



Local Plan Legal Compliance Checklist (June 2014)

Introduction

The Borough Council has completed a Legal Compliance Checklist for the Gosport Borough Local Plan 2011-2029 using the template prepared to assist local authorities by PAS. It should be used with the Soundness Self-Assessment Checklist (also updated June 2014). As a result of following this checklist procedure, the Borough Council considers that the draft Local Plan complies with the legislative and regulatory requirements of preparing the Local Plan. A further document will be published when the Local Plan reaches the Submission stage.

Stage one: The beginning

Activity	Legal requirement	Guidance reference	Gosport BC 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	The Gosport Borough Local Plan 2011-2029 has been prepared in accordance with the Borough Council's Local Development Scheme. Information about the progress of the draft Local Plan I set out in the Council's latest Annual Monitoring Report.
2. How will community engagement be	The Act section 19(3) Regulation 18	NPPF paras 150, 155 and 157	The Borough Council's Statement of Community Involvement (SCI) was adopted in September 2012 it sets out



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programme d into the preparation of the DPD?			how community involvement with the plan making process engagement is carried out. This is also explained in the Local Development Scheme published in February 2012.
3. Have you considered the appropriate bodies you should consult?	Regulation 18	NPPF paras 4.25 -4.26	This information is set out in the Borough Council's SCI (2012) and the Consultation Statements.
4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or	The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) & (4) The Act Section 20(5)(c) Regulation 4	NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7)) Under NPPF Para 182, to be 'Effective' a plan should be	This has been explained in the Borough Council's Duty to Cooperate Report (2014) which sets out how the Borough Council has undertaken collaborative working with through PUSH. The Duty to Cooperate Report also shows how strategic priorities have been addressed. In addition to the Duty to



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<p>strategic priorities that will have a significant impact on at least two planning areas?</p>		<p>based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p>	<p>Cooperate report, the Council's Consultation Statement (2014) sets out who has been consulted in throughout the plan preparation process.</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</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>NPPF paras 178 to 181</p>	<p>The Duty to Cooperate Statement (2014) sets out co-operation with the LEP. Gosport is one of the partner organisations in the Solent LEP. There are strong partnership workings between PUSH (of which the Borough Council is a member and the Solent LEP. The Borough Council's main involvement with the Solent LEP is through it's work in PUSH.</p> <p>In addition to the above, organisations, The Borough Council also works collaboratively</p>



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that will have a significant impact on at least two planning areas?	Regulation 4		<p>with the Homes and Communities Agency on the Daedalus Enterprise Zone and the Solent LEP.</p> <p>The Hampshire and Isle of Wight Local Nature Partnership was established in 2012. We consult with them on potential projects that have an interest for Gosport but have not to date formalised any arrangements. The Hampshire LNP is currently under resourced and not able to be fully engaged at this stage. The Borough Council has consulted the Hampshire and Isle of Wight Wildlife Trust throughout the plan preparation process and they have strong links with the Hampshire LNP. In addition to the Wildlife Trust, membership of the LNP also includes the Solent Forum of which the Borough Council is a member.</p> <p>The Borough Council's</p>



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			<p>Consultation Statement (2014) sets out the consultation arrangements with these organisations.</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section 13</p>	<p>NPPF paras 158 - 177</p>	<p>The Borough Council's Monitoring Reports are published annually. These are supported by the preparation of annual housing, employment and retail surveys. In addition to this the Borough Council has undertaken reviews of technical studies including reviews for the Gypsies and Travellers Study, SHMA and SHLAA. A comprehensive list of evidence studies can be found on the Borough Council's website at: www.gosport.gov.uk/ldf</p>
<p>7. Is baseline information being collected and evidence being</p>	<p>The Act section 19(5)</p>	<p>NPPF paras 165 and 167 Strategic Environmental Assessment</p>	<p>The Borough Council has prepared a Sustainability Appraisal as an integral part of the preparation of the Gosport Borough Local Plan 2011-2029. As part of this work the Borough Council has also prepared a</p>



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gathered to set the framework for the sustainability appraisal?		Guide, chapter 5	SFRA and a Habitats Regulation Assessment prepared by UE Associates. This information has been fed into the SA process. The details of which can be found in the Borough Council's SA Main Report at: www.gosport.gov.uk/sustainability-appraisal
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	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF paras 165 and 167 SEA Guide chapter 3	Yes. At the start of the process, the Borough Council prepared a Scoping Report in December 2006 to accompany the Core Strategy Issues and Options publication. This document set out the Council's approach to preparing the SA and it was considered by the statutory environmental bodies. Representations were made and amendments to the Scoping Report and its annexes were made where appropriate.



