

# Winchester District Local Plan Part 2: Development Management and Site Allocations

## Legal Compliance

March 2016



**Winchester**  
City Council



## Winchester District Local Plan Part 2 Legal Compliance Checklist

This is based on legal compliance checklist created by PAS and updated in April 2013 and includes references to **Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012**.

This paper covers the five key stages of plan preparation:-

Stage one: The Early stages

Stage two: Plan Preparation – frontloading phase

Stage three: Plan Preparation – writing the plan

Stage four: Publication

Stage five: Submission

Winchester City Council has also completed the Soundness Self Assessment Checklist (also updated by PAS January 2013).

### **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 beginning**

***Early Frontloading working with local communities (late 2012- end 2013)***

<b>Activity</b>	<b>Legal requirement</b>	<b>Guidance reference</b>	<b>Additional notes</b>	<b>Possible evidence</b>
<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 2012 LDS identified the start of the LPP2 process as October – December 2012, following completion of the examination of LPP1. This timescale was met.</p> <p>Since 2012 the LDS has been updated annually to reflect various changes, the latest version of the LDS was approved by the Council's Cabinet (Local Plan) Committee on 6 October 2015 and brought into effect immediately.</p> <p><a href="#">LDS 2015</a></p> <p>WCC requires all major projects produced to prepare a Project Initiation Document and Project Plan. This is reported to and corporately monitored by the Council's Project Management Team on a regular basis, to ensure that the project remains on time and to budget and that key milestones are met. PMT are supported by a project management group to specifically access risk and resources so if the project is at risk of not meeting targets there is provision through the redirecting of resources to support the necessary tasks required to ensure the project stays on track.</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>The SCI whilst adopted in 2007 provides a structure to follow for the preparation of a DPD. <a href="#">WCC SCI</a> Given the success involving the wider community through the preparation of LPP1, the Council sought to continue with this approach with LPP2. Extensive community involvement and engagement underpins this DPD. The Council commenced early engagement with communities during late 2012/early 2013, full details are on the WCC website under the heading 'Background work with parishes': <a href="#">LPP2 Background Work with Parishes</a></p> <p>The Council worked closely with all settlements with a housing target in LPP1 and provided a range of background reports on transport; landscape etc.</p> <p>Full details are set out in the <a href="#">Consultation Statement</a>.</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.  The possible evidence may duplicate each</p>	<p>In addition to working collaboratively with communities the Council holds a comprehensive database listing both specific and general consultation bodies in accordance with the Regulations, as well as details of the wider public and local organisations.</p>

			other. Only use what you need to.	At the commencement of LPP2 all interested parties were notified, the Council also published several guidance notes entitled 'How you can get involved in preparing this plan', 'settlement boundary reviews – matters to take into consideration', 'call for sites' and a commencement notice – all these can be viewed at: <a href="#">LPP2 - Commencement</a>
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) &amp; (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>Strategic priorities and requirements were established in LPP1 which was found sound and adopted in March 2013. LPP2 continues with both the development strategy and requirements, whilst allocating non-strategic sites for development in accordance with LPP1 and including an updated suite of development management policies.</p> <p>The Council has worked cooperatively with its neighbouring authorities during the preparation of the Plan,, none of which have asked the Council to plan for their unmet development requirements.</p> <p>The Council has prepared a Duty to Co-operate Statement which provides the details of cross-boundary working. The Council is an active member of PUSH and is represented at both Enterprise M3 LEP and Solent LEP.</p>

