

Submission Kingsclere Neighbourhood Plan – Compliance Check (January 2018)

Requirements and relevant legislation and/or guidance	LPA Comments	Legally compliant?
<p>Neighbourhood Planning (General) Regulations 2012 (as amended) – Regulation 15 requirements:</p> <p><i>A qualifying body is required to submit:</i></p> <p><i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates</i></p>	<p>Map 1 (page 10) of the Submission Kingsclere Neighbourhood Plan (KNP) identifies the Kingsclere Neighbourhood Development Plan Area.</p>	<p>Yes</p>
<p><i>(b) A consultation statement;</i></p> <p><i>((a) the statement must contain details of those consulted, (b) how they were consulted, (c) summarises the main issues and concerns raised and (d) how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan – Regulation 15 (2) Neighbourhood Planning (General) Regulations 2012).</i></p>	<p>A Consultation Statement accompanies the Submission KNP. The Consultation Statement includes:</p> <ul style="list-style-type: none"> • (a) and (b). Details of who was consulted through the Regulation 14 consultations and how they were consulted are covered on pages 11 of the Consultation Statement (supported by appendices F and G). • (c) and (d). A summary of the consultation comments setting out the issues raised and how they were considered by the NPG has been provided. Further details are set out in pages 11-12 of the Consultation Statement. Appendices H also provide additional detail. 	<p>Yes</p>
<p><i>(c) The proposed neighbourhood development plan;</i></p>	<p>The Local Planning Authority received the Submission Neighbourhood Plan on 4 January 2018.</p>	<p>Yes</p>
<p><i>(d) A statement explaining how the proposed neighbourhood development plan meets the</i></p>	<p>A Basic Conditions Statement accompanies the Submission Neighbourhood Plan. The Statement confirms that Kingsclere Parish Council consider the Submission Neighbourhood Plan meets the Basic Conditions.</p>	<p>Yes</p>

<p><i>'basic conditions', i.e. the requirements of paragraph 8 of Schedule 4B to the 1990 Act.</i></p> <p>The local planning authority has to be satisfied that a basic condition statement has been submitted but it is not required at this stage to consider whether the draft plan or order meets the basic conditions. (NPPG - Paragraph: 053 Reference ID: 41-053-20140306)</p>		
<p><i>e) Environmental Assessment;</i></p> <p>The Plan needs to be submitted with one of the following a) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR b) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 ((Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.)</p> <p>If an Environmental Report is required, then this needs to have been subject to the required level of consultation, and should comply with the government's SEA guidance.</p> <p>In terms of consultation, the 'consultation bodies' (EA, NE and HE) must have been consulted at scoping stage (for 5 weeks). There is no requirement for public consultation on the scoping report. The draft Environmental Report on the pre-submission neighbourhood plan will need to be subject to public consultation for 6</p>	<p>In April 2015, the Borough Council issued its screening opinion concerning the need for a Strategic Environmental Assessment (SEA) in relation to the Neighbourhood Plan. This screening opinion was underpinned by a detailed report and the opinions of the three statutory bodies (the Environment Agency, Natural England and Historic England).</p> <p>The screening process undertaken concluded that in order to meet the 'basic conditions' for neighbourhood planning, a Strategic Environmental Assessment was considered to be required to accompany the Neighbourhood Plan but that a Habitats Regulations Assessment (HRA) wouldn't be required.</p> <p>The parish council commissioned consultants AECOM to produce their Environmental Report.</p> <p>Consultation on the Strategic Environmental Assessment Scoping Report for the KNP took place in October 2015. Responses were received from all three statutory bodies.</p> <p>A Strategic Environmental Assessment (Environmental Report) accompanied the consultation on the Regulation 14 Pre-Submission Neighbourhood Plan when it was consulted on in January/February 2017. The consultation documents can be viewed here:</p> <p>http://www.kingsclere-np.org.uk/community/kingsclere-neighbourhood-plan-6471/pre-plan-consultation/</p>	<p>Yes</p>

