to comment at each stage of the Plans development, this included the LEPs which covered the Joint Plan area.</p> <p>ii. A consultation record of engagement with the LEPs covering the Joint Plan area is included in the Duty to Cooperate Statements November 2016 (CD39) and October 2017 (CD03).</p> |
| c. Are you developing a framework for monitoring the effects of the DPD? | <p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p> | <p>NPPF paras 165 - 1687</p> <p>SEA Guide, Chapter 5</p> | <p>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.</p> | <p>i. Sustainability appraisal report October 2016 (CD25) includes a monitoring framework and indicators which cover the environmental effects of the Joint Plan.</p> <p>ii. Minerals and Waste Joint Plan Publication main document (CD17) includes a section on the monitoring framework for monitoring the Policies in the Joint Plan and the monitoring framework is contained in Appendix 3</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-------------------|--------------------|------------------|--|
| | | | | <p>(CD20)</p> <p>iii. The North Yorkshire County Council Authorities Monitoring Report 2015-16 (OEB06) includes Policy monitoring framework and Sustainability Appraisal Monitoring framework in the appendices.</p> |



Stage three: Plan preparation - formulation phase

This stage has many legal matters, for process and content, to address. The council should be beginning to formulate the preferred strategy for the local plan or supplementary planning document with which the council chooses to address Regulation 18 requirements, using the information gathered and previous collaborative work with stakeholders.

Para 182 of the NPPF makes it clear that explicit consideration of alternatives is a key part of the plan making process.

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

- completed body of information from evidence gathering
- results of sustainability appraisal
- findings from community participation
- findings from engagement with statutory cooperation bodies.

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

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

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

The council should tell all parties that this is the main participation opportunity on the emerging plan.. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.



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Stage three: Plan preparation – writing the plan

| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|---|--|---|---|---|
| <p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p> | <p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p> | <p>NPPF paras 152 - 182 SEA Guide, Chapter 5</p> | <p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p> | <p>i. Several options for each policy were presented as part of the Issues and Options consultation, and were assessed under the Sustainability Process. Documents which demonstrate this include the Issues and Options Consultation document – February 2014 (IPC01) and Sustainability Appraisal Update report to accompany Issues and Options consultation – February 2014 (IPC04).</p> <p>ii. Some representations provided to the Issues and Options Consultation suggested further alternative options. Between Issues and Options stage and Preferred Options stage the identified possible alternative options were compiled and the feasibility of each one</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-----------------------|--------------------|------------------|--|
| | | | | <p>assessed .If the option was a feasible alternative then it was taken forward for consideration during the development of the Joint Plan at the Preferred Options stage. The audit trail of this process is recorded in the 'Identification of alternative options and progression to Preferred Options.' July 2015 (IPC09). The feasible alternative options were assessed under the Sustainable Appraisal and a summary for each policy included in Issues and Options Sustainability Appraisal Update Report – draft revised appraisals and consideration of further policies generated through Issues and Options November 2015 (IPC10).</p> <p>iii. The 'Detailed audit trail of policy development' (SD11) provides information for each policy and detail how they</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|--|----------------------|--|--|
| | | | | <p>have moved from Issues and Options through to Publication, including the consideration of alternative options and Sustainability Appraisal assessment of alternatives.</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. The 'Detailed audit trail of policy development' (SD11) provides proformas for each policy and detail how they have moved from Issues and Options through to Publication, including the consideration of alternative options, the proformas have a section for each stage which includes National Policy and National Policy updates to be taken into consideration during the further development of the policies.</p> |
| <p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> • adjoining regional spatial strategies? • the spatial | <p>The Act sections 19 (2) and 24 (1) and (4) Regulation 10</p> | | <p>Where the regional strategy has been revoked you should record that fact.</p> | <p>Not applicable, the Regional Spatial Strategies have been revoked and the Plan area is not located near London, Wales or Scotland.</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|---|-------------------------------|------------------|---|
| <p>development strategy for London?</p> <ul style="list-style-type: none"> • Planning Policy for Wales? • the National Planning Framework for Scotland? | <p>and 21</p> | | | |
| <p>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?</p> | <p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p> | <p>NPPF paras 181 and 185</p> | <p>.</p> | <p>i. Duty to Cooperate Statements (CD03 and CD39) details how the Authorities developing the Plan have engaged with other Local Authorities to deal with cross boundary issues.</p> <p>ii. Documents which demonstrate working jointly on key strategic issues include the North Yorkshire Sub-Regional Local Aggregate Assessments (MEB01, MEB22 and MEB23) and North Yorkshire sub-region – Waste arisings and capacity requirements update reports (WEB03, WEB04, and WEB06), both documents were produced by NYCC, CYC, NYMNPA and</p> |