				<p>The Hampshire and Isle of Wight Nature Conservation Partnership is managed by the Wildlife Trust. This partnership has experienced some financing difficulties and has therefore not met on a regular basis. The Council however, is delivering projects in partnership with a number of the organisations that fall under the NCP umbrella.</p> <p>See Duty to Cooperate Statements:  <a href="#">Duty to Cooperate Part 1 (Draft Plan 2014)</a>  <a href="#">Duty to Cooperate Part 2 (Publication 2015)</a>  <a href="#">Duty to Cooperate Part 3 (Submission Update)</a></p>
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<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 to 181</p>	<p>Section 33A(4) defines a "strategic matter". Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required</p>	<p>See above</p>

			engagement includes consulting on joint approaches to relevant activities.	
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section13	NPPF paras 158 - 177		<p>The Council has an extensive evidence base which can be viewed at <a href="#">Planning Policy Evidence Base</a></p> <p>Specific pieces of evidence were undertaken at the commencement of LPP2 and updated as required through its key stages to ensure that plan preparation was based on current evidence.</p> <p>The Council updates its AMR as required, which can be viewed at <a href="#">AMR</a></p> <p>The AMR also includes a housing trajectory and statement on 5 year housing supply.</p>
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		<p>Baseline data has been included in the SA, published with the draft LPP2 <a href="http://www.winchester.gov.uk/planning-policy/local-plan-part-2/lpp2-draft-plan/">http://www.winchester.gov.uk/planning-policy/local-plan-part-2/lpp2-draft-plan/</a></p>
8. Have you consulted the statutory	Regulations 9 and 13 of The	NPPF paras 165	The Strategic Environmental	Appendix II of the SA scoping report sets out the bodies consulted;



<p>environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?</p>	<p>Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>and 167 SEA Guide chapter 3</p>	<p>Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</p>	<p>responses received and action taken in respect of the comments received: <a href="http://www.winchester.gov.uk/planning-policy/sustainability-appraisals/sa-hra-lpp2/">http://www.winchester.gov.uk/planning-policy/sustainability-appraisals/sa-hra-lpp2/</a></p>
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**Stage two: Plan preparation - frontloading phase *Pre Regulation 18 engagement (late 2013 – mid 2014)***

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Have you notified:</p> <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<p>All specific and general consultations bodies and the wider public and interested organisations were informed of the commencement of the plan. Local communities involved in the plan making process undertook their own evidence gathering and held local exhibitions and events to assess which sites to consider. Documentation in relation to these is set out under the relevant settlement on the following weblink</p> <p><a href="#">LPP2 Background Work with Parishes</a></p> <p>In addition, the Council regularly published updates of LPP2 preparation through its e-newsletter and Parish Connect. Copies of letters and details of press notices; e-newsletters etc are all set out in the Council’s consultation statement para 2.5 onwards covers in detail work with parishes and consultation with communities. Para 2.12 covers engagement with the utility companies and statutory organisations :-</p> <p><a href="http://www.winchester.gov.uk/planning-policy/local-plan-part-2/lpp2-draft-plan/">http://www.winchester.gov.uk/planning-policy/local-plan-part-2/lpp2-draft-plan/</a></p>
<p>2. Are you inviting</p>	<p>Regulation</p>	<p>NPPF paras 159 –</p>		<p>See above</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
representations from people resident or carrying out business in your area about the content of the DPD?	18(1) and (2)(c)	173		
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	<p>See above</p> <p>Section 4 of the Duty to Cooperate Statement covers Local Enterprise and Nature Conservation Partnerships, whilst section 5 details correspondence with infrastructure agencies:</p> <p><a href="#">Duty to Cooperate Part 1 (Draft Plan 2014)</a></p> <p><a href="#">Duty to Cooperate Part 2 (Publication 2015)</a></p> <p><a href="#">Duty to Cooperate Part 3 (Submission Update)</a></p>
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how you have taken representations into account.	<p>Feedback from consultation with communities and the statutory agencies and specific consultees in late 2013/early 2014 informed the preparation of the Regulation 18 version of LPP2.</p> <p>All representations received to the consultation under <a href="#">Regulation 18</a> were uploaded to the Councils website and</p>

