



Kent Minerals and Waste Local Plan 2024-39
Local Plan Legal Compliance Checklist
June 2024

This legal compliance checklist has been prepared to assist with the independent examination of the Kent Minerals and Waste Local Plan 2024-39. The checklist is based on a checklist prepared by the Planning Advisory Service and has been updated to take account of changes to legislation. The original checklist included five parts and the Plan has been assessed against the last three stages as these are the most recent and to avoid repetition.

The checklist signpost documents in the Examination Library where evidence demonstrating compliance with the statutory plan making requirements can be found.

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 35 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	Legal requirement	Guidance	Additional notes	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 para 35 PPG Paragraph: Paragraph: 037 Reference ID: 61-037-20190315</p> <p>SEE PPG: https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal 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>SD05 - Sustainability Appraisal Report - November 2023 SD06 - Sustainability Appraisal Report - Non-Technical Summary - November 2023 SD10 - Plan-maker's response to sustainability appraisal - May 2024</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> consistency with national policy? 	<p>The Act section 19 (2), section 24</p>	<p>NPPF para 35</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>SD05 - Sustainability Appraisal Report - November 2023 SD06 - Sustainability Appraisal Report - Non-Technical Summary - November 2023 SD10 - Plan-maker's response to sustainability appraisal - May 2024</p>
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> the spatial development 	<p>The Act sections 19 (2) and 24 (1) and (4)</p>			<p>The Plan is proposed to be updated in light of the London Plan 2021 aim to achieve net self sufficiency in the management of non</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>strategy for London?</p> <ul style="list-style-type: none"> Waste Management Plan for England 2021 	<p>Regulation 10 and 21</p>			<p>hazardous residual waste. Dialogue on this matter with the GLA has taken place see SD03 - Duty to Cooperate Report - May 2024.</p> <p>The Waste Management Plan for England 2021 was taken into account when the Plan was reviewed. See BD02 Report of the 5 Year Review of the Kent Minerals Waste Local Plan</p>
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5)(c)</p>	<p>NPPF paras 24-27, 35</p>	<p>.</p>	<p>The Reg 22 Consultation Statement (SD04), Duty to Cooperate Report - May 2024 (SD03) and Statements of Common Ground (SD12-SD15) (more to follow) set out the engagement with other local planning authorities.</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>NPPF paras 24-27</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>See the Reg 22 Consultation Statement (SD04), Duty to Cooperate Report - May 2024 (SD03) and Statements of Common Ground (SD12-SD15).</p>

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
	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 25	Is the Plan consistent with the Local Industrial Strategy?	<p>The South East LEP has been disbanded. Kent strategies have informed the review of the Plan – see BD02 Report of the 5 Year Review of the Kent Minerals Waste Local Plan.</p> <p>Members of the LNP have been consulted on the Plan. See the Reg 22 Consultation Statement (SD04).</p>
7. Requirements wrt to Habitats Regulations	Section 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)	Habitats regulations assessments: protecting a European site	'63.—(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which— (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.'	See SD07 Habitats Regulation Assessment - January 2024

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>8. Are you having regard to:</p> <ul style="list-style-type: none"> • any other local development documents adopted by the council? 	<p>The Act section19(2)</p>		<p>Re Sustainable Community Strategies - the Deregulation Act 2015 repeals the duty to prepare (Section 100). This also repeals relevant sections of the Planning & Compulsory Purchase Act 2004 re the prep of local development docs.</p>	<p>See BD02 Report of the 5 Year Review of the Kent Minerals Waste Local Plan</p>
<p>9. 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 Management Plan for England 2021 • waste strategies 	<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>There is no legal requirement to have regard to other waste strategies (Municipal Waste Management Strategies) prepared by the Council</p>	<p>See BD02 Report of the 5 Year Review of the Kent Minerals Waste Local Plan</p> <p>See EB01 Circular Economy Topic Paper - January 2024</p> <p>See the Reg 22 Consultation Statement (SD04), Duty to Cooperate Report - May 2024 (SD03) and Statements of Common Ground (SD12-SD15).</p>
<p>10. 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 157-164</p>	<p>See Planning Practice Guidance concerning how to identify suitable mitigation and adaptation measures in the planning process to address the impacts of climate change</p>	<p>See BD02 Report of the 5 Year Review of the Kent Minerals Waste Local Plan</p> <p>See EB01 Circular Economy Topic Paper - January 2024</p>