planning advisory service

| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|---|-------------------------------|--|--|
| | | | | <p>YDNPA. Yorkshire and Humber Waste Technical Advisory waste position paper February 2016 (WEB12) includes key background information about waste in the Yorkshire and Humber.</p> <p>iii. North Yorkshire County Council, City of York Council and North York Moors National Park are working jointly to produce a Minerals and Waste Joint Plan. This is evidenced in the Joint Plan Publication Draft (CD17) itself and in the Authorities individual Local Development Schemes. (CD06, CD07, CD08, CD41, CD42 and CD43)</p> |
| <p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including</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. Duty to Cooperate Statements (CD03 and CD39) detail how corresponded and engaged with 'specified bodies' to deal with cross boundary issues.</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|---|-----------------------|------------------|--|
| 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. Duty to Cooperate Statements (CD03 and CD39 detail how corresponded and engaged with LEPs and LNP to deal relevant issues. The Minerals and Waste Joint Plan Publication draft (CD17) has regard to the strategic and economic plans of the LEPs covering the Plan area. |
| 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 | The Act section 19(2) | | | i. The Minerals and Waste Joint Plan (CD17) has regard to the NYCC Community Plan 2014 – 17 (OEB09); CYC Council Plan 2015 – 2019 (OEB11), and NYMNPA Management Plan 2012 (EB54) ii. The Minerals and Waste Joint Plan has regard to the City of York Council Draft Local Plan incorporating the 4 th set of changes, approved 2005 (OEB18) and NYMNPA Core Strategy and Development |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|--|--------------------|--|--|
| council? | | | | <p>Policies 2008 (OEB12)</p> <p>iii. The Duty to Cooperate Statements (CD03 and CD39) detail correspondence and engagement with local significant partners.</p> |
| <p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> • resources • the local/regional economy • the local transport plan and transport facilities and services • waste strategies • hazardous substances | <p>The Act section19(2)</p> <p>Regulation 10</p> | | <p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p> | <p>i. The Minerals and Waste Joint Plan Publication draft (CD17) has regard to the York, North Yorkshire and East Riding LEP Strategic Economic Plan 2014 (SREB01 & SREB02).</p> <p>ii. The Minerals and Waste Joint Plan Publication draft (CD17) has regard to the North Yorkshire County Council Local Transport Plan 4 (OEB17) and City of York Council Local Transport Plan 3 (OEB19)</p> <p>iii. The Minerals and Waste Joint Plan Publication draft (CD17) has regard to the York and North Yorkshire Strategic Partnership – Municipal Waste Management Strategy 2006 (WEB13); Yorkshire and Humber Waste</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|---|------------------------------|----------------------------|--|---|
| | | | | <p>Position Statement (WEB11) and is itself a developing waste strategy within the Minerals and Waste Joint Plan.</p> <p>iv. Duty to Cooperate Statements (CD03 and CD39) detail correspondence and engagement with local significant partners, including bodies who are involved in other matters and strategies.</p> |
| <p>9. Are you having regard to the need to include policies on mitigating and adapting to climate change?</p> | <p>The Act section19(1A)</p> | <p>NPPF paras 93 - 108</p> | | <p>The Minerals and Waste Joint Plan Publication draft (CD17) has regard to the North Yorkshire County Council Climate Change Strategy – Delivering on climate change (LEB02), City of York Council Climate Change Framework (LEB04) and Action Plan (LEB03) and a Strategic Flood Risk Assessment (CD30) has been produced as part of the suite of documents which accompany the Minerals and Waste Joint Plan.</p> |
| <p>10. Have you undertaken the</p> | <p>The Act</p> | <p>NPPF para</p> | <p>Regulation13 of The Environmental Assessment of Plans and</p> | <p>i. The Identification of alternative options and progression to</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|---|--|--|--|---|
| <p>sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p> | <p>section19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p> | <p>182 SEA Guide, Chapter 5</p> | <p>Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p> | <p>preferred options (IPC09) is a report which identifies the alternative options suggested through the Issues and Options consultation and whether the alternatives have been progressed to the Preferred Options stage. The suggested alternatives were assessed through the sustainability appraisal process and this is demonstrated in the Preferred Options Sustainability Appraisal Report Volume 1 Assessment of Preferred Policies (PPC07); Issues and Options Sustainability Appraisal update report – draft revised appraisals and consideration of further policies through Issues and Options (IPC10); Detailed audit trail of policy development (SD11) .</p> <p>ii. The sustainability appraisal process has been run in parallel with the development of the Minerals and Waste Joint Plan, and consultations on both</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|------------------------|----------------------|---|---|
| | | | | <p>processes have been done at the same time. A Consultation Outcomes Report was produced for the Scoping stage (FPC05), A Sustainability Appraisal Update report – draft revised appraisals and consideration of further policies generated through Issues and Options (IPC10) was produced between Issues and Options and Preferred Options. Sustainability appraisals of the Polices and Sites were produced and consulted upon at the Preferred Options stage and Publications stage (PPC07, PPC08, PPC09, CD25, CD26, CD27, CD28)</p> |