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				<p>summaries reported to meetings of the <a href="#">Council's Local Plan Committee</a> on 9 February; 12 March and 30 March 2015.</p> <p>Detailed reports were considered, together with additional evidence and suggested changes to the plan in response to representations, were considered by Local Plan Committee on 16 September and 6 October 2015.</p>
<p>5. Does the consultation contribute to the development and sustainability appraisal of alternatives?</p>	<p>The Act section 19(5)</p> <p>Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 – 168</p> <p>SEA Guide, chapter 3</p>		<p>The development strategy for the Winchester District was established in LPP1 and policy DS1 sets out a presumption in favour of sustainable development with a positive development strategy that promotes proportionate growth in the larger towns and villages of the District.</p> <p>All SHLAA sites were subject to sustainability appraisal at the draft plan stage. The SA collectively assessed SHLAA sites around the named settlements with a development target. Section 4 of the SA examines in detail the potential sites and refers to the assessments at appendix VI which provides details and a summary of the key negative and positive effects for sustainable development, along with mitigation and recommendations and</p>

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				<p>residual effect for plan making. The final section of this part of the SA includes a table (4.14) which lists the reasons for selecting or rejecting sites in Plan Making</p> <p><a href="#">SA Draft Plan 2014</a></p>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable community strategy?</li> <li>• proportionate to the scale of issues involved in the DPD?</li> </ul>	<p>The Act section19(3)</p>	<p>NPPF para 155</p>		<p>The Council adopted its <a href="#">SCI</a> in 2007 and whilst the principles of engagement and participation haven't changed, the references to legislative requirements and planning guidance have. The consultation statement however, provides comprehensive details of all participation, which was based on a community lead approach, through engaging with local parish councils and communities to have a role in determining which sites should be allocated.</p> <p><a href="#">LPP2 Draft Plan 2014 Consultation</a></p> <p>The Council approved its <a href="#">refreshed Community Strategy</a> in January 2014. This retained the key themes from the previous version which was developed in conjunction with LPP1. LPP2 therefore not only reflects the key themes but is also structured around them.</p>

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<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <li>• the individuals or bodies invited to make representations?</li> <li>• how this was done?</li> <li>• the main issues raised?</li> </ul>	<p>The Act section 20(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.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>See above.</p> <p>The Council holds an extensive database of specific and general consultees in addition to members of the public and local organisations and commercial businesses that are invited to make representations at key stages of plan preparation.</p>
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) &amp; (e) 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>Strategic priorities and requirements were established in LPP1 which was found sound and adopted in March 2013. LPP2 continues with both the development strategy and requirements, whilst allocating non-strategic sites for development in accordance with LPP1 and including an updated suite of development management policies.</p> <p>The Council has worked cooperatively with its neighbouring authorities during the preparation of the Plan,, none of which have asked the Council to plan for their unmet development requirements.</p>

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				<p>The Council has prepared a Duty to Co-operate Statement which provides the details of cross-boundary working. The Council is an active member of PUSH and is represented at both Enterprise M3 LEP and Solent LEP.</p> <p>The Hampshire and Isle of Wight Nature Conservation Partnership is managed by the Wildlife Trust. This partnership has experienced some financing difficulties and has therefore not met on a regular basis. The Council however, is delivering projects in partnership with a number of the organisations that fall under the NCP umbrella.</p> <p>See Duty to Cooperate Statements:  <a href="#">Duty to Cooperate Part 1 (Draft Plan 2014)</a>  <a href="#">Duty to Cooperate Part 2 (Publication 2015)</a>  <a href="#">Duty to Cooperate Part 3 (Submission Update)</a></p>
9. Are you inviting representations on cross-boundary issues and strategic priorities from a	The Act section 33A(1)(c) and Section 33A(9).	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-	Both the Solent LEP and Enterprise M3 LEP have been involved at the necessary stages, but given the local emphasis of LPP2 with the