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>11. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?</p>	<p>The Act section 19(5)</p> <p>Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 32, 35</p> <p>SEE PPG: https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal</p> <p>Paragraph: 019 Reference ID: 11-019-20140306</p> <p>SEA Guide, Chapter 5</p>	<p>https://www.gov.uk/guidance/consultation-procedures</p> <p>Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.</p> <p>WRT non-technical summary PPG states: "The sustainability appraisal must include a non-technical summary of the information within the main report. The summary should be prepared with a range of readers in mind, and provide a clear, accessible overview of the process and findings."</p> <p>https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal</p>	<p>SD05 - Sustainability Appraisal Report - November 2023</p> <p>SD06 - Sustainability Appraisal Report - Non-Technical Summary - November 2023</p> <p>SD10 - Plan-maker's response to sustainability appraisal - May 2024</p>
<p>12. Are you setting out reasons for any preferences between alternatives?</p>	<p>Regulation 8(2)</p>	<p>NPPF para 32 & 35</p>	<p>This will include information from the sustainability appraisal.</p>	<p>SD05 - Sustainability Appraisal Report - November 2023</p> <p>SD06 - Sustainability Appraisal Report - Non-Technical Summary - November 2023</p>

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
				SD10 - Plan-maker's response to sustainability appraisal - May 2024
<p>13. Have you taken into account any representations made on the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulations 17, 18(3) and 22 (1) (c) (iv)</p> <p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF paras 16, 32</p>	<p>Records on the sustainability appraisal should also include recording any assessment made under the Habitats Directive.</p>	<p>See the Reg 22 Consultation Statement (SD04).</p>
<p>14. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> • enable you to amend the currently adopted policies map? • inform the community about the location of proposals? 	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF para 16</p> <p>Does the Policies Map show existing and proposed waste management facilities? (PPG ID: 28-039-20141016)</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>Section 9 of the Plan includes the Policies Maps</p>

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
15. Are the participation arrangements compliant with the SCI?	The Act, section 19(3) Regulation 18	NPPF paras 15, 16, 24-27		EB15 The Statement of Community Involvement 2021 See the Reg 22 Consultation Statement (SD04) .
16. In what way does the Plan seek to ensure due regard is had to the three aims of the Equality Act in relation to those who have a relevant protected characteristic. How have issues of equality been addressed in the Plan? How will the Plan help to advance equality of opportunity between people who share a “protected characteristic” and those that do not share it and further the other two aims of the Act?	s149 (Public Sector Equality Duty) of the Equality Act 2010		‘relevant protected characteristic’ is defined in the Equality Act	See SD09 Equalities Impact Assessment - December 2023

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	Legal requirement	Guidance	Additional notes	Evidence
1. Have you prepared the sustainability appraisal report (inc. non technical summary)?	The Act section 19(5) Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 32 PPG Paragraph: 019 Reference ID: 11-019-20140306 https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal SEA Guide Chapter 5	NTS isn't a statutory requirement but PPG states: <i>"The sustainability appraisal must include a non-technical summary of the information within the main report. The summary should be prepared with a range of readers in mind, and provide a clear, accessible overview of the process and findings."</i>	SD05 - Sustainability Appraisal Report - November 2023 SD06 - Sustainability Appraisal Report - Non-Technical Summary - November 2023 SD10 - Plan-maker's response to sustainability appraisal - May 2024
1b 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 Plan has taken account the views of the District and Borough Councils in Kent and been amended in light of comments received. See the Reg 22 Consultation Statement (SD04) .
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).	See EB16 Statement of Representations Procedure and Availability of Documents - January 2024

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
<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? 	<p>Regulation 19(a)</p>		<p>Regulation 17 gives definitions.</p> <p>Note that there is no statutory requirement to publish HRA documents (screening report and Appropriate Assessment) for consultation.</p>	<p>See EB16 Statement of Representations Procedure and Availability of Documents - January 2024</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> • the proposed submission documents? • the statement of the representations procedure? • statement and details of where and when documents can be inspected? 	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>See EB16 Statement of Representations Procedure and Availability of Documents - January 2024</p> <p>See KCC Minerals and waste planning policy pages</p>
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • A copy of each of the proposed submission documents • The statement of the representations procedure? 	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>See the Reg 22 Consultation Statement (SD04).</p>

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> • the statement of the representations procedure? • where and when the documents can be inspected? 	<p>Regulation 19(b)</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>See the Reg 22 Consultation Statement (SD04).</p>

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.