| <p>11. Are you setting out reasons for any preferences between alternatives?</p> | <p>Regulation 8(2)</p> | <p>NPPF para 182</p> | <p>This will include Information from the sustainability appraisal.</p> | <p>i. The Identification of alternative options and progression to preferred options (IPC09) provides details about all of the suggested alternatives suggested at Issues and Options and the reasoning to whether or not it is to be taken forward to be considered alongside other proposed options. The</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|---|--|---|--|--|
| | | | | <p>Sustainability Appraisal Update Report; - draft revised appraisals and consideration of further policies generated through Issues and Options (IPC10) assesses any new or alternative options being considered for Preferred Options policies. The Detailed audit trail of policy development (SD11) provides information on how each policy has evolved at each stage from Issues and Options to Publication, and includes consideration of alternative options and the assessment of these options.</p> |
| <p>12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p> | <p>Regulations 17, 18(3) and 22 (1) (c) (iv) Regulation 13(4) of The Environmental Assessment of Plans and Programmes</p> | <p>NPPF paras 150, 155, 157 and 159-171</p> | <p>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p> | <p>i. At First Consultation stage a Summary of Responses Report August 2013 (FPC03) was produced which included a summary of all of the representations received, this was followed by First consultation how comments are being addressed (FPC04) which includes the Local Authorities response and if required action</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|----------|--------------------------|--------------------|------------------|--|
| | Regulations 2004 No 1633 | | | <p>required for each representation. At Issues and Options stage a Summary of Responses Report including authorities response for Issues and Options consultation, (IPC07) was produced which recorded a summary of all of the representations received at this stage which includes the Local Authorities response and if required action required for each representation this was followed by the Summary of Responses Report to Supplementary Sites Consultation May 2015 (SPC02). At Preferred Options stage a Summary of Responses and authorities response to Preferred Options consultation report (PPC17) was produced which included a summary of all of the representations received at this stage, following this the a Summary of representations received at Publication and Authorities response (CD38) was produced which includes the Local Authorities response and if</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-----------------------|--------------------|------------------|--|
| | | | | <p>required action required for each representation. The Detailed audit trail of Policy Development (SD11) includes the key issues raised by representations at each stage and how these issues were dealt with. An Audit trail of progression of sites from Issues and Options to Publication (SD13) was produced which summarises how the sites were assessed and progressed through the various stages of the Plans development. The Consultation Statements (CD02 and CD40) provides a summary of the stages of consultation and details the reports produced which contain the representations and the Local Authorities response and action in relation to the representations.</p> <p>ii. Sustainability appraisal reports were produced at for each stage of the Plans development and corresponding outcomes reports included were produced which</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-----------------------|--------------------|------------------|--|
| | | | | <p>included the Sustainability Appraisal Scoping report - Final February 2014 (FPC05) (which followed the first consultation in summer 2013); the Consultation outcomes report for consultations on the Minerals and Waste Sustainability Appraisal and Site Assessment Methodology February 2015 (IPC08); Sustainability Appraisal Update Report – Draft revised appraisals and consideration of further policies generated through Issues and Options (IPC10); Preferred Options Sustainability Appraisal Report – assessment of preferred policies November 2015 (PPC07); Sustainability Appraisal/Environmental report to accompany the Publication document, October 2016 (CD25); The Sustainability Scoping Report October 2016 (CD31) includes a full update of the PPPSIs.</p> <p>iii. HRA documents</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|---|-----------------------------------|----------------------|---|--|
| | | | | <p>HRA – likely significant effects report to accompany the Issues and Options Consultation, February 2014 (IPC05); HRA of likely significant effects on European Designated Nature Conservation sites – Preferred Options, November 2015 (PPC10); HRA of likely significant effects on European Designated Nature Conservation sites – Publication stage, November 2016 (CD29).</p> |
| <p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the | <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"> i. Proposals maps were produced as part of the Minerals Local Plan published in 1997, and Waste Local Plan in 2006 but both of these are out of date. ii. The policies map to accompany the MWJP was started from scratch the first version presented at Preferred Options stage in paper format with pdfs (PPC06) on the website, second version presented at Publication stage in paper format, pdfs and as an interactive map online at |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|---|------------------------|------------------|---|
| community about the location of proposals? | | | | http://maps.northyorks.gov.uk/connect/analyst/?mapcfg=mwjp and in paper format as (CD23). |
| 14. Are the participation arrangements compliant with the SCI? | The Act, section 19(3) Regulation 18 | NPPF paras 150 and 155 | | <ul style="list-style-type: none"> ii. As the Local Plan is being prepared jointly by 3 separate Planning Authorities the Plan has had regard to the SCI for each Authority, these are The North Yorkshire County Council Statement of Community Involvement (Adopted 2006, Updated 2013) (SD05); City of York Statement of Community Involvement (Adopted 2007) (SD06); and North York Moors National Park Authority Statement of Community Involvement 2006 (SD07) i. The requirements of the 3 SCIs have been incorporated into the Communication Strategy (SD24), which was produced which outlines possible approaches to be used at each stage of the plan preparation. The |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-----------------------|--------------------|------------------|--|