Activity	Legal requirement	Guidance reference	Gosport BC Evidence
y appraisal report?			



Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Evidence available
1. Have you notified: <ul style="list-style-type: none"> • the specific consultation bodies? • the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents? 	Regulation 18(1) and (2)(a) (b)	NPPF paras 159 – 173	There are a number of pieces of evidence that can be used to show this has been done. The Consultation Statement including who has been consulted and when this took place. The Council has also prepared summary information on the representations received on the Issues and Options Core Strategy, Preferred Options Core Strategy and the consultation Draft Local Plan.



Activity	Legal requirement	Guidance reference	Evidence available
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p>	<p>Yes. The Borough Council has consulted widely at each stage of plan preparation and consulted with a wide range of stakeholders including local residents and local businesses. This has been carried out in accordance with the adopted Statement of Community Involvement. Appendix 6 of the Council's Consultation Statement, lists all the stakeholders who have been involved in face to face meetings or engaged in dialogue with Council officers</p>



Activity	Legal requirement	Guidance reference	Evidence available
			during the plan preparation stage.
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF para 155	Yes. This is also set out in the Consultation Statement. Examples of include the Hampshire and Isle of Wight Local Nature Partnership. The LNP were established in 2012. The Borough Council have consulted with a number of environmental groups including the Hampshire and Isle of Wight Naturalists Trust who are now part of the LNP. the Solent LEP on Daedalus



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			<p>Enterprise Zone, the utilities providers, the Eastern Solent Coastal Partnership for Flood Risk Management and the Environment Agency. The Borough Council have also engaged with the Highways Agency, Hampshire County Council as the Local Highway Authority and through its role in public health and well-being. The utilities providers including Southern Water and Portsmouth Water.</p>



Activity	Legal requirement	Guidance reference	Evidence available
			<p>The Council has met extensively with the key developers on the proposed Major Regeneration Areas. These are as follows: The</p> <p>Rowner: Rowner Regeneration Partnership, (including Taylor Wimpey);</p> <p>Haslar: Harcourt Developments,</p> <p>Gosport Waterfront: Beaulieu Properties; and Premier Marinas.</p> <p>Daedalus: Homes and Communities</p>



Activity	Legal requirement	Guidance reference	Evidence available
			Agency.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF para 155	Section 4 of The Consultation Statement for the draft Local Plan summarises the main issues raised from consultation and sets out how the Council have addressed these in the Pre-submission version of the Local Plan.
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(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	The sustainability appraisal considers options put forward as a result of consultation.



Activity	Legal requirement	Guidance reference	Evidence available
<p>6. Is the participation:</p> <ul style="list-style-type: none"> • following the principles set out in your SCI? • integrating involvement with the sustainable community strategy? • proportionate to the scale of issues involved in the DPD? 	<p>The Act section19(3)</p>	<p>NPPF para 155</p>	<p>Yes, it takes on the principles of the Sustainable Communities Strategy and is proportionate to the range of issues in the Local Plan.</p> <p>Consultation has gone on throughout the plan preparation process in accordance with the Council's adopted SCI.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> • the individuals or bodies invited to make representations? • how this was done? • the main issues raised? 	<p>The Act section20(3)</p> <p>Regulation 17</p>	<p>NPPF paras 158 - 171</p>	<p>The Borough Council set up a Local Plan Consultation Database.</p> <p>Notification letters were sent out to consultees to inform them about the availability of</p>



Activity	Legal requirement	Guidance reference	Evidence available
			local plan documents and to advise on the arrangements for consultation. The Borough Council also prepared a Summary of Main Issues document for each stage of consultation.
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)?	The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) & (e) section 33A(4) section 33A(9) The Act section 20 (5)(c)	NPPF paras 178 to 181	The Borough Council consulted all of the organisations identified as specific consultation bodies under the Regulations along with a wide range of national, regional and local organisations in order to take into account matters of cross boundary

Activity	Legal requirement	Guidance reference	Evidence available
			significance. A list of these organisations can be found in Appendices 5 and 6 of the Consultation Statement.
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	Yes these organisations were invited to make representations. Prior to formation of the LNP, the Borough Consulted the Hampshire and Isle of Wight Naturalists Trust. Details can be found in the Council's Consultation Statement.
10. Are you developing a framework for	The Act section 35	NPPF paras 165 - 1687	The draft Local Plan sets out in