What should the local planning authority do when submitting a Local Plan for examination?

Having received any representations on the publication version of the plan, the local planning authority should submit it along with [supporting documents](#) electronically to the Planning Inspectorate for examination on behalf of the Secretary of State. The submitted documents should include those that were made available at the publication stage (regulation 19) stage, including the sustainability appraisal report. The local planning authority are also required to submit:

- details of who was consulted when preparing the plan (at regulation 18 stage),*
- details of how the main issues raised have been addressed,*
- copies of the representations made on the publication version of the plan; and*
- a summary of the main issues raised at regulation 18 and pursuant to regulation 20, unless no representations were made pursuant to regulation 20.*

For full details see [regulation 22 of the Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (amended January 2018).

Paragraph: 052 Reference ID: 61-052-20190315; Revision date: 15 03 2019

Earlier PINs Guidance stated: 'The PCPA specifically provides that a LPA must not submit the plan unless it considers the document is ready for examination. The Inspector will take the published plan (and if relevant, the addendum submitted with the plan to address matters arising from the public consultation on the plan at regulation 19 stage) as the final word of the LPA on the plan.'

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

PINs Guidance¹ now states: *'LPAs must also play their part by ensuring that when they submit their plan it is ready for examination, the evidence base is complete, representations are properly ordered and collated, and a Programme Officer (PO) and an examination website are in place.'*

¹ <https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>

Stage five: Submission

Activity	Legal requirement	Guidance	Additional notes	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>EB14 – Kent Minerals and Waste Development Scheme, November 2023 EB13 - Kent Minerals and Waste Authority Monitoring Report (AMR) 2022-23</p>
<p>2. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?</p>	<p>The Act section 19(3) Regulation 22(1)(c)</p>		<p>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).</p>	<p>EB 15 - The Statement of Community Involvement 2021 SD04 - The Regulation 22 statement, May 2024</p>
<p>3. 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, 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?</p>	<p>The Act section 33A(1) and section 20(5)</p>	<p>NPPF paras 21, 24-27</p>	<p>Under NPPF para 35, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.</p>	<p>SD03 - Duty to Cooperate Report, May 2024 SD 12 - Statement of Common Ground between Kent County Council and Natural England - April 2024 SD13 - Statement of Common Ground between Canterbury City Council, April 2024 SD14 - Statement of Common Ground between Kent County Council and Ebbsfleet Development Corporation</p>

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
				SD15 - Statement of Common Ground between Kent County Council and Tonbridge and Malling Borough Council
<p>4. 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 32</p> <p>SEE PPG: https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal</p>		<p>SD05 - Sustainability Appraisal Report - November 2023</p> <p>SD06 - Sustainability Appraisal Report - Non-Technical Summary - November 2023</p>
<p>5. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 35</p>		<p>i. BD01 - Report of outcome of 5 year review of the KMWLP 2013-2030</p> <p>ii. Soundness self assessment checklist</p>
<p>6. 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 35</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>i. The documents prescribed at Regulation 22(1) – see the examination library</p> <p>ii. The relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan have been notified of the Plan’s submission.</p>

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
				iii. A list of superseded policies is not included as policies have been updated rather than superseded.
7. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map? If yes, have you prepared a submission policies map?	Regulations 5(1)(b), 9 (1), 17 & 22(1)			The policies map is set out in Section 9
8. 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 Borough and District Councils have been consulted and none have indicated concerns with inconsistency with their Local Plans See SD04 - Regulation 22 Statement - May 2024
9. Have you prepared a statement setting out: <ul style="list-style-type: none"> • Which bodies and persons were invited to make representations under Regulation 18? • How they were invited? • A summary of the main issues raised? • How the representations have been taken into account? 	The Act section 20 (3) Regulation 22(1)(c)		This will bring forward material from the Consultation statement (see Stage 2 above). <i>PINS Guidance (2016): "It is well worth investing the time in producing a focused and comprehensive statement of the main issues under Reg 22(1)(c)(v) as this will be the first introduction of the Inspector to the likely issues to be addressed in the examination. While not a legal requirement, it is also</i>	See SD04 - Regulation 22 Statement - May 2024

