

Blaby District Council

Blaby Local Plan Delivery DPD

Assessment of Legal Compliance

March 2018

Assessment of Legal Compliance

This checklist has been compiled to provide evidence that the Blaby District Local Plan Delivery Development Plan Document Proposed Submission Version accords with the legal and procedural requirements as set out in the relevant legislation. The checklist is based on the Planning Advisory Service's Local Plan Legal Compliance Checklist¹.

¹ Last updated April 2013.

Stage One: Pre-plan preparation

Activity	Legal requirement	Guidance reference	Evidence
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF para 153	<p>The Council's Local Development Scheme (LDS) was adopted in November 2017 and covers the period up to November 2020. The Delivery DPD² has been identified in the LDS and a timetable is set out for its production in Table 3.</p> <p>The LDS is available at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/local-development-scheme/</p>
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	<p>Consultation methods for the Local Plan are set out within the Council's Statement of Community Involvement (SCI) adopted in December 2015.</p> <p>The SCI is available at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/statement-of-community-involvement/</p> <p>The Local Development Scheme identifies the consultation milestones within the detailed programme timetable.</p>
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	<p>The Statement of Community Involvement sets out the groups and bodies that will be consulted. 'Specific' and 'General' Consultation bodies have been consulted in accordance with the 'Regulations'³ at key stages of plan production.</p> <p>The Statement of Consultation sets out how the Council has undertaken consultation in the production of the Delivery DPD to date. The 'Statement of Consultation' can be accessed from the following page. http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/local-plan-delivery-dpd/</p>

²The adopted Core Strategy refers to the 'part 2' plan as the 'Local Plan Allocations, Designations and Development Management Development Plan Document'. This has been renamed as the 'Local Plan Delivery DPD'.

³ The Town and Country Planning (Local Planning) (England) Regulations 2012.

Activity	Legal requirement	Guidance reference	Evidence
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>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>The 'Duty to Cooperate Statement' and the 'Statement of Consultation' set out how the Council has cooperated with other local planning authorities and prescribed bodies. In summary, the Council has held extensive dialogue with Local Planning Authority partners and other prescribed bodies in order to inform the policies and proposals of the plan.</p>
5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 - 181</p>	<p>At the time of writing there is no Local Nature Partnership operating within Leicestershire. The Ecology Team of Leicestershire County Council and 'Leicestershire & Rutland Wildlife Trust' have been consulted on the various stages of the DPD.</p> <p>The Leicester & Leicestershire Enterprise Partnership (LLEP) have also been consulted and engaged at various stages of DPD production.</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>The Act section 13</p>	<p>NPPF paras 158 - 177</p>	<p>The 'Authority Monitoring Report', Residential & Employment Land Availability Assessments have helped to identify development requirements and inform requirements for development.</p> <p>The Council has gathered an extensive evidence base to inform the Delivery DPD (in addition to that used to inform the Blaby Local Plan Core Strategy). Social, Environmental and Economic evidence has been gathered.</p>

Activity	Legal requirement	Guidance reference	Evidence
			The Local Plan Evidence base is available at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/evidence/ .
7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?	The Act section19(5)	NPPF Paras 165 and 167 Strategic Environmental Assessment Guide, Chapter 5	Baseline information is set out in in section 4.2 and Appendix B of the Sustainability Appraisal Report on the Delivery DPD. These are available at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/local-plan-delivery-dpd/ .
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 Strategic Environmental Assessment Guide, Chapter 3	The Council consulted on the Sustainability Appraisal scoping report in 2013. Responses to this consultation are set out within Appendix C of the SA on the Delivery DPD, available at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/local-plan-delivery-dpd/ . The statutory environmental consultation bodies have been consulted at all subsequent stages.

Stage Two: Plan preparation

Activity	Legal requirement	Guidance reference	Evidence
1. Have you notified: <ul style="list-style-type: none"> the specific consultation bodies? the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies were notified of the consultation on the scope of the Delivery DPD in April 2013 (initial regulation 18 consultation) and October 2016 (Preferred Options consultation). Details of the consultation are set out in the 'Statement of Consultation'.
2. Are you inviting representations	Regulation 18(1) and	NPPF paras 159 – 173	Consultation was undertaken with local businesses, individuals and