| | | | | <p>Consultation Statements (CD02 and CD40) include details of how consultation was undertaken at each stage of the Plans development.</p> <p>ii. A Communication Strategy (SD24) was produced which had regard to the 3 SCI's and provided a framework of the types of consultation methods which were to be used at each stage of the Plans development.</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 |
|---|--|--|---|---|
| 1. Have you prepared the sustainability appraisal report? | <p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p> | <p>NPPF paras 165 - 168</p> <p>SEA Guide Chapter 5</p> | | <p>A Sustainability appraisal full report October 2016 (CD25) has been prepared accompanied by Sustainability appraisal appendix 1, 2 and 4 October 2016 (CD26); Sustainability appraisal Appendix 3 October 2016 (CD27 and CD28); An updated SFRA October 2016 (CD30) and HRA 2016 (CD29) were also produced to accompany the Sustainability Appraisal which was produced in conjunction with the Publication version of the Minerals and Waste Joint Plan (CD17).</p> |
| 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. Statement of Consultation October 2017 (CD02) and March 2017 (CD40) include details of the dates for the different |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-----------------------|--------------------|------------------|--|
| | | | | <p>consultations;</p> <p>ii. Statement of representations procedure – November 2016 (CD32) included the dates when representations could be received and also the methods which representors could use to submit them;</p> <p>iii. Guidance notes (CD34) were provided to aid completion of the Representations/ response form (CD35)</p> <p>iv. The 3 Statement of Community involvement for the Local Authorities involved in the development of the Plan include minimum durations of time to be used for consultations, these include North Yorkshire County Council Statement of</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|-----------------------|--------------------|----------------------------------|---|
| | | | | Community Involvement (Adopted 2006, Updated 2013) (SD05) City of York Statement of Community Involvement (Adopted 2007) (SD06) North York Moors National Park Authority Statement of Community Involvement 2006 (SD07) |
| 3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? | Regulation 19(a) | | Regulation 17 gives definitions. | i. The Consultation Statement March 2017 (CD02) and October 2017 (CD40) includes details of where documents were made available for inspection and includes copies of the web page where the documents were displayed ; ii. All of the documents which were part of the Publication stage for the Minerals and Waste |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|------------------------------|--------------------|---|--|
| | | | | <p>Joint Plan were made available on the website and paper copies made available in all deposit locations identified on the Statement of representations procedure (CD32)</p> <p>iii. The Statement of representations procedure – November 2016 (CD32) was provided at the Publication stage;</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>i. The Consultation Statement October 2017 (CD02) and March 2017 (CD40) include screen shots of the web page which included the Publication documents during the request for representations phase in November and December 2016 ;</p> <p>ii. All of the documents which were part of the</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|-------------------------|--------------------|---|---|
| | | | | <p>Publication stage for the Minerals and Waste Joint Plan were made available on the website and paper copies made available in all deposit locations identified on the Statement of Representations (CD32)</p> <p>iii. The Statement of representations procedure – November 2016 (CD32) was also made available on the website and in deposit locations;</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 the representations procedure? | <p>Regulation 19(b)</p> | | <p>Regulations 2 and 17 give definitions.</p> | <p>i. The Consultation Statement October 2017 (CD02) and March 2017 (CD40) includes a list of all the bodies who were invited to make representations against the Publication document and a copy of the email with attachments which was</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|----------|-----------------------|--------------------|------------------|---|
| | | | | <p>sent to each body. The attachments included a letter, response form with guidance notes and statement of representations procedure,</p> <p>ii. All of the documents which were part of the Publication stage for the Minerals and Waste Joint Plan were made available on the website and paper copies made available in all deposit locations identified in the Statement of Representations Procedure (CD32)</p> <p>iii. The Statement of representations procedure – November 2016 (CD32) was available on the website, in all deposit locations and sent to all bodies invited to make representations against</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|--|-----------------------|--------------------|--|--|
| | | | | the Publication document. |
| <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. | <p>i. The Consultation Statement October 2017(CD02) and March 2017 (CD40) contains details of the documents sent to the bodies that were requested to provide comments on the Publication document and this included the statement of representations procedure.</p> <p>ii. All of the documents which were part of the Publication stage for the Minerals and Waste Joint Plan were made available on the website and paper copies made available in all deposit locations identified on the Statement of Representations Procedure (CD32)</p> |