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
			<i>very helpful if the LPA briefly indicates its response to the representations, i.e. both to the main issues it has identified and to all the representations.”</i>	
<p>10. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> • the number of representations made under Regulation 22? • a summary of the main issues raised? <p>OR</p> <ul style="list-style-type: none"> • that no representations were made? 	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>See SD04 - Regulation 22 Statement - May 2024</p>
<p>11. Have you collected together all the representations made under Regulation 28?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>		<p><i>PINS Guidance: “It is vitally important that representations are submitted in good order and in two sets. One should be in policy order and the other in number order. They should also be clearly indexed.....</i></p> <p><i>The list of representors should also clearly indicate those that have expressed a wish to be heard under s20(6) of the Act.”</i></p>	<p>Copies of the representations have been submitted.</p>
<p>12. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p>			<p>Supporting documents have been submitted and are</p>

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
	Regulation 22(1)(g)			included in the examination library see 'Evidence Base' and 'Background Documents'
13. Has your council approved the DPD for submission?	The Act section 20		Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	See Report and resolution of Full Council meeting 14.12.23
14. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> • the DPD? • the submission policies map (unless there are no site allocation policies)? • the documents prescribed in Regulation 22(1)? 	The Act section 20(1) and 20(3) Regulations 22(1) and 22(2)		Regulation 35 deals with the availability of documents and the time of their removal. Electronic copies of some of the representations and supporting documents may not be practicable. Regulation 35 deals with the availability of documents and the time of their removal.	Submission letter sent to PINS with details of how to access submission documents – acknowledged by Matthew Giles, PINS, 21.05.24
15. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> • The DPD? • The documents prescribed in Regulation 22(1)? 	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	Submission documentation is available on the KCC website. Hard copy documentation has been made available to view at County Hall which is the same approach taken at the Reg 19 stage.
16. On your website, have you published the: <ul style="list-style-type: none"> • DPD? • submission policies map? 	Regulation 22(3) and 35(1)(b)		You should do this as soon as reasonably practicable after submission.	Submission documentation was available on the KCC website from 20.05.24 (plan was submitted 17.05.24)

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
<ul style="list-style-type: none"> • sustainability appraisal report? • Regulation 22(1)(c) statement? • supporting documents (where practicable) ? • Regulation 20 representations (where practicable) ? • statement as to where and when the DPD and the documents are available? 				
<p>17. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> • notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection • where and when they can be inspected? 	Regulation 22(3)(b)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	Each general consultation body invited to make representations under Regulation 18(1), was notified on the submission and availability of documents for inspection on 21.05.24
<p>18. Have you given notice to persons who have requested to be notified that submission has taken place?</p>	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	Notice to persons who requested to be notified that submission has taken place was given on 21.05.24
<p>19. If an examination is being held, at least six weeks before its opening has the Programme Officer:</p>	The Act section 20			TBC

Kent Minerals and Waste Local Plan 2024-39 - Local Plan Legal Compliance Checklist

Activity	Legal requirement	Guidance	Additional notes	Evidence
<ul style="list-style-type: none"> published the time and place of the examination and the name of the person appointed to carry out the examination on your website? notified those who have made representations on the published DPD which have not been withdrawn of these details? 	<p>Regulations 24 and 35</p>			
<p>20. Have you made a formal request to PINS for the Inspector to recommend modifications</p>		<p>Procedure Guide for Local Plan Examinations (Introduction)</p>	<p><i>The legislation (PCPA, sections 20(7),(7A),(7B) & (7C)) allows for three possible outcomes to the examination:</i></p> <ul style="list-style-type: none"> <i>- The Inspector finds that the plan is sound and legally compliant as submitted: in these circumstances the Inspector must recommend that the plan is adopted;</i> <i>- The Inspector finds that the plan is unsound and/or legally non-compliant as submitted, but that it is possible to make it sound and legally compliant by making main modifications to it. In these circumstances the Inspector must recommend the necessary main modifications, if requested</i> 	<p>TBC</p>

Activity	Legal requirement	Guidance	Additional notes	Evidence
			<p><u>to do so by the LPA.</u> <i>The main modifications must relate directly to the reasons why the Inspector has found the plan unsound or legally non-compliant;</i></p> <p><i>- The Inspector finds the plan unsound and/or legally non-compliant as submitted, and that it is not possible to make it sound and legally compliant by making main modifications to it. In these circumstances the Inspector must recommend non-adoption of the plan. In practice, the LPA would be asked to consider withdrawing the plan before any such recommendation was made.</i></p>	