<p>weeks. The draft Environmental Report must be made available at the same time as the draft plan, as an integral part of the consultation process, and the relationship between the two documents clearly indicated. (See A Practical Guide to the SEA Directive, ODPM – 2005)</p>	<p>A Strategic Environmental Assessment Report (Environmental Report) accompanies the Submission Neighbourhood Plan. The relationship between the Strategic Environmental Assessment Report and the Submission Neighbourhood Plan has been indicated within the Environmental Report (paragraph 1.2).</p> <p>Strategic Environmental Assessment has informed the production of the Neighbourhood Plan.</p>	
<p>The draft neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (1990 Act Schedule 4B Paragraph 5 and Regulation 18).</p>	<p>The Submission Neighbourhood Plan is not a repeat proposal.</p>	<p>Yes</p>
<p>The body submitting the neighbourhood plan is authorised to act (2004 P & CP Act as amended by Localism Act 2011 Section 38 A (2) and 1990 Act schedule 4B as it applies- 61F (2)).</p>	<p>The qualifying body is Kingsclere Parish Council. The neighbourhood area was designated on 24 July 2013.</p> <p>The Plan was produced by the Neighbourhood Planning Steering Group, a group of volunteers, having been commissioned to do so by the parish council.</p>	<p>Yes</p>
<p>The pre-submission publication requirements need to have been satisfied. Before submission to the LPA the qualifying body should:</p> <p>1. publicise (but this does not have to be on a web site) in a way that is likely to bring to the attention of people who live work or carry on business in the area details of:</p> <p>a. the proposals</p> <p>b. when and where they can be inspected</p> <p>c. how to make representations, and</p>	<p>The Consultation Statement demonstrates that these requirements have been satisfied:</p> <p>1. The Regulation 14 Consultation version of the KNP was publicised via a variety of means including the parish council website, social media, posters, emails and publication in the parish magazine (Kingsclere Tower Magazine) and an article in the Newbury News.</p> <p>The pre-submission version was available to view at the parish council office Monday, Tuesday and Wednesday 9.30am-11.30am, and the community library Tuesday and Wednesday 1pm-5.30pm and Saturday 9.30am-2pm. The documents were also available to view at the drop-in room opposite the parish office and at the Fieldgate Centre.</p> <p>The Plan was available to view online at the Kingsclere Parish Council website at: www.kingsclere-np.org.uk/community/kingsclere-neighbourhood-plan-6471/pre-plan-consultation/</p>	<p>Yes</p>

<p>d. the deadline for making representations – not less than 6 weeks from first publicised.</p> <p>2. consult any consultation body whose interests they consider may be affected by the proposals for a NDP (please see Appendix A below).</p> <p>3. send a copy of the NDP to the LPA.</p> <p>(Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.</p>	<p>The publicity material also explained how representations could be made (i.e. via an email or letter to the parish clerk) and the address and email address to be used. The consultation lasted for 6 weeks, from 9 January 2017 until 20 February 2017.</p> <p>2. The consultation statement includes a list of the statutory consultees that were consulted in the pre-submission consultation in appendix F. The letter sent to consultees can be found in appendix G.</p> <p>3. A copy of the Pre Submission Neighbourhood Plan was provided to the LPA at the start of the pre-submission consultation.</p>	
<p>The Conservation of Habitats and Species Regulations 2017 Regulations 105 and 106 : <i>A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable them to determine whether that assessment is required.</i></p>	<p>The Borough Council issued its screening opinion in April 2015, which confirmed that the council considered there was no need for a Habitats Regulations Assessment (HRA) in relation to the KNP. This screening opinion was underpinned by a detailed report and the opinions of the three statutory bodies (the Environment Agency, Natural England and Historic England).</p>	<p>Yes</p>
<p>Meets the definition of a 'neighbourhood development plan': <i>"A plan which sets out policies (however expressed) in relation to the development and use and of land in the whole or any part of a particular neighbourhood area specified in the plan"</i></p> <p>(2004 P & CP Act as amended by Localism Act 2011 Section 38 A (2))</p>	<p>The Submission Neighbourhood Plan meets the definition of 'neighbourhood development plan'.</p>	<p>Yes</p>
<p>Meets the scope of neighbourhood plan provisions, i.e. specifies the period for which it covers, does not include provision about development that is 'excluded development' (as</p>	<p>The Submission Neighbourhood Plan specifies that it covers the period 2011-2029.</p>	<p>Yes</p>

set out in section 61K of the 1990 Act) and does not relate to more than one neighbourhood area. (2004 Act s 38B (1, 2) (4))	The Submission Neighbourhood Plan does not contain policies relating to 'excluded development'. It does not relate to more than the neighbourhood area.	
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Where the draft neighbourhood plan submitted to a local planning authority meets the requirements in the legislation, the local planning authority must publicise the neighbourhood plan for a minimum of six weeks, invite representations, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan to independent examination (see regulations [16](#), [17](#), [23](#) and [24](#) of the Neighbourhood Planning (General) Regulations 2012 ([as amended](#)), NPPG - Paragraph: 054 Reference ID: 41-054-20140306)

Appendix A – Consultation Bodies

The Neighbourhood Planning (General) Regulations 2012 Schedule 1

Consultation bodies that the Parish Council or Neighbourhood Forum should consult:

- In a London Borough, the Mayor of London
- A LPA, county council or parish council any part of whose area is in or adjoins the area of the LPA
- The Coal Authority
- The Homes and Communities Agency
- Natural England
- The Environment Agency
- Historic England
- Network Rail Infrastructure Limited
- The Highways Agency
- The Marine Management Organisation
- Any person to whom the electronic communications code applies, or who owns or controls electronic communications apparatus situated in any part of the area of the LPA
- Where they exist a Primary Care Trust, licensee under the Electricity Act 1989, Licensee of the Gas Act 1986, sewerage undertaker and water undertaker
- Voluntary bodies whose activities benefit all or part of the neighbourhood area
- Bodies representing the interests of different racial, ethnic or national groups in the neighbourhood area
- Bodies representing the interests of different religious groups in the neighbourhood area and

- Bodies representing the interests of disabled people in the neighbourhood area.