Activity	Legal requirement	Guidance reference	Evidence available
<p>monitoring the effects of the DPD?</p>	<p>Regulation 34</p> <p>Regulation 17 of The Environmental Assessment of Plans and Programmes Regulations 2004 No1363</p>	<p>SEA Guide, Chapter 5</p>	<p>the Implementation and Monitoring Chapter how the policies and the proposals in the Local Plan will be monitored. The main tool for doing this will be through the Annual Monitoring Reports which includes the housing supply trajectory information. In addition to this, the Gosport Sustainability Profile contains a number of detailed contextual indicators which is updated on a regular basis.</p>



Activity	Legal requirement	Guidance reference	Evidence available
			Table 13.1 in the draft Local Plan, identifies Local Plan Indicators to assist in monitoring the policies of the Local Plan.



Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	
1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?	Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633	NPPF paras 152 - 182 SEA Guide, Chapter 5	The plan preparation process considered a number of reasonable alternatives. The evaluation of these was undertaken throughout the Sustainability Appraisal process.
2. Have you assessed alternatives against: <ul style="list-style-type: none"> • consistency with national policy? • general conformity with the regional spatial strategy where still in force? 	The Act section 19 (2), section 24	NPPF para 151	The sustainability Appraisal has been prepared in accordance with the NPPF. There is no regional spatial strategy however the South Hampshire Strategy agreed by the Partnership for Urban South Hampshire has been an important consideration.
3. Are you having regard to (where relevant): <ul style="list-style-type: none"> • adjoining regional spatial strategies? 	The Act sections 19 (2) and 24 (1) and (4) Regulation 10		N/A

Activity	Statutory requirement	Guidance reference	
<ul style="list-style-type: none"> the spatial development strategy for London? Planning Policy for Wales? the National Planning Framework for Scotland? 	and 21		
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)(c)</p>	NPPF paras 181 and 185	Gypsies and Travellers – cross boundary patterns of travel movements.
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation</p>	The Act section 33A(2)(a), section 33A(6)(a)	NPPF paras 181 and 182	The Borough Council has prepared a Duty to Cooperate Statement which sets out the evidence to show how the Council co-operates with its partners.



Activity	Statutory requirement	Guidance reference	
33A(1)(c) to address significant cross boundary issues including preparing joint approaches?	The Act section 20 (5) (c) Regulation 4		
6. Are you cooperating with having regard to the activities of the LEP and LNP?	The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)	NPPF para 181 and 182	<p>The Duty to Cooperate Statement (2014) sets out co-operation with the LEP. Gosport is one of the partner organisations in the Solent LEP. There are strong partnership workings between PUSH (of which the Borough Council is a member and the Solent LEP. The Borough Council's main involvement with the Solent LEP is through it's work in PUSH.</p> <p>In addition to the above, organisations, The Borough Council also works collaboratively with the Homes and Communities Agency on the Daedalus Enterprise Zone and the Solent LEP.</p> <p>The Hampshire and Isle of Wight</p>



Activity	Statutory requirement	Guidance reference	
			<p>Local Nature Partnership was established in 2012. We consult with them on potential projects that have an interest for Gosport but have not to date formalised any arrangements. The Hampshire LNP is currently under resourced and not able to be fully engaged at this stage. The Borough Council has consulted the Hampshire and Isle of Wight Wildlife Trust throughout the plan preparation process and they have strong links with the Hampshire LNP. In addition to the Wildlife Trust, membership of the LNP also includes the Solent Forum of which the Borough Council is a member.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> • your sustainable community strategy or of other authorities whose area comprises part 	<p>The Act section19(2)</p>		<p>Yes the Borough Council has taken on board the objectives of the Sustainable Communities Strategy and the adopted Hampshire Minerals and Waste Plan (2013).</p>

Activity	Statutory requirement	Guidance reference	
<p>of the area of the council?</p> <ul style="list-style-type: none"> any other local development documents adopted by the council? 			
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> resources the local/regional economy the local transport plan and transport facilities and services waste strategies hazardous substances 	<p>The Act section19(2)</p> <p>Regulation 10</p>		<p>Yes, the Council has had regard to other matters and relevant strategies during the plan preparation period. In relation to the topics identified in number 8, they include the following: The South Hampshire Strategy (2012); Hampshire Minerals and Waste Plan (2013); Local Transport Plan (LTP3) HCC</p> <p>The Borough Council will take into account any advice received from the Health and Safety Executive and other statutory agencies. Other examples can be found in the accompanying background papers.</p>
<p>9. Are you having regard to the need</p>	<p>The Act section19(1A)</p>	<p>NPPF paras 93 -108</p>	<p>Yes, Policies LP1 and LP38-45 of the pre submission Local Plan.</p>

