



**Basingstoke
and Deane**



Submission Oakley and Deane Neighbourhood Plan – Compliance Check (August 2015)

Requirements and relevant legislation and/or guidance	LPA Comments	Legally compliant?
<p>Neighbourhood Planning (General) Regulations 2012 (as amended) – Regulation 15 requirements: <i>A qualifying body is required to submit:</i> <i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates</i></p>	<p>Map 1 of the Submission Neighbourhood Plan identifies the Oakley and Deane neighbourhood area.</p>	<p>Yes</p>
<p><i>(b) A consultation statement;</i> (the statement should contain details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed Neighbourhood Plan).</p>	<p>A Consultation Statement accompanies the Submission Neighbourhood Plan. The Consultation Statement includes:</p> <ul style="list-style-type: none"> • Information on how the community have been kept informed throughout the production of the neighbourhood plan. • the details those consulted and how they were consulted. • a summary of the issues and concerns raised. • details on how the issues and concerns have been considered and where relevant addressed. <p>Section 2.2 of the Submission Neighbourhood Plan also includes a summary of community engagement undertaken. This section summarises how the community have been kept informed and also provides information on the public meetings and public consultation events.</p>	<p>Yes</p>
<p><i>(c) The proposed neighbourhood development plan;</i></p>	<p>The Local Planning Authority received the Submission Neighbourhood Plan on 17 July 2015.</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 the Neighbourhood Planning Group</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>consider the Submission Neighbourhood Plan meets the Basic Conditions.</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>In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning.</p> <p>The relationship between any steering group and the town or parish council should be transparent to the wider public. For example it should be clear whether a steering group or other body is a formal sub-committee of the parish or town council. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public.</p>	<p>The qualifying body is Oakley and Deane Parish Council. The neighbourhood area was designated on 24 July 2013.</p> <p>As explained in paragraph 2.1.1 of the Submission Neighbourhood Plan, the Oakley and Deane Neighbourhood Planning Group was formed and held its inaugural meeting in September 2013. In November 2013, a formal constitution for the Group was ratified by the Parish Council.</p> <p>Articles relating to the neighbourhood plan have been published in Link - the Parish magazine - most months. Copies of these articles are available on line through the Parish website.</p>	<p>Yes</p>

<p>(see NPPG - Paragraph: 015 Reference ID: 41-015-20140306)</p>	<p>The Neighbourhood Planning Group has reported back to the Parish Council through the Chair of the Parish Council, who is also Vice Chair of the Neighbourhood Planning Group.</p> <p>Parish Council meeting agendas and minutes are available on the Oakley and Deane Parish Council website.</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 b. when and where they can be inspected c. how to make representations, and 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</p>	<p>The qualifying body has complied with the requirements of the regulations in respect of the scope of the pre-submission consultation and this is evidenced within their submitted Consultation Statement.</p> <p>Section 3 of the Basic Conditions Statements includes information on the Pre Submission consultation arrangements. The consultation arrangements meet the requirements for publicity.</p> <p>The consultation period for the Pre-Submission Neighbourhood Plan was 1 March to 18 April 2015.</p> <p>The consultation bodies consulted are listed in Appendix B (Statutory and other consultees contacted) of the Consultation Statement.</p> <p>A copy of the Pre Submission Neighbourhood Plan was provided to the LPA.</p>	<p>Yes</p>

<p>(General) Regulations 2012.</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 (as set out in the Neighbourhood Planning (General Amendment) Regulations 2015, which amends 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 EH) 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 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>In October 2014, 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 English Heritage). 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. The consultation bodies have all agreed with the conclusion reached.</p> <p>Consultation on the Sustainability Appraisal Report (incorporating a Strategic Environmental Assessment) Scoping Report for the Oakley and Deane Neighbourhood Plan took place from 12 November 2014 until 16 December 2014. The consultation responses received on the Scoping Report are included in Table 2.1 of the Sustainability Appraisal Report (incorporating a Strategic Environmental Assessment) that accompanies the Submission Neighbourhood Plan.</p> <p>A Sustainability Appraisal Report (incorporating a Strategic Environmental Assessment) accompanied the Pre-Submission Neighbourhood Plan. It was made available at the same time as the Pre Submission Neighbourhood Pan. It was consulted on between 1 March and 18 April 2015. The relationship between the Sustainability Appraisal Report and the Pre Submission Neighbourhood Plan was indicated.</p> <p>A Sustainability Appraisal Report (incorporating a Strategic Environmental Assessment) accompanies the Submission Neighbourhood Plan. The relationship between the Sustainability Appraisal Report and the Submission Neighbourhood Plan is clearly indicated.</p> <p>The Sustainability Appraisal (incorporating a Strategic Environmental Assessment) has informed the production of the Neighbourhood Plan.</p>	<p>Yes</p>
<p>The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of</p>	<p>In October 2014, the Borough Council issued its screening opinion concerning the need for a Habitats Regulations Assessment (HRA) in</p>	<p>Yes</p>

<p>the Neighbourhood Planning (General Regulations) 2012, i.e. Regs 102 and 102A, Assessment of implications for European site: <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 102 or to enable them to determine whether that assessment is required.</i></p>	<p>relation to the Neighbourhood Plan. This screening opinion was been underpinned by a detailed report and the opinions of the three statutory bodies (the Environment Agency, Natural England and English Heritage). The screening process undertaken concluded that the Neighbourhood Plan would not need to be subject to an HRA. The consultation bodies have all agreed with the conclusion reached.</p>	
<p>Meets the definition of a 'neighbourhood development plan': <i>"A plan which sets out policies (however expressed) in relation to the development use and of land in the whole or any part of a particular neighbourhood area specified in the plan"</i> (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 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))</p>	<p>The Submission Neighbourhood Plan covers the period 2011-2029, mirroring the period of the Basingstoke and Deane Borough Council Submission Local Plan.</p> <p>The Submission Neighbourhood Plan does not contain policies relating to 'excluded development'.</p> <p>It does not relate to more than neighbourhood area.</p>	<p>Yes</p>

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
- English Heritage
- 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.