Activity	Legal requirement	Guidance reference	Evidence
from people resident or carrying out business in your area about the content of the DPD?	(2)(c)		organisations during key stages of consultation in April/May 2013 and October 2016. Individuals were consulted by letter or e-mail where they were on the consultation database and had requested that they be informed. Many local businesses are identified as 'General Consultation Bodies'. Details of these are set out in the 'Statement of Consultation'.
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	<p>The Council engaged with the key bodies responsible for delivering the strategy on an ongoing basis during the development of the plan including developers and key infrastructure delivery agencies. This included informal discussions as Regulation 18 consultation stages.</p> <p>Details of the nature of engagement with key infrastructure delivery partners is set out in the 'Duty to Cooperate' paper.</p>
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	<p>The Council has considered representations made at all stages of consultation. A summary of the Regulation 18 Consultation responses is available at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/local-plan-delivery-dpd/.</p> <p>The Council's 'Statement of Consultation' sets out a summary of the key issues raised, the Council's response to these, and how they have been taken into account in the development of the plan.</p>
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	<p>The Act section19(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>	The early consultation contributed to the development of and sustainability appraisal of alternatives. Policies (such as those relating to non-designated heritage assets) and inclusion & dismissal of site allocation options (most notably the exclusion of potential housing sites at Blood's Hill, Kirby Muxloe and Coventry Road, Narborough) have resulted from early engagement.
6. Is the participation: <ul style="list-style-type: none"> following the principles set 	The Act section19(3)	NPPF para 155	Participation followed the principles set out in the Statement of Community Involvement in terms of who should be consulted, when and how. Details are set out in the Statement of Consultation.

Activity	Legal requirement	Guidance reference	Evidence
<p>out in your SCI?</p> <ul style="list-style-type: none"> integrating involvement with the sustainable community strategy⁴ proportionate to the scale of issues involved in the DPD? 			<p>There is no longer a requirement for the Council to have a Sustainable Community Strategy.</p> <p>The consultation was proportionate to the scale of the issues involved.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> the individuals or bodies invited to make representations? how this was done? the main issues raised? 	<p>The Act section 20(3)</p> <p>Regulation 17</p>	NPPF paras 158 - 171	<p>The Council has recorded those persons who have made representations at each stage of plan preparation. Representations are recorded on 'spreadsheets' and a bespoke Local Plan monitoring system ('Uniform').</p> <p>Details of representations and those making them were recorded at each stage of consultation. The Council also compiled a database of consultees which was updated at key stages.</p> <p>The 'Statement of Consultation' sets out (at each stage) who was consulted, how this was done, and the main issues raised.</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	NPPF paras 178 to 181	<p>The DPD supports the delivery of the adopted Core Strategy which sets out spatial context for the district. It does not seek to establish a new strategy. Notwithstanding this, discussions have been held with other Local Planning Authorities relating to issues that extend beyond the administrative boundary of Blaby. These include the large scale allocations (and associated transport, infrastructure and environmental issues) and Green Wedge designations.</p> <p>Discussions are on-going with other Councils and bodies to ensure that cross border issues of strategic significance are addressed through the production of a new Local Plan, in particular meeting the housing, employment and other development needs.</p>
<p>9. Are you inviting representations</p>	The Act section	NPPF paras 178 to 181	<p>There is no Local Nature Partnership operating within Leicestershire.</p>

⁴ The need to prepare a Sustainable Community Strategy was repealed by section 100 of the Deregulation Act 2015.

Activity	Legal requirement	Guidance reference	Evidence
on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	<p>33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>		<p>The Ecology Team of Leicestershire County Council and Leicestershire & Rutland Wildlife Trust have been consulted on the various stages of the DPD.</p> <p>The Leicester & Leicestershire Enterprise Partnership (LLEP) have been consulted and engaged at various stages of DPD production. In particular the proposed options for employment sites and emerging policies relating to employment land.</p>
10. 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>The emerging DPD is supported by a monitoring framework. The most up to date version is set out within Section 6 of the Proposed Submission Version of the document.</p>

Stage Three: Plan preparation – writing the plan

Activity	Legal requirement	Guidance reference	Evidence
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182 SEA Guide, Chapter 5	<p>The starting point for the amount of housing and the location of sites to be included in the Delivery DPD is the Core Strategy adopted in 2013. The Core Strategy sets out minimum requirements for the number of homes by settlement with a focus on the Principal Urban Area of Leicester (PUA).</p> <p>Several options for delivery of the outstanding requirements for housing in the PUA were considered. The Council has produced a series of Employment and Housing Site Selection Papers that consider the merits of alternative site options. The reasonable options for alternative sites and policies were also the subject of a Sustainability Appraisal.</p> <p>Site Selection Papers are available at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/evidence/.</p>
2. Have you assessed alternatives against: <ul style="list-style-type: none"> consistency with national policy? 	The Act section 19 (2), section 24	NPPF para 151	The introductory text to each proposed policy within the emerging DPD includes a brief review of the relevant national policy. This has been used to influence and develop each draft policy. The Site Selection methodology and Sustainability Appraisal takes account of the NPPF in setting out the factors to assess site options.
3. 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>The Localism Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	NPPF paras 181 and 185	<p>The Council has engaged constructively, actively and on an ongoing basis with Duty to Cooperate partners. The Council has produced a 'Duty to Co-Operate Statement' which sets out how other local planning authorities have been involved in the development of the preferred strategy. In particular, the Council has held ongoing discussions with key partners in order to identify key issues and to identify mitigation measures for proposed allocations.</p> <p>A joint Local Development Document is not considered necessary at this time.</p>
4. Are you cooperating with a person prescribed for the purposes of Regulation	The Act section 33A(2)(a), section	NPPF paras 181 and 182	The Council cooperated with the 'Prescribed Bodies'. Details of the nature and outcome of the engagement are provided in the 'Duty to Co-

