

Submission Old Basing and Lychpit Neighbourhood Plan – Compliance Check (October 2017)

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> (a) <i>A map or statement which identifies the area to which the proposed neighbourhood development plan relates</i></p>	<p>Map 1 of the Submission Old Basing and Lychpit Neighbourhood Plan (OB&L NP) identified the OB&L NP Area. A separate map was also provided as part of the submission documentation.</p>	<p>Yes</p>
<p><i>(b) A consultation statement;</i></p> <p>((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).</p>	<p>A Consultation Statement accompanies the Submission OB&L NP. 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. Appendix A includes a summary timeline of key engagement activity. • Details of those consulted and how they were consulted. • A summary of the issues and concerns raised via the Regulation 14 consultation (see Appendix H). • Details on how the issues and concerns raised via the Regulation 14 consultation have been considered and where relevant addressed (see Appendix H). <p>Section 1 of the Submission Neighbourhood Plan also includes a summary of community engagement undertaken.</p> <p>The Submission OB&L NP is accompanied by schedules that provide a detailed summary of the representations made to the consultation on the</p>	<p>Yes</p>

	Pre Submission OB&L NP. These schedules also include a parish council response to each representation summarised and it identifies what actions have been taken where appropriate.	
<i>(c) The proposed neighbourhood development plan;</i>	The Local Planning Authority received the Submission OB&L NP on 21 September 2017.	Yes
<i>(d) A statement explaining how the proposed neighbourhood development plan meets the 'basic conditions', i.e. the requirements of paragraph 8 of Schedule 4B to the 1990 Act.</i> 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)	A Basic Conditions Statement accompanies the Submission Neighbourhood Plan. The Statement sets out how the Plan is considered to meet the basic conditions.	Yes
<i>e) Environmental Assessment;</i> 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.	In March 2017, the Borough Council issued its screening opinion concerning the need for a Strategic Environmental Assessment (SEA) in relation to the Neighbourhood Plan following consultation with the three statutory bodies (the Environment Agency, Natural England and Historic England). This screening opinion was underpinned by a detailed report and the opinions of the three statutory bodies. A letter from Historic England dated 2 October 2017, confirmed that they welcomed the addition of policy for the historic environment and therefore they do not consider that the OB&L NP should be subject to SEA. Appendix D of the Consultation Statement and Appendix A of the Basic Conditions Statement includes a copy of the Borough's Council's letter which confirmed its SEA screening opinion decision. The screening process undertaken concluded that in order to meet the 'basic conditions' for neighbourhood planning, a SEA was not considered to be required to accompany the Neighbourhood Plan.	Yes

<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 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>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 Old Basing and Lychpit Parish Council. The parish of Old Basing and Lychpit was designated for the purposes of neighbourhood planning on 2 October 2014.</p> <p>The Plan was produced by the OB&L Neighbourhood Planning Team, a group of volunteers from the community, on behalf of 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</p>	<p>1. 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 Consultation Statement includes information on the Pre Submission consultation arrangements. The consultation arrangements</p>	<p>Yes</p>

<p>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>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>meet the requirements for publicity. Consultation on the Pre Submission OB&L NP took place between 22 May and 4 July 2017.</p> <p>A leaflet was delivered to all households in the parish explaining the consultation process, summarising the policies and informing people where copies of the Pre Submission OB&L NP could be inspected.</p> <p>People were invited to send comments by email, by post and via an online survey. An electronic version of the form was also made available on the OB&L Parish Council website.</p> <p>A poster outlining the neighbourhood plan process, the consultation methodology and OB&L NP policies was distributed to the local libraries and other local outlets.</p> <p>A press release was issued to local organisations and local press.</p> <p>2. A list of the statutory consultees consulted can be found in section 3 of the Consultation Statement. A copy of the letter sent to the statutory consultees can be found in Appendix E of the Consultation Statement. A list of the non-statutory consultees can be found in Appendix F of the Consultation Statement. A copy of the letter sent to non-statutory consultees can be found in Appendix G of the Consultation Statement</p> <p>3. A copy of the Pre Submission Neighbourhood Plan was provided to the LPA.</p>	
<p>The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of 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</i></p>	<p>The Borough Council issued its screening opinion in March 2017, which confirmed that the council considered there was no need for a Habitats Regulations Assessment (HRA) in relation to the OB&L NP (see a copy of the Borough's Council's letter in Appendix D of the Consultation Statement and Appendix A of the Basic Conditions Statement).</p> <p>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). The Environment Agency, Historic England and Natural England did not comment on the HRA matter.</p>	<p>Yes</p>

<p>102 or to enable them to determine whether that assessment is required.</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></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 set out in section 61K of the 1990 Act) and does not relate to more than one neighbourhood area.</p> <p>(2004 Act s 38B (1 & 2) (4))</p>	<p>The Submission Neighbourhood Plan specifies that it covers the period 2015-2029.</p> <p>The Submission Neighbourhood Plan does not contain policies relating to 'excluded development'.</p> <p>It does not relate to more than the 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
- 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.