

## Hammersmith and Fulham - Legal Compliance Checklist (January 2017)

### Glossary:

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

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

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

LDS means **Local Development Scheme**

SCI means **Statement of Community Involvement**

DPD means **Development Plan Document**

### Stage one: The early stages

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

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

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

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

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

## Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
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		Yes. The Local Plan is identified in the Local Development Scheme. An updated LDS was published in May 2016 – <a href="#">see website</a>
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3)  Regulation 18	NPPF paras 150, 155 and 157	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	The Council's SCI sets out how community engagement will be programmed into the Local Plan. The SCI was completed in 2015 – <a href="#">see website</a>
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 - 4.26	Regulation 2 defines the general and specific consultation bodies.  The possible evidence may duplicate each other. Only use what you need to.	The council's consultation bodies are considered in the SCI 2015 and in the Local Plan Consultation Statements for Reg19 and Reg 22 – <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</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	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4)  The Act Section 20(5)(c)	NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))  Under NPPF Para 182, to be 'Effective'	Section 33A(4) defines a "strategic matter".  Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including	The Council consulted and held a series of meetings with planning officers from neighbouring planning authorities and also with the Greater London Authority to discuss Local Plan cross boundary

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
on at least two planning areas?	Regulation 4	<p>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 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>issues in line with the duty to cooperate. See Local Plan Consultation Statement and Duty to Co-operate statements which can be accessed from our website <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></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>	NPPF paras 178 to 181	<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 purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>London Enterprise Panel and the Local Nature Partnership are part of GLA and have been consulted in preparation of the Local Plan (see Local Plan Consultation Statements: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>
6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?	The Act section 13	NPPF paras 158 - 177		<p>The Council commissioned and prepared a number of evidence base studies to inform the Local Plan. These can be accessed from the council's website:</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section 19(5)</p>	<p>NPPF paras 165 and 167</p> <p>Strategic Environmental Assessment Guide, chapter 5</p>		<p><a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p> <p>Yes. The Council prepared a Scoping Report which sets the baseline information for the borough collected on environmental, economic and social issues. The Scoping Report also sets the framework for the Sustainability Appraisal. The Scoping Report and the Sustainability Appraisal are available on the Council's website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>
<p>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?</p>	<p>Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.</p>	<p>NPPF paras 165 and 167</p> <p>SEA Guide chapter 3</p>	<p>The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).</p>	<p>Yes, the statutory environment consultation bodies were consulted on the Sustainability Appraisal Scoping Report for at least five weeks. A targeted consultation was sent to a number of health professionals/stakeholders including: Hammersmith and Fulham Clinical Commissioning Group, Environment Agency, London Fire Brigade and Neighbouring boroughs.</p>

## **Stage two: Plan preparation - frontloading phase**

Information assembled during this phase contributes to:

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

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

## Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Have you notified: <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	Specific and general consultation bodies are defined in Regulation 2.	Yes, the specific and general consultation bodies were consulted for at least 6 weeks. Copies of representations made by these bodies can be found on our website. See Local Plan Consultation Statement which is also available on our website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?	Regulation 18(1) and (2)(c)	NPPF paras 159 – 173		Yes, residents and businesses who expressed interest in the Local Plan were consulted. See Local Plan Consultation Statement which is available on our website for further details: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
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.	Yes. The Council has engaged with the statutory consultees, landowners/developers and infrastructure providers throughout the preparation of the Local Plan. See Local Plan Consultation Statement which is available on our website for further details: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Evidence from participation is part of the justification. Show how	Yes, the Local Plan Consultation Statement sets out how we took into account the representations

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
			you have taken representations into account.	made. Local Plan Consultation Statement is available on our website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section19(5)  Regulations 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168  SEA Guide, chapter 3		Yes. The Sustainability Appraisal which was carried out throughout the preparation of the Local Plan considered the appraisal of alternatives. Alternatives were also considered as part of the Draft Local plan Consultation in 2015 (Reg 18).  See the Local Plan Consultation Statement and the Sustainability Appraisal report which are available on the Council's Local Plan webpage: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
6. Is the participation: <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> <li>• integrating involvement with the sustainable community strategy?</li> <li>• proportionate to the scale of issues involved in the DPD?</li> </ul>	The Act section19(3)	NPPF para 155		Yes, we applied the principles set out in the Statement of Community Involvement which was published in 2015. The consultation strategy is proportionate to the scale of issues involved in the Local Plan.  The Local Plan takes forward the vision set out in the council's