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| Activity | Statutory requirement | Guidance reference | Additional notes | Possible evidence |
|---|---|--------------------|---|---|
| | | | | iii. The Statement of representations procedure – November 2016 (CD32) was available on the website, in all deposit locations and sent to all bodies invited to make representations against the Publication document. |
| 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). | 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 | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|--|-----------------------|--------------------|--|---|
| 1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? | The Act section 19(1) | | The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the | i. The North Yorkshire Minerals and Waste Development Schemes Oct 2016 (CD41) and July 2017 (CD06) deal exclusively with the Minerals and |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|---|-------------------|--------------------|---------------------|---|
| <p>Have the timescales set out in the LDS been met?</p> | | | <p>Regulations.</p> | <p>Waste Joint Plan City of York LDS November 2017 (CD07) and July 2016 (CD42) makes reference to the Minerals and Waste Joint Plan</p> <p>ii. North York Moors LDS July 2017 (CD08) and March 2016 (CD43) makes reference to the Minerals and Waste Joint Plan Following consideration of the representations received against the Publication document an Addendum of Proposed Changes (CD09) was produced along with an accompanying Sustainability Appraisal (CD10) which was put out for consultation which altered the timetable for submission, so updated LDS's were produced to reflect the change. The Plan has been submitted to</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|---|------------------------------|----------------------|---|---|
| | | | | <p>meet the revised timetable.</p> <p>iii. The most recent Authority's Monitoring Report for the Plan was produced by North Yorkshire County Council 2015/2016 (OEB06)</p> |
| <p>2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?</p> | <p>The Act section 19(2)</p> | <p>NPPF para 182</p> | | <p>i. The relevant sustainable community strategies for the three Authorities are the –North Yorkshire Community Plan 2014 - 17 (OEB09). Then strategy for York 2011 – 2025 (OEB16) NYMNP Management Plan 2016 (OEB13) (plus 2017 amendment sheet (OEB14))</p> <p>ii. The Plan has had regard to the Sustainable Community Strategies in paragraphs 2.44, 2.45 and 2.46 of the Publication draft Plan (CD17)</p> |
| <p>3. Is the DPD in compliance with the SCI (where one exists)? Has the council</p> | <p>The Act section 19(3)</p> | | <p>Before the SCI is formally amended to take into account the changes in the</p> | <p>i. As the Local Plan is being prepared jointly by 3 separate Planning</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|--|----------------------------|--------------------|---|---|
| <p>carried out consultation as described in the SCI?</p> | <p>Regulation 22(1)(c)</p> | | <p>regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).</p> | <p>Authorities the Plan has had regard to the SCI for each Authority, these are The North Yorkshire County Council Statement of Community Involvement (Adopted 2006, Updated 2013) (SD05); City of York Statement of Community Involvement (Adopted 2007) (SD06); and North York Moors National Park Authority Statement of Community Involvement 2006 (SD07). A Communication Strategy (SD24) was produced which had regard to the 3 SCI's and provided a framework of the types of consultation methods which were to be used at each stage of the Plans development. ii The Regulation 22(1)(c) statement has been</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|---|---|-------------------------------|---|---|
| | | | | <p>produced in the form of the Consultation Statements (CD02 and CD40) which include details of how consultation was undertaken at each stage of the Plans development, a summary of the responses received and key messages to be taken forward.</p> |
| <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 If you have not agreed on the approach is there a</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>i. The Duty to Cooperate Statements October 2017 (CD03) and November 2016 (CD39) includes a record of engagement with other Local Authorities on strategic minerals and waste issues at the different stages of the Plans development and a record of any issues and outcomes resulting from the engagement.</p> <p>ii. Memoranda of Understanding exist between the Joint Plan authorities and both the</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
|----------------|-------------------|--------------------|------------------|---|
| justification? | | | | <p>Yorkshire Dales National Park (OEB01) and Redcar and Cleveland Council (OEB02) to support planning for waste across local planning authority boundaries.</p> <p>ii. A Memorandum of Understanding was prepared by the Yorkshire and Humber Waste Technical Advisory Body (WTAB) (WEB10) which sets out matters of agreement and collaboration in terms of strategic waste issues between authorities in the Yorkshire and Humber Region.</p> <p>iv. Yorkshire and Humber Aggregates Working Party (YHAWP) prepared a report collating the aggregate sales and reserves figures for the Yorkshire and Humber</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| | | | | <p>region in 2015. (MEB01)</p> <p>v. West Yorkshire Combined Authority Planning Portfolios Group ratified the West Yorkshire Local Aggregate Assessment (LAA) and the connectivity between the LAA and the North Yorkshire sub-region. (MEB03).</p> <p>vi. The North Yorkshire sub-region Local Aggregate Assessments (LAA) (MEB01, MEB22 and MEB23) cover the North Yorkshire County Council, City of York, North York Moors National Park Authority and Yorkshire Dales National Park Authority areas and was a collaborative effort by the 4 sub authorities.</p> <p>vii. Each of the North Yorkshire sub-regional Local Aggregate Assessments (LAA)</p> |