Activity	Statutory requirement	Guidance reference	
to include policies on mitigating and adapting to climate change?			
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5) Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF para 182 SEA Guide, Chapter 5	The Sustainability Appraisal included an appraisal of a number of alternative strategies and options under Stage B2 of the SA process. The testing of alternatives can be found in Section 5 of the Main Sustainability Report at: www.gosport.gov.uk/sustainability-appraisal
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF para 182	The reasons for the selection of the 'options' and the chosen 'preferred option' is also set out in section 5 of the main Sustainability Report (2014).
12. Have you taken into account any representations made on the content of the DPD and the sustainability	Regulations 17, 18(3) and 22 (1) (c) (iv) Regulation 13(4) of The	NPPF paras 150, 155, 157 and 159-171	The Borough Council have prepared a Summary of Main Issues document, this explains how representations made on the Local Plan have been taken into account in the plan making

Activity	Statutory requirement	Guidance reference	
appraisal? Are you keeping a record?	Environmental Assessment of Plans and Programmes Regulations 2004 No 1633		process.
13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to: <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	Regulations 5 (1)(b) and 9	NPPF para 157	The main source of identifying policy areas comes from the Policies Map. In addition to this, in the draft Local Plan there are a number of illustrative plans showing the broad location and scale of development envisaged. Appendix 4 contains detailed maps showing the proposed changes to the boundaries for the retail centres and where appropriate proposed primary and secondary frontages.
14. Are the participation arrangements compliant with the	The Act, section 19(3)	NPPF paras 150 and 155	Yes the Borough Council adopted a new SCI in 2012. The participation arrangements have



Activity	Statutory requirement	Guidance reference	
SCI?	Regulation 18		been carried out in accordance with the adopted SCI and are explained in detail in the Council's Consultation Statement.



Stage four: Publication

Activity	Statutory requirement	Guidance reference	
1. Have you prepared the sustainability appraisal report?	<p>The Act section 19(5)</p> <p>Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 165 - 168</p> <p>SEA Guide Chapter 5</p>	<p>The Borough Council has prepared a Sustainability Appraisal report to accompany the Local Plan. This can be found on the Borough Council's website.</p>
2. Have you made clear where and within what period representations must be made?	<p>Regulation 17, 19, 20 and 35</p>		<p>The Borough Council has a dedicated webpage for consultation with an on-line form for making representations which can also be printed. All individuals and organisations who have made comments on the consultation draft Local Plan were sent a letter notifying</p>



Activity	Statutory requirement	Guidance reference	
			them of when representations need to be made and where they need to be sent to. In accordance with the procedures set out in the SCI.
<p>3. Have you made copies of the following available for inspection:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? 	Regulation 19(a)		<p>The Borough Council have made copies of these available at a number of locations including its website in accordance with its adopted SCI.</p> <p>This information is also included in the Borough Council's Statement of Consultation prepared to accompany the publication stage of the draft Local Plan. A copy of this can be found on the Borough Council's website.</p>
4. Have you published	Regulations 19		Yes this information can be found on the



Activity	Statutory requirement	Guidance reference	
<p>on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	and 35		<p>Council's website at: www.gosport.gov.uk/ldf</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	Regulation 19(b)		<p>In accordance with Regulation 19 each of the specific consultation bodies and each of the general consultation bodies were notified of the availability of the proposed submission documents and where these could be inspected along with how representations could be made. This</p>



Activity	Statutory requirement	Guidance reference	
			<p>notification also included a weblink to the submission documents including the representations procedure.</p> <p>A copy of the submission documents and a statement of how to make representations were made available at Gosport Town Hall, the Gosport Discovery Centre and other local libraries and on the Council's website.</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"> the statement of 	<p>Regulation 19(b)</p>		<p>Yes see response to section 5 above.</p>



Activity	Statutory requirement	Guidance reference	
the representations procedure? <ul style="list-style-type: none"> • where and when the documents can be inspected? 			
7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?	The Act section 24 Regulation 21		Not applicable.