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local enterprise partnership (LEP) or a local nature partnership (LNP)?	The Act section 20(5) (c).  Regulation 4		boundary issues before and during plan preparation.  Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	identification and allocation on non-strategic sites, their involvement is as a consultee rather than a lead partner.  The Hampshire and Isle of Wight Nature Conservation Partnership is managed by the Wildlife Trust. This partnership has experienced some financing difficulties and has therefore not met on a regular basis. The Council however, is delivering projects in partnership with a number of the organisations that fall under the NCP umbrella.
10. Are you developing a framework for monitoring the effects of the DPD?	The Act section 35  Regulation 34  Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363	NPPF paras 165 - 1687  SEA Guide, Chapter 5	It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011 withdrawing ODPM guidance.	Part of LPP2 includes a monitoring framework on a policy by policy basis, which also integrates monitoring of the SA/SEA. It will be the content of this framework that forms the basis of monitoring by future AMRs.



**Stage three: Plan preparation - formulation phase *Preparation of a draft plan under Regulation 18 (mid 2014 – mid 2015)***

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>All SHLAA sites and those presented as alternatives as a result of early consultation, were subject to sustainability appraisal at the early stages of plan making – sustainability appraisals for each of the settlements are included on the background work with parishes web pages  <a href="#">LPP2 Background Work with Parishes</a></p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> <li>• consistency with national policy?</li> <li>• general conformity with the regional spatial strategy where still in force?</li> </ul>	<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>LPP2 implements the development strategy established in LPP1 which was adopted in March 2013 following the introduction of the NPPF, it was one of the first local plans to be found sound after the introduction of the NPPF.  The policies and proposals in LPP2 are therefore considered consistent with national policy and have been formulated in the knowledge of the NPPF and the more recent Planning Practice Guidance.  Reports to the <a href="#">Council's Local Plan</a></p>

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				<p><a href="#">Committee</a> which considered all representations received to the consultation under <a href="#">Regulation 18</a> included an analysis of the alternative sites presented against a range of factors.</p> <p>There is no regional strategy in place.</p>
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development strategy for London?</li> <li>• Planning Policy for Wales?</li> <li>• the National Planning Framework for Scotland?</li> </ul>	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<p>n/a</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p>	<p>NPPF paras 181 and 185</p>	<p>.</p>	<p>All cross-boundary and joint working are set out in the Councils Duty to Co-operate Statement:</p> <p><a href="#">Duty to Cooperate Part 1 (Draft Plan 2014)</a></p> <p><a href="#">Duty to Cooperate Part 2 (Publication</a></p>

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doing joint local development documents?	Section 20(5) (c)			<a href="#">2015)</a> <a href="#">Duty to Cooperate Part 3 (Submission Update)</a>  The LPP1 is a Joint Core Strategy and LPP2 follows on from it. It does not cover the part of the District in the South Downs National Park, as the authorities have agreed that this will be subject to the South Downs Local Plan.
5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 33A(2)(a), section 33A(6)(a)  The Act section 20 (5) (c)  Regulation 4	NPPF paras 181 and 182	The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).	All cross-boundary and joint working are set out in the Councils Duty to Cooperate Statement (see above links)
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		Both the Solent LEP and Enterprise M3 LEP have been involved at the necessary stages, but given the local emphasis of LPP2 with the identification and allocation on non-strategic sites, their involvement is as a consultee rather than a lead partner.  The Hampshire and Isle of Wight Nature Conservation Partnership is

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				<p>managed by the Wildlife Trust. This partnership has experienced some financing difficulties and has therefore not met on a regular basis. The Council however, is delivering projects in partnership with a number of the organisations that fall under the NCP umbrella.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>• any other local development documents adopted by the council?</li> </ul>	<p>The Act section19(2)</p>			<p>The Council approved its <a href="#">refreshed Community Strategy</a> in January 2014. This retained the key themes from the previous version which was developed in conjunction with LPP1. LPP2 therefore not only reflects the key themes but is also structured around them.</p> <p>LPP2 provides the detailed site allocations in accordance with the development strategy established in LPP1 adopted in March 2013.</p> <p>LPP2 covers the settlement of Denmead, although the Denmead Neighbourhood Plan was adopted in April 2015. The Neighbourhood Plan only allocates sites for development and LPP2 will still be applied in terms of development management policies and considerations.</p>