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| | | | | <p>(MEB01, MEB22 and MEB23) were sent out for consultation before being finalised so other Local Authorities and interested parties could comment.</p> <p>viii. Paper produced on cross boundary minerals safeguarding (SEB04) was circulated to all adjoining mineral planning authorities for comment before being published.</p> |
| <p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p> | <p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p> | <p>NPPF para 165</p> <p>SEA Practical Guide, chapter 5</p> | | <p>The Sustainability Appraisal started as a scoping exercise which was run alongside the DPD scoping/first consultation stage. Following this a Sustainability Appraisal Scoping Report (FPC06) was produced which included the outcomes from the scoping exercise. Subsequently a Sustainability Appraisal update report to accompany the Issues and Options consultation (IPC04) was</p> |



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| | | | | <p>produced, which included assessments of the proposed options. Alternative options were proposed during the Issues and Options consultation, resulting in production of an Issues and Options Sustainability Appraisal update report –draft revised appraisals and consideration of further policies generated through Issues and Options (IPC10). A Consultation outcomes report for consultation on Minerals and Waste sustainability appraisal and site assessment methodology (IPC08) was also produced at this stage. Following this a Preferred Options Sustainability Appraisal report (PPC07, PPC08, PPC09) was produced to accompany the Preferred Options consultation on the DPD. The comments from the Preferred Options stage were considered and policies firmed</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| | | | | <p>up to produce a DPD Publication document (CD17) along with a Sustainability Appraisal report (CD24, CD25, CD26, CD27, CD28) to accompany the Publication Draft Plan, which provided the final findings of the appraisal.</p> <p>Following consideration of the representations received against the Publication document an Addendum of Proposed Changes (CD09) was produced along with an accompanying Sustainability Appraisal (CD10) which were put out for consultation.</p> |
| <p>6. Is the DPD to be submitted consistent with national policy?</p> | <p>The Act section 19(2) and Schedule 8</p> | <p>NPPF para 151</p> | | <ul style="list-style-type: none"> i. PINs have been kept updated with regard to the progress of the Minerals and Waste Joint Plan. ii. A PAS Soundness self-assessment checklist has been undertaken (CD04) which confirms that the Minerals and Waste Joint Plan is consistent with |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| | | | | National Policy |
| <p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists?</p> <p>If yes, is there local justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p> | <p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p> | <p>NPPF para 218 footnote 41</p> | <p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p> | <p>A Regional Spatial Strategy does not exist for the Yorkshire and Humber Region and the Plan does not border London so the Mayor of London does not need to be consulted.</p> |
| <p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified</p> | <p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p> | <p>NPPF para 182</p> | <p>Requirements relating to publication of the prescribed documents are listed later in this table.</p> | <p><i>This section deals with activity after the Minerals and Waste Joint Plan has been submitted to the DCLG, so at this stage the text will include what the Authorities plan to do so this document can be submitted,</i></p> |