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>“the change we need” Labour manifesto and also the Council Housing Strategy 2015, which forms the Community Strategy for the borough.</p> <p>See the Local Plan Consultation Statement for further information on the methods used for consulting on the Local Plan:  <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>
<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. Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>Yes, the Council keeps copies of all the representations and relevant correspondence made during the consultation of the Local Plan. Summaries of the main issues raised are included in the Local Plan Consultation Statement.</p> <p>See the Local Plan Consultation Statement for further details:  <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></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</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>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>The Council consulted and held a series of meetings with planning officers from neighbouring planning authorities to discuss Local Plan cross boundary issues in line</p>



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
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)?	The Act section 20 (5)(c)		Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	with the duty to cooperate.  See Local Plan Consultation Statement and Duty to Co-operate statements which are also available on our website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?	The Act section 33A(1)(c) and Section 33A(9).  The Act section 20(5) (c).  Regulation 4	NPPF paras 178 to 181	Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.  Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.	London Enterprise Panel and the Local Nature Partnership are part of GLA and have been consulted in preparation of the Local Plan. See Local Plan Consultation Statement on our website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
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	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.	Yes. Chapter 4 and appendix 6 of the Proposed Submission Local Plan sets out our approach to delivery and monitoring of the Local Plan. A principal tool in the monitoring process will be the Annual Monitoring Report.  The Proposed Submission Local plan can be accessed on our website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	2004 No1363			

### **Stage three: Plan preparation - formulation phase**

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

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

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

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

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

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

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

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

### Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<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>Yes. The Sustainability Appraisal which was carried out throughout the preparation of the Local Plan considered the appraisal of alternatives. Alternatives were also considered as part of the Draft Local plan Consultation in 2015 (Reg 18).</p> <p>See the Draft Local Plan and the Sustainability Appraisal report on the Council's Local Plan webpage: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</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>Yes. The Local Plan is considered to be in general conformity with the Mayor of London's London Plan and is consistent with national policy in the National Planning Policy Framework (NPPF). The GLA have been invited to make representations throughout the preparation of this plan.</p>
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> <li>• adjoining regional</li> </ul>	<p>The Act sections 19 (2) and 24 (1) and</p>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<p>Yes. The Local Plan is considered to be in general conformity with the Mayor of</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
spatial strategies? <ul style="list-style-type: none"> <li>• the spatial development strategy for London?</li> <li>• Planning Policy for Wales?</li> <li>• the National Planning Framework for Scotland?</li> </ul>	(4)  Regulation 10 and 21			London's London Plan and is consistent with national policy in the National Planning Policy Framework (NPPF). The GLA have been invited to make representations throughout the preparation of this plan.  <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues?  Have you discussed doing joint local development documents?	The Act section 33A(2)(a)  Section 33A(6)(a)(b)  Section 20(5)(c)	NPPF paras 181 and 185	.	Yes. The borough has consulted and co-operated with neighbouring local planning authorities at all stages of the Local Plan's preparation.  See Local Plan Consultation Statement and the Duty to Co-operate statements which can be accessed from our website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>  The council have worked jointly with the Royal London Borough of Kensington and Chelsea in the preparation of a joint Gypsy and Travellers Needs Assessment. See evidence base on website for details: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>The council have also worked with the other Western Riverside Waste Authorities to produce a joint Strategic Waste Study.</p> <p>See evidence base on website for details:  <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></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 preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</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>Yes, please see Local Plan Consultation Statement and Duty to Co-operate statements which can be accessed from our website:  <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>
<p>6. Are you cooperating with having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9).  Regulation 4 (2)</p>	<p>NPPF para 181 and 182</p>		<p>Yes. London Enterprise Panel and the Local Nature Partnership are part of GLA and have been consulted in preparation of the Local Plan. See Local Plan Consultation Statement on our website:  <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> <li>• your sustainable community strategy or</li> </ul>	<p>The Act section 19(2)</p>			<p>Yes. We have had regard to the Councils “the Change we Need” Labour manifesto and the Housing Strategy which</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>of other authorities whose area comprises part of the area of the council?</p> <ul style="list-style-type: none"> <li>• any other local development documents adopted by the council?</li> </ul>				<p>form the council's community strategy.</p> <p>The council are also working closely with the Old Oak and Park Royal Development Corporation which took over Planning responsibility for an area of land in the North of Hammersmith and Fulham Borough. Their emerging Local Plan and strategies have been considered in the preparation of the Local Plan.</p>
<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>We have consulted all relevant bodies at each stage of the preparation of the Local Plan including TfL, the GLA, and the NHS. This allowed them to make relevant input in relation to their strategies and other matters of interest. See the Council's Consultation Statement and the Infrastructure Delivery Plan 2016 for further details: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p> <p>The council have also worked with the other Western Riverside Waste Authorities to</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>produce a joint Strategic Waste Study.</p> <p>See evidence base on website for details:</p> <p><a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></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>Yes. The Local Plan sets out how the Council will tackle climate change through promoting higher environmental standards. It encourages all developments to meet the highest feasible environmental standards that are financially viable and requires all developments to take measures to minimise the effects of, and adapt to, climate change (policies CC1 – CC13). It also promotes sustainable transport (policy T1), flood prevention measures (CC3) and reducing air pollution (policy CC10).</p> <p>All of these policies have been subject to sustainability appraisal.</p>
<p>10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the</p>	<p>The Act section19(5) Regulation 12</p>	<p>NPPF para 182 SEA Guide, Chapter</p>	<p>Regulation13 of The Environmental Assessment of Plans and Programmes Regulations</p>	<p>Yes. See Sustainability appraisal for more details.</p> <p><a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
sustainability appraisal report?	and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	5	2004 No 1633 sets out the consultation procedures.	
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.	Yes. See the Sustainability Appraisal Full Report. <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
12. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?	Regulations 17, 18(3) and 22 (1) (c) (iv)  Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.	Yes. Representations received throughout the consultation of the Local Plan and the sustainability appraisal preparation have been considered and summaries of the main issues included within the Consultation Statement.
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:  • enable you to amend the currently adopted	Regulations 5 (1)(b) and 9	NPPF para 157	Regulation 2 defines the terms 'submission' and 'adopted' proposals map.  A map showing changes to the adopted policies map is part of the proposed submission documents	Yes. The Policies Map changes document has been published together with the proposed submission version of the Local Plan. That report sets out changes to the adopted policies map and is available on our website:

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
policies map? <ul style="list-style-type: none"> <li>inform the community about the location of proposals?</li> </ul>			defined in Regulation 17.	<a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
14. Are the participation arrangements compliant with the SCI?	The Act, section 19(3)  Regulation 18	NPPF paras 150 and 155		Yes. The consultation exercises, plus other informal consultation, meet the requirements of Regulation 18 of the Town and Country Planning (Local Development) (England) Regulations 2012 and the Council's Statement of Community Involvement (adopted 2015). See Council's Consultation Statement for further details. <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>

## 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'.

## Stage four: Publication

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		Yes. See the Sustainability Appraisal Report which was prepared and consulted along the Local Plan. The Sustainability Appraisal Report is available on the Council's Local Plan website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</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).	Yes. These were made clear by the consultation letters, the council website, the public notice and the consultation emails. See council website for details: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"><li>• the proposed submission documents?</li><li>• the statement of the representations procedure?</li></ul>	Regulation 19(a)		Regulation 17 gives definitions.	Yes. All material under consultation was made available to the public for inspection at Hammersmith Town Hall and borough reference libraries. The Consultation Statement submitted alongside the Local Plan details the consultation process

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<p>undertaken. The statement of the representations procedure was published on the website and included on the letters to consultees and on a public notice.</p> <p>See council website for details:  <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</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>	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>Yes. All the proposed submission documents and the statement of the representations procedure which details where and when documents can be inspected was published on the Council's website:  <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</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 documents</li> <li>• The statement of the</li> </ul>	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>Yes. The statement of the representations procedure was sent to each of the specific consultation bodies invited to make representations and was published in a public notice and on placed on the council website.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
representations procedure?				
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <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.	Yes. The statement of the representations procedure and where and when the documents can be inspected was sent to each of the specific consultation bodies invited to make representations and was published in a public notice and on placed on the council website.
<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).	Yes. The Council has in writing requested the opinion of the Mayor of London as to the general conformity of the Local Plan with the spatial development strategy. The Mayor has subsequently formally confirmed that the Proposed Submission Local Plan is in general conformity with the London Plan.

## 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? Have the timescales set out in the LDS been met?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	An updated LDS was published by the Council in May 2016. The listing and description of the Local Plan is in accordance with the LDS. The timescales for the production of the Local Plan are also identified in the LDS. The LDS is available on the council's Local Plan:

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182		Yes. The Local Plan has had regard to the vision set out in the “Change we need” Labour manifesto and the Housing Strategy which form the community strategy for the borough. <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3)  Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	The Local Plan is in compliance with the published SCI and the consultations were carried out in accordance with the requirements set out in the SCI. The SCI is available on the Council’s website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
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	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'.	Yes. The borough has consulted and cooperated with neighbouring local planning authorities at all stages of the Local Plan’s preparation. See Local Plan Consultation Statement and the Duty to Co-operate statements which can be accessed from our website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>  The council have also worked