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<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> <li>• the local transport plan and transport facilities and services</li> <li>• waste strategies</li> <li>• hazardous substances</li> </ul>	<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>Given LPP2 follows on from LPP1, it does not take a strategic overview on matters, but allocates non-strategic sites and includes a comprehensive range of development management polices. It follows relevant guidance in the Planning Practice Guidance and other government advice.</p> <p>The Hampshire <a href="#">Minerals and Waste Plan</a> was adopted in October 2013 and forms part of the development plan for the Winchester district.</p> <p>LPP2 also reflects the <a href="#">local transport plan</a> and transport statements prepared by Hampshire County Council as Highway Authority. WCC has also prepared walking and cycling strategies which have been approved by the Council.</p> <p>To ensure that sites allocated in LPP2 are deliverable and viable the Council commissioned specific studies on older persons accommodation; transport impacts and site viability appraisals.</p> <p><a href="http://www.winchester.gov.uk/planning-policy/local-plan-part-2/lpp2-pre-submission-plan/">http://www.winchester.gov.uk/planning-policy/local-plan-part-2/lpp2-pre-submission-plan/</a></p>

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9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section19(1A)	NPPF paras 93 - 108		<p>This matter is set out in Policy CP13 of LPP1. Matters such as flood risk have been taken into account in assessing potential site allocations.</p> <p><a href="#">LPP1</a></p>
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	<p>The Act section19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF para 182</p> <p>SEA Guide, Chapter 5</p>	<p>Regulation13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p>	<p>The SA collectively assessed SHLAA sites around the named settlements with a development target. Section 4 of the SA examines in detail the potential sites and refers to the assessments at appendix VI which provides details and a summary of the key negative and positive effects for sustainable development. The SA report sets out recommendations including mitigation and residual effects for plan making. The final section of the SA includes a table (4.14) which lists the reasons for selecting or rejecting sites in Plan Making</p> <p><a href="#">Sustainability Appraisal</a></p> <p>The SA whilst being part of the wider consultation was specifically sent to the statutory environmental bodies as required by the SA/SEA requirements for comment. Any comments received, together with WCC response are set out in the SA report.</p>

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11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	This will include Information from the sustainability appraisal.	<p>The SA/SEA process has been used to help determine which sites should be allocated – see above. The emerging LPP2 was reported to meetings of the Councils <a href="#">Cabinet and Local Plan Committee</a> during 2013 and 2014 where alternatives were presented. The Councils Cabinet Committee on <a href="#">22 September 2014</a> agreed publication of draft LPP2 for consultation under Regulation 18.</p> <p>Following this consultation during October – December 2014, responses to the Reg 18 consultation were uploaded to the <a href="#">Councils website</a>. These were subsequently reported to a series of Local Plan Committees during February and March 2015. Further detailed reports were presented to the Council’s Local Plan Committee (16 September and 6 October) included a detailed assessment of the alternatives promoted, to enable a members of Local Plan Committee to be informed of alternatives presented prior to agreeing which sites should form part of the Reg 19 version of the LPP2.</p>
12. Have you taken into account any representations made on	Regulations 17, 18(3) and 22 (1) (c) (iv)	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include	All responses received to the SA and to the draft plan are available to view on the Councils website