Activity	Legal requirement	Guidance reference	Evidence
33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	33A(6)(a) The Act section 20 (5) (c) Regulation 4		Operate Statement'.
5. 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	There is no Local Nature Partnership operating within Leicestershire. Ecology issues have been informed by discussions with Leicestershire County Council Ecology team based on evidence in a bio-diversity study. The Leicester & Leicestershire Enterprise Partnership (LLEP) have been consulted and engaged on the various stages of the DPD, in particular the proposed employment site at Enderby and emerging policies relating to employment land.
6. Are you having regard to: <ul style="list-style-type: none"> your sustainable community strategy or of other authorities whose area comprises part of the area of the council? any other local development documents adopted by the council? 	The Act section 19(2)		There is no longer a requirement for the Council to have a Sustainable Community Strategy. Notwithstanding this, the plan is consistent with the objectives of the 'Blaby Plan 2015 - 18', a high level plan which sets out the Council's focus and direction. 'Economy and skills' and 'Homes & Communities' are two of the main areas that are addressed in the Delivery DPD. The Delivery DPD supports the delivery of the Council's adopted Core Strategy. Policies and allocations in the Delivery DPD are consistent with the Core Strategy.
7. Do you have regard to other matters and relevant strategies relating to: <ul style="list-style-type: none"> resources the local/regional economy the local transport plan and 	The Act section 19(2) Regulation 10		The Infrastructure Delivery Plan (section 5) was prepared in collaboration and partnership with key infrastructure and service providers and takes account of their priorities and programmes. The minerals, waste and transport authorities were engaged in discussions. In addition, infrastructure providers, key agencies and other key stakeholders have been engaged throughout preparation of the Delivery DPD - the Site Selection Papers (Part 1 and Part 2) and the Statement

Activity	Legal requirement	Guidance reference	Evidence
transport facilities and services <ul style="list-style-type: none"> • waste strategies • hazardous substances 			of Consultation set out how. The Sustainability Appraisal (Appendix A) looks at the relevant Plans, Policies and Programmes. A number of technical documents have been used to inform the DPD. These are available at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/evidence/
8. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	NPPF paras 93 -108	The overarching intention of the Delivery DPD is to help enable sustainable development within the district. The Delivery DPD seeks to allocate land in sustainable locations and, along with the Core Strategy, includes policies that seek to address the causes and implications of climate change. The adopted Core Strategy sets out the Council's main policies on climate change (CS21 & CS22).
9. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182 SEA Guide, Chapter 5	Sustainability Appraisal has been carried out at key stages of plan production. The SA has considered a range of reasonable options and was available as part of the consultation at both 'Preferred Options' and 'Proposed submission' stages. The SA accompanying the Proposed Submission was published for the purposes of consultation alongside the Delivery DPD. The document can be accessed at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/local-plan-delivery-dpd/ .
10. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	Several options for the delivery of the required housing in the PUA were considered. The Council has produced a series of Housing and Employment Site Selection Papers that consider the merits of the site options. The sites were also the subject of a Sustainability Appraisal. Site Selection Papers are available for inspection at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/evidence/ .
11. Have you taken into account any representations made on the content of the DPD and the	Regulations 17, 18(3) and 22 (1) (c) (iv)	NPPF paras 150, 155, 157 and 159-171	The Regulation 22 Statement of Consultation document sets out how representations from previous consultations on the Initial 'Regulation 18 (2013)' and 'Preferred Options (2016)' document have been considered.

Activity	Legal requirement	Guidance reference	Evidence
sustainability appraisal? Are you keeping a record?	Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633		<p>The accompanying Sustainability Appraisal sets out how reasonable options have been considered.</p> <p>Comments received during the Proposed Submission Version consultation have been recorded in a similar manner.</p> <p>A summary of Regulation 18 Consultations is also available at: http://www.blaby.gov.uk/about-the-council/strategies-plans-policies/environment-and-planning/local-plan/local-plan-delivery-dpd/.</p>
<p>12. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	Regulations 5 (1)(b) and 9	NPPF para 157	A Policies Map illustrating the extent of the allocations and spatial policy boundaries of the DPD has been produced and is one of the submission documents accompanying consultation on the Delivery DPD.
13. Are the participation arrangements compliant with the SCI?	<p>The Act, section 19(3)</p> <p>Regulation 18</p>	NPPF paras 150 and 155	The consultation accords with the stated consultation methods and consultees stated in the Statement of Community Involvement (SCI).