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				<p>with the other Western Riverside Waste Authorities to produce a joint Strategic Waste Study. See evidence base on website for details: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>
<p>5. Has the DPD been subject to sustainability appraisal?</p> <p>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>Yes. The Plan has been subject to sustainability appraisal and the final full report is available on the Council's website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></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>		<p>Yes. The Local Plan is considered to be consistent with national policy in the National Planning Policy Framework (NPPF).</p>
<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</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>No. The Local Plan is considered to be in general conformity with the Mayor of London's London Plan. GLA have been invited to make representations throughout the preparation of this plan and the Mayor has formally confirmed that the Hammermsith and Fulham Proposed Submission Local Plan is in general conformity with the London Plan.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>London on the general conformity of the plan with the spatial development strategy?</p>				
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>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>Yes. The prescribed documents have been made available at Hammersmith Town Hall, reference libraries and on the Council's website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p> <p>Yes. The Council notified all the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan.</p> <p>The Plan does not contain any superseded saved policies.</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 &amp; 22(1)</p>			<p>Yes. The Proposals Map changes document has been published together with the proposed submission version of the Local Plan. That report sets out changes to the adopted policies map and is available on our website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<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>	<p>Yes. The Local Plan supersedes the adopted Core Strategy and the Development Policies development plan documents. See Introduction of the Proposed Submission local plan.</p>
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> <li>• Which bodies and persons were invited to make representations under Regulation 18?</li> <li>• How they were invited?</li> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>Yes. The Consultation Statement sets out which bodies and persons were invited to make representations, how they were invited, a summary of the issues raised and how the representations have been taken into account when preparing the Local Plan.</p> <p>The Consultation Statement can be accessed from our website:  <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> <li>• the number of representations made under Regulation 22?</li> <li>• a summary of the main issues raised?</li> </ul>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>Yes. The Consultation Statement specifies the number of representations received under Regulation 20 in line with Regulation 22(1)(c) and provides a summary of the main issues received.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
OR <ul style="list-style-type: none"> <li>that no representations were made?</li> </ul>				The Consultation Statement can be accessed from our website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
13. Have you collected together all the representations made under Regulation 28?	The Act section 20(3)  Regulation 22(1)(e)			Yes. The Consultation Statement, which is available on the Council's website, includes the summaries of the representations made under Regulation 22. The council have also put together a schedule of representations which can also be viewed on the council's website. <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
14. Have you assembled the relevant supporting documents?	The Act section 20(3)  Regulation 22(1)(g)			Yes. A referenced examination library has been prepared which contains all the relevant supporting documents: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a>
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Yes. The Council resolved to consult on Regulation 19 and to submit the Local Plan to the Planning Inspectorate at Full Council on the 20th of July 2016. The agenda and the draft minutes of the Full Council meeting is available on the Council's website:

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<a href="http://democracy.lbhf.gov.uk/ie/ListDocuments.aspx?CId=114&amp;MID=4998#AI45108">http://democracy.lbhf.gov.uk/ie/ListDocuments.aspx?CId=114&amp;MID=4998#AI45108</a>
<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"> <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>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>Yes. A letter was sent to the Planning Inspectorate on 28th February 2017 with a paper copy of the Local Plan and all supporting documents including those prescribed by Regulation 22. Electronic copies were also sent on a CD.</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>A copy of the Local Plan and all supporting documents including those prescribed by Regulation 22 will be made available in the Hammersmith Town Hall Extension for inspection and reference libraries.</p>
<p>18. On your website, have you published the:</p>	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>Yes. The proposed submission Local Plan and other documents for submission</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> <li>• DPD?</li> <li>• submission policies map?</li> <li>• sustainability appraisal report?</li> <li>• Regulation 22(1)(c) statement?</li> <li>• supporting documents (where practicable) ?</li> <li>• representations made under Regulation 20 (where practicable) ?</li> <li>• statement as to where and when the DPD and the documents are available?</li> </ul>				<p>have been published on the council's Local Plan website: <a href="http://www.lbhf.gov.uk/localplan">www.lbhf.gov.uk/localplan</a></p>
<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.	Yes. The Council notified the relevant consultation bodies and all persons invited to make representations on the proposed submission Local Plan. Notification was also given on where and when documentation can be inspected.
20. Have you given notice to persons who have	Regulation		You should do this as soon as reasonably practicable	All consultees who requested to be notified that submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
requested to be notified that submission has taken place?	22(3)(c)		after submitting to the Secretary of State.	has taken place have been notified.
<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>			To be arranged.