



## Dover District Local Plan

### DOVER DISTRICT LOCAL PLAN REGULATION 19 SUBMISSION

## Guidance Note on Legal compliance, Soundness and the Duty to Co-operate

### Legal compliance

Once the Council submit the Local Plan to the Planning Inspectorate for Examination, a Planning Inspector will first check that the Plan meets the legal requirements of the [Planning and Compulsory Purchase Act 2004](#) (as amended by the [Localism Act 2011](#)) and the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#), before moving on to consider the tests of soundness. This includes public participation in the preparation of the Local Plan.

You should also consider the following before making a representation on legal compliance:

#### Local Development Scheme

Preparation of the Local Plan should be in accordance with the current Local Development Scheme (LDS). This is available at: [Local Development Scheme Sep 22 \(doverdistrictlocalplan.co.uk\)](http://doverdistrictlocalplan.co.uk).

#### Statement of Community Involvement

The process for public engagement for the Local Plan should be in general accordance with the Statement of Community Involvement (SCI) which is available at: [Planning-SCI-2019-update-WEB.pdf \(dover.gov.uk\)](#).

#### Sustainability Appraisal and Habitats Regulations Assessment

The Council is required to publish a Sustainability Appraisal report and Habitat Regulations Assessment (HRA) when publishing the Local Plan. This should identify the process by which the Sustainability Appraisal and HRA has been carried out, the baseline information used to inform the process, and the outcomes of that process.

The Sustainability Appraisal and Habitats Regulations Assessment of the Regulation 19 Local Plan are available at: [Evidence Base \(doverdistrictlocalplan.co.uk\)](http://doverdistrictlocalplan.co.uk)

#### National Planning Policy

The Local Plan should have regard to national planning policy. The National Planning Policy Framework (NPPF) is available at: [National Planning Policy Framework \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

## Soundness

To ensure the local plan is sound, it should meet the following criteria:

### ***Positively prepared***

Provides a strategy which, as a minimum, seeks to meet Dover District's objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

### ***Justified***

An appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

The evidence to support the Local Plan is available online at: [Evidence Base \(doverdistrictlocalplan.co.uk\)](https://doverdistrictlocalplan.co.uk)

### ***Effective***

Deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

### ***Consistent with national policy***

Enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

For further information see paragraph 35 of the National Planning Policy Framework: [National Planning Policy Framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

## Compliance with the Duty to Co-operate

The Local Plan should comply with the Duty to Cooperate.

Section 33A of the Planning & Compulsory Purchase Act requires the Council to engage constructively, actively, and on an ongoing basis with neighbouring authorities and certain other bodies over strategic matters during the preparation of the Plan.

The Council is expected to provide evidence of how they have complied with the Duty. Non-compliance with the Duty to Cooperate cannot be rectified after the submission of the Plan. Therefore, the Inspector has no power to recommend modifications in this regard.

Where the Duty has not been complied with, the Inspector cannot recommend adoption of the Plan.