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| <p>the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p> | | | | <p>but will change the text once the activities' have been undertaken.</p> <p>i. The Consultation Statements (CD02 and CD40) contain details of who was consulted, and how they were consulted at each stage of the plan preparation process, the number of representations received, the comments made and that main issues raised at each stage. A copy of the submission documents will<u>has been</u> made available at all of the deposit locations listed in the Notice of submission and list of deposit locations (CD01)</p> <p>ii. Notification of submission will<u>has been</u> sent out to all consultees on the Minerals and Waste Joint Plan database who are still deemed to have an interest including ones who have</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| | | | | <p>made representations on the Plan in the past.</p> <p>iii. Appendix 4 of the Publication draft (CD21) contains a list of the saved policies which will be replaced by the Minerals and Waste Joint Plan.</p> <p>iv. The most recent monitoring report at the point of submission is/was the North Yorkshire Annual Monitoring Report 2015/16 (OEB06)</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 is the same as the one presented at Publication stage (CD22 and CD23). The current adopted polices maps were produced in 1997 (minerals) and 2006 (waste) so need bringing up to date.</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| <p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p> | <p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p> | | <p>Development Plan is defined in Section 38 of the Act.</p> | <ul style="list-style-type: none"> i. The Minerals and Waste Joint Plan policies, once adopted, will supersede the current saved minerals policies and saved waste policies. This is demonstrated in Appendix 4 (CD21) of the Plan. ii. 2 of the Authorities working on the Minerals and Waste Joint Plan are either unitary or a sole planning authority and so also produce their own local plans which deal with matters other than minerals and waste, Chapter 2: Context in the Publication draft Plan document (CD17) makes reference to linkages between the local plans and the Minerals and Waste Joint Plan. iii. North Yorkshire County Council is part of a 2 tier authority structure, the Minerals and Waste Joint |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| | | | | Plan has regard to relevant adopted policies in the District and Borough Council adopted Plans as referred to in Chapter 2: Context- (CD17) . |
| <p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? | <p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p> | | <p>This will bring forward material from the Consultation statement (see Stage 2 above).</p> | <p>i. The Consultation Statements (CD02 and CD40) contain details of who was consulted, and how they were consulted at each stage of the plan preparation process, the number of representations received, the comments made and that main issues raised at each stage. A copy of the submission documents have been made available at all of the deposit locations listed in the notice of submission and list of deposit locations (CD01).</p> <p>ii. The Statement as required in Regulation 22(1)(c)</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| <p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? | <p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p> | | | <p>The Consultation Statements (CD02 and CD40) contain details of who was consulted, and how they were consulted at each stage of the plan preparation process, the number of representations received and the main issues raised at each stage. A copy of the submission documents have been made available at all of the deposit locations listed the notice of submission and list of deposit locations (CD01).</p> |
| <p>13. Have you collected together all the representations made under Regulation 28?</p> | <p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p> | | | <p>Copies of the all representations made throughout the development of the Plan are available individually as part of the examination library, (CD16, CD37, PPC16, SPC02, IPC06 and FPC03), a summary of the comments are also included as part of the Consultation Statements (CD02 and CD40)</p> |



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| Activity | Legal requirement | Guidance reference | Additional notes | Possible evidence |
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| 14. Have you assembled the relevant supporting documents? | <p>The Act section 20(3)</p> <p>Regulation 22(1)(g)</p> | | | <p>The Examination Library includes all the supporting documents for the Minerals and Waste Joint Plan and these are available to view on the website at https://www.northyorks.gov.uk/minerals-and-waste-joint-plan-examination</p> |
| 15. Has your council approved the DPD for submission? | | | <p>Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.</p> | <ul style="list-style-type: none"> • On 20th April 2017 the North York Moors National Park Authority Planning Committee resolved to consult on the Addendum of Proposed Changes and if no substantive changes following the consultation then resolved to submit the Minerals and Waste Joint Plan for Examination. • On the 26th October City of York Council Full Council resolved to submit the Minerals and Waste Joint Plan for examination. • On 8th November North Yorkshire County Council |



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| | | | | Full Council resolved to submit the Minerals and Waste Joint Plan for examination. |
| <p>16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? | <p>The Act section 20(1) and 20(3)</p> <p>Regulations 22(1) and 22(2)</p> | | <p>Regulation 35 deals with the availability of documents and the time of their removal.</p> <p>Electronic copies of some of the representations and supporting documents may not be practicable.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p> | <p>i. On the 28th November 2017 the Joint Plan Authorities submitted the Minerals and Waste Joint Plan to the Secretary of State. He paper documents included:</p> <ul style="list-style-type: none"> – Publication draft of the Plan and appendices 1 - 4 (CD17, CD18, CD19, CD20 and CD21) - Policies map (CD23) – Sustainability Appraisal of Publication Draft (CD24, CD25, CD26, CD27, CD28 and CD31) - Habitats Regulations Assessment (CD29) - Addendum of Proposed Changes to Publication Draft Plan (CD09) - Sustainability Appraisal |



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| | | | | <p>of Addendum of Proposed Changes to Publication Draft (CD10)</p> <ul style="list-style-type: none">- Consultation Statement (CD02)- Responses received to the Publication consultation in respondent order- Responses received to the Publication consultation in Plan order.- Responses received to the Addendum of Proposed Changes to the Publication Draft in respondent order- Responses received to the Addendum of Proposed Changes to the Publication Draft in Plan order.- CD with all of the documents in the Examination Library |



