

Submission Sherfield on Loddon Neighbourhood Plan – Compliance Check (August 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 2-1 of the Submission Sherfield on Loddon Neighbourhood Plan (SOL NP) and Appendix 2 of the Basic Conditions Statement contains a map which identifies the Sherfield on Loddon Neighbourhood Development Plan Area.</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 SOL 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. • Details of those consulted and how they were consulted. • A summary of the issues and concerns raised via the Regulation 14 consultation. • Details on how the issues and concerns raised via the Regulation 14 consultation have been considered and where relevant addressed. <p>Section 4 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>Annex I of the Submission SOL NP provides a detailed summary of the representations made to the consultation on the Pre Submission SOL NP.</p>	<p>Yes</p>

	Annex I also includes 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 SOL NP on 10 August 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. 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 Sherfield on Loddon Parish Council. The parish of Sherfield on Loddon was designated for the purposes of neighbourhood planning on 22 March 2013. The neighbourhood area was then amended on 10 August 2015 to remove the Sherfield Park development.</p> <p>The Plan was produced by the SOL NP working party, a group of volunteers, 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. 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>Yes</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>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>Section 3 of the Consultation Statement includes information on the Pre Submission consultation arrangements. The consultation arrangements meet the requirements for publicity. Consultation on the Pre Submission SOL NP took place between 3 April and 22 May 2017.</p> <p>A leaflet was prepared explaining the consultation process, summarising the policies and informing people of 8 locations where copies of the Pre Submission SOL NP could be inspected. People were invited to send comments by email, by post and on the Parish Council website. There was a separate flyer sent to all registered businesses in the Parish. An electronic version of the form was also made available on the Sherfield on Loddon Parish Council website.</p> <p>Copies of the leaflet and feedback form were delivered to every household in Sherfield on Loddon. Copies of the leaflet and flyer sent to businesses are provided in Appendix A of this Consultation Statement.</p> <p>2. The consultation bodies consulted are listed in Appendix B 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 102 or to enable them to determine whether that assessment is required.</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 SOL NP. 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). Natural England agreed with the conclusion that there was no need for an HRA. The Environment Agency and Historic England did not comment on the HRA matter.</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 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. (2004 Act s 38B (1 & 2) (4))</p>	<p>The Submission Neighbourhood Plan specifies that it covers the period 2011-2029.</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.