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>the content of the DPD and the sustainability appraisal?</p> <p>Are you keeping a record?</p>	<p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>		<p>recording any assessment made under the Habitats Directive.</p>	<p><a href="#">LPP2 Draft Plan Representations</a></p> <p>All representations received to the consultation under <a href="#">Regulation 18</a> were reported to meetings of the <a href="#">Council's Local Plan Committee</a> on 9 February; 12 March and 30 March 2015.</p> <p>More detailed reports, together with additional evidence and suggested changes to the plan in response to representations, were considered by Local Plan Committee on 16 September and 6 October 2015.</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"> <li>• enable you to amend the currently adopted policies map?</li> <li>• inform the community about the location of proposals?</li> </ul>	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 157</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>The draft Plan published under Reg 18, included amended policies maps to show sites to be allocated for development, changes to settlement boundaries and the areas affected by various policies.</p> <p>Publication under Regulation 18 included a comprehensive set of policies maps for the District showing the policies map as proposed to be adopted and changes to be made.</p> <p><a href="#">Draft Plan Consultation 2014</a></p>
<p>14. Are the participation arrangements compliant</p>	<p>The Act, section 19(3)</p>	<p>NPPF paras 150 and 155</p>		<p>See above references to consultation statement.</p>



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
with the SCI?	Regulation 18			

**Stage four: Publication *Publication of the amended plan following consultation on the draft (mid 2015 – end 2015)***

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Have you prepared the sustainability appraisal report?	The Act section 19(5)  Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 - 168  SEA Guide Chapter 5		The SA/SEA was updated in September 2015, prior to publication of LPP2 under Reg 19.  <a href="#">Draft Plan SA 2014</a> <a href="#">Publication SA 2015</a> <a href="#">Submission SA Statement 2016</a>
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).	Public notice published in Mid Hants Observer for 2 weeks; press release; e-newsletter; parish connect; letters to specific, general and other consultees were all issued in the w/c 2/11 prior to publication on 6 November 2015. The representation period runs for slightly longer than the statutory 6 weeks 6 November to midday on 21 December 2015  <a href="#">Pre-Submission Plan</a>
3. Have you made copies of the following available for inspection:	Regulation 19(a)		Regulation 17 gives definitions.	A hard copy of LPP2 was sent to all Parish Councils and local libraries, together with a non-technical

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> </ul>				<p>summary of the SA, plus comment forms and guidance note. Paper copies can also be inspected at the reception of the main City Council offices. The plan plus all supporting documentation including guidance notes on how to respond can be viewed in full on the Councils website</p> <p><a href="#">Pre-Submission Plan</a></p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> <li>statement and details of where and when documents can be inspected?</li> </ul>	Regulations 19 and 35		Regulations 2 and 17 give definitions.	<p>See above</p> <p><a href="#">Pre-Submission Plan</a></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"> <li>A copy of each of the proposed submission</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>Each specific and general consultation body was informed of the publication of LPP2, via electronic communication or a letter. In addition the public and other interested</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>documents</p> <ul style="list-style-type: none"> <li>The statement of the representations procedure?</li> </ul>				<p>organisations were informed of the consultation. These were all issued in the week commencing 2 November 2015</p> <p>These gave details of where and when the plan could be inspected and provided links to all the on-line documentation and set out the representation procedure.</p> <p><a href="#">Pre-Submission Plan</a></p>
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>the statement of the representations procedure?</li> <li>where and when the documents can be inspected?</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	See above
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24</p> <p>Regulation 21</p>		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	n/a

<b>Activity</b>	<b>Statutory requirement</b>	<b>Guidance reference</b>	<b>Additional notes</b>	<b>Possible evidence</b>

## Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met?</p>	<p>The Act section 19(1)</p>		<p>The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.</p>	<p>The LDS was updated and approved by the Councils Cabinet Committee on 6 October 2015. The key change from previous versions was the identification of a separate DPD covering Gypsy and Traveller Accommodation, which had originally been intended to be incorporated into LPP2.</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>The Council approved its <a href="#">refreshed Community Strategy</a> in January 2014. This retained the key themes from the previous version which was developed in conjunction with LPP1. LPP2 therefore not only reflects the key themes but is also structured around them.</p>
<p>3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as</p>	<p>The Act section 19(3) Regulation</p>		<p>Before the SCI is formally amended to take into account the changes in the regulations, you may need</p>	<p>The Council has an adopted SCI. Preparation of LPP2 included informing bodies as listed in Section 2 of the 2012</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
described in the SCI?	22(1)(c)		to set out how the community engagement that you carried out met the regulations (as amended).	Regulations. The City Council worked with local communities in the preparation of LPP2, in particular the site allocations in their respective settlements. The <a href="#">Reg 18 Consultation Statement Part 1</a> and <a href="#">Reg Consultation Statement Part 2</a> provides more details.
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 justification?	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	Due to nature of LPP2, few strategic cross-boundary issues have been identified. However, relevant local authorities and bodies including LEPs, LNPs, MMO and the prescribed bodies have been cooperated with proportionately. The Duty to Cooperate Statements <a href="#">Part 1</a> , <a href="#">Part 2</a> and <a href="#">Submission Update</a> provide details.
5. Has the DPD been subject to sustainability appraisal? Has the council provided a	The Act section 19(5)	NPPF para 165  SEA Practical		Sustainability appraisal has been undertaken on LPP2:

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
final report of the findings of the appraisal?	Regulation 22(1)(a)	Guide, chapter 5		<a href="#">Draft Plan SA 2014</a> <a href="#">Publication SA 2015</a> and a final <a href="#">Submission SA Update 2016</a>
6. Is the DPD to be submitted consistent with national policy?	The Act section 19(2) and Schedule 8	NPPF para 151		The DPD has been checked for compliance with national policy as part of the SA process. The PAS <a href="#">Soundness Self assessment</a> checklist has been also been completed from the DPD.
7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification?  If the LPA is a London borough or 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?	The Act section 24(1)(a) and 24(4)  Regulation 21	NPPF para 218 footnote 41	In London the requirement is for general conformity with the spatial development strategy (The London Plan).	No regional strategy is in place.  Winchester District is not in London.



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>The documents prescribed at Regulation 22(1) have been published and made available at the principal offices and on the Council's website at <a href="#">LPP2 Submission page</a> from 23.03.16.</p> <p>The relevant statutory and non-statutory bodies and all persons invited to make representations on the plan have been notified as detailed in the Reg 18 update (pub)</p> <p>Together with LPP1, the LPP2 replaces the policies in the WDLPR 2006 Plan.</p> <p>A list of saved policies, together with proposed replacement policies is set out in Appendix 2 of the <a href="#">2015 LDS</a>.</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>Regulations 5(1)(b), 9 (1), 17 &amp; 22(1)</p>			<p>A policies map has been submitted to accompany the DPD, including changes to adopted policy where applicable.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
If yes, have you prepared a submission policies map?				
10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?	Regulation 8(3) and (4)  Regulation 8(5)		Development Plan is defined in Section 38 of the Act.	The LPP2 seeks to deliver the strategy outlined in LPP1 (Joint Core Strategy) and is therefore consistent with it.  Together with LPP1, the LPP2 replaces the policies in the WDLPR 2006 Plan. A list of saved policies, together with proposed replacement policies is set out in Appendix 2 of the <a href="#">2015 LDS</a>
11. Have you prepared a statement setting out: <ul style="list-style-type: none"> <li>• Which bodies and persons were invited to make representations under Regulation 18?</li> <li>• How they were invited?</li> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>	The Act section 20 (3)  Regulation 22(1)(c)		This will bring forward material from the Consultation statement (see Stage 2 above).	The Reg 22(1) <a href="#">Statement of Representations</a> sets out which bodies and persons were invited to make representations under Reg 18, how they were invited and a summary of the main issues raised.  The Consultation Statement ( <a href="#">Reg 18 Consultation Statement Part 1</a> and <a href="#">Reg Consultation Statement Part 2</a> ) set out further details of the consultation undertaken.
12. Have you prepared a	The Act section			The Reg 22(1) <a href="#">Statement of Representations</a> includes the