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| | | | | included. |
| <p>j. 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) | | You should do this as soon as reasonably practicable after submission. | <p>The Minerals and Waste Joint Plan was submitted on the 28th November 2017. A copy of the following documents have been made available at all deposit locations, this was done by the end of Friday 1st December 2017.</p> <ul style="list-style-type: none"> - Publication draft of the Plan and appendices 1 - 4 (CD17, CD18, CD19, CD20 and CD21) - Policies map (CD23) - Sustainability Appraisal of Publication Draft (CD24,CD25, CD26, CD27, CD28 and CD31) - Habitats Regulations Assessment (CD29) - Addendum of Proposed Changes to Publication Draft Plan (CD09) - Sustainability Appraisal of Addendum of Proposed Changes to |



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| | | | | Publication Draft (CD10) <ul style="list-style-type: none"> - Consultation Statement (CD02) - Duty to Cooperate Statement (CD03) - Strategic Flood Risk Assessment (CD30) - Local Development Scheme for area where deposit location is (CD06, CD07 and CD08) - Notice of submission and list of deposit locations (CD01) has been provided at each deposit location |
| k. On your website, have you published the: <ul style="list-style-type: none"> • DPD? • submission policies map? • sustainability appraisal report? • Regulation 22(1)(c) | Regulation 22(3) and 35(1)(b) | | You should do this as soon as reasonably practicable after submission. | There has been a dedicated web page developed www.northyorks.gov.uk/examination . The Core Document section of the webpage includes <ul style="list-style-type: none"> – Publication draft of the Plan and appendices 1 - 4 (CD17, CD18, CD19, CD20) |



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| <p>statement?</p> <ul style="list-style-type: none"> • 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>and CD21)</p> <ul style="list-style-type: none"> - Policies map (CD23) and a link to the interactive policies map (CD22) - Sustainability Appraisal of Publication Draft (CD24,CD25, CD26, CD27, CD28 and CD31) - Habitats Regulations Assessment (CD29) - Addendum of Proposed Changes to Publication Draft Plan (CD09) - Sustainability Appraisal of Addendum of Proposed Changes to Publication Draft (CD10) - Consultation Statement (CD02) - Duty to Cooperate Statement (CD03) - Strategic Flood Risk Assessment (CD30) - Local Development Scheme for area where |



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| | | | | <p>deposit location is (CD06, CD07 and CD08)</p> <ul style="list-style-type: none"> - Notice of submission and list of deposit locations (CD01). <p>A range of other supporting documents are available on this page in the Examination Library section.</p> <p>The webpage also contains contact details for the appointed Programme Officer and a link to the PINS 'Procedural Practice in the Examination of Local Plans'.</p> |
| <p>I. 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 | <p>Regulation 22(3)(b)</p> | | <p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p> | <p>All consultees on the database who still wished to be contacted regarding the Minerals and Waste Joint Plan were either sent an email or a letter to make them aware that submission had taken place, where the key documents could be viewed and contact details for the programme officer. Copies of all the emails</p> |



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| <ul style="list-style-type: none"> where and when they can be inspected? | | | | <p>and the list of postal contacts and letter are available on request. The letter which was posted and attached to the emails contains the same text as the Notice of Submission and list of deposit locations (CD01).</p> |
| <p>m. Have you given notice to persons who have requested to be notified that submission has taken place?</p> | <p>Regulation 22(3)(c)</p> | | <p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p> | <p>All of the persons who asked to be notified that submission has taken place were included in the database and were notified as part of the email and postal notification under Regulation 22(3)(b).</p> <p>A Public Advert was placed in 2 newspapers which together covered the whole of the Joint Plan Area, these were the Northern Echo on the 5th December 2017 and Yorkshire Post on the 4th December 2017. Proof of publishing of these adverts is available on request.</p> |



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| <p>n. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> • published the time and place of the examination and the name of the person appointed to carry out the examination on your website? • notified those who have made representations on the published DPD which have not been withdrawn of these details? | <p>The Act section 20</p> <p>Regulations 24 and 35</p> | | | <p>The Examination of the Minerals and Waste Joint Plan is due to start on the 27th February 2018. On the 12th January 2018 an initial letter on behalf of the Inspector, (INS/01), which included the date of the first hearing, and the name of the Inspector who is going to carry out the Examination was placed on the Councils website at www.northyorks.gov.uk/examination along with a briefing note, (INS/02), and a formal notification from the Authorities, (LPA/01) under Regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012.</p> <p>On the 12th January 2018 the Programme Officer notified those who had made representations on the Publication Draft, (CD17) and</p> |



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| | | | | Addendum of Proposed Changes to the Publication Draft, (CD09) and provided them with the Initial letter (INS/01), the briefing note (INS/02) and Notification of examination (LPA/01) |