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>statement giving:</p> <ul style="list-style-type: none"> <li>the number of representations made under Regulation 22</li> <li>a summary of the main issues raised?</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>that no representations were made?</li> </ul>	<p>20(3)</p> <p>Regulation 22(1)(c)</p>			<p>number of representations made under Reg 20 and a summary of the main issues raised.</p>
<p>13. Have you collected together all the representations made under Regulation 20?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>Copies of the representations have been collated and submitted along with the DPD on 23.01.16.</p>
<p>14. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(g)</p>			<p>The webpages relating to the various stages of the DPD and the evidence base contain all the relevant supporting documents. An examination library is also being compiled with relevant information.</p>
<p>15. Has your council approved the DPD for submission?</p>			<p>Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.</p>	<p>The Council has approved the LPP" DPD for submission <a href="#">Full Council Meeting 21.10.15</a></p>
<p>16. Have you sent the Secretary of State (the Planning Inspectorate)</p>	<p>The Act section 20(1) and 20(3)</p>		<p>Regulation 35 deals with the availability of documents and the time of</p>	<p>The following were submitted by paper and email to the Secretary of State on 23.01.16:</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>both a paper copy and an email of the following:</p> <ul style="list-style-type: none"> <li>• the DPD?</li> <li>• the submission policies map (unless there are no site allocation policies)?</li> <li>• the documents prescribed in Regulation 22(1)?</li> </ul>	<p>Regulations 22(1) and 22(2)</p>		<p>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>The DPD</p> <p>Submission Policies Map</p> <p>Documents prescribed in Regulation 22(1)</p>
<p>17. Have you made the following available at the same places where the proposed submission documents were to be seen:</p> <ul style="list-style-type: none"> <li>• The DPD?</li> <li>• The documents prescribed in Regulation 22(1)?</li> </ul>	<p>Regulation 22(3)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>The DPD and the documents prescribed in Regulation 22(1) have been made available from 21.01.16 at the same places as the proposed submission documents.</p> <p>The list of addresses is shown on the <a href="#">submission webpage</a>.</p>
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> <li>• DPD?</li> <li>• submission policies map?</li> <li>• sustainability appraisal report?</li> <li>• Regulation 22(1)(c) statement?</li> </ul>	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>The following have been published on the <a href="#">submission webpage</a>:</p> <ul style="list-style-type: none"> <li>• DPD</li> <li>• submission policies map</li> <li>• sustainability appraisal report</li> <li>• Regulation 22(1)(c)</li> </ul>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> <li>• supporting documents (where practicable) ?</li> <li>• representations made under Regulation 20 (where practicable) ?</li> <li>• statement as to where and when the DPD and the documents are available?</li> </ul>				<p>statement</p> <ul style="list-style-type: none"> <li>• supporting documents (as listed on webpage)</li> <li>• representations made under Regulation 20 can be found at the <a href="#">Publication Plan</a> (Link at bottom of page to database)</li> <li>• and a statement as to where and when the DPD and the documents are available</li> </ul>
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> <li>• notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</li> <li>• where and when they can be inspected?</li> </ul>	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	<p>Each general consultation body invited to make representations under Regulation 18(1) has been notified that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection and where and when they can be inspected.</p> <p>The bodies were notified by email on 23.03.16 and a copy of the letter is available on the <a href="#">submission webpage</a></p>
<p>20. Have you given notice to persons who have requested to be notified that submission has taken</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the	Notification has been given to those who requested to be notified by email where possible or otherwise by letter

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
place?			Secretary of State.	on 23.13.16.
<p>21. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p> <ul style="list-style-type: none"> <li>• published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> <li>• notified those who have made representations on the published DPD which have not been withdrawn of these details?</li> </ul>	<p>The Act section 20</p> <p>Regulations 24 and 35</p>			<p>The dates, times and other details of the examination are not known at this stage.</p> <p>This information will be placed on the website and appropriate notification undertaken as soon as reasonably practicable.</p>