

Submission Whitchurch Neighbourhood Plan – Compliance Check (February 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></p> <p><i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates</i></p>	<p>Figure 1.1 of the Submission Neighbourhood Plan identifies the Whitchurch 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 Neighbourhood Plan. The Consultation Statement includes:</p> <ul style="list-style-type: none"> • (a) and (b). Details of who was consulted through the Regulation 14 consultation and how they were consulted is set out in Chapter 5. Details of the Further Community Engagement is set out in Chapter 6; • (c) and (d). A log of consultation comments setting out each of the issues raised and how they were considered by the NPG has been provided. Appendix A sets out the responses to the Reg 14 consultation, and Appendix B includes the comments on the Further Community Engagement. 	<p>Yes</p>
<p><i>(c) The proposed neighbourhood development plan;</i></p>	<p>The Local Planning Authority received the Submission Neighbourhood Plan on 19 January 2017.</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 Whitchurch Town Council consider the</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>Submission Neighbourhood Plan meets the Basic Conditions.</p> <p>Chapter 2 identifies that the Plan has regard to national policies, Chapter 3 sets out 'How the Plan Contributes to the Achievement of Sustainable Development'. Chapter 4 sets out how the Plan is in general conformity with the strategic policies in the Local Plan, and Chapter 5 cross-references to the EIA and HRA screening, and an Equalities Impact Assessment to demonstrate that it does not breach EU obligations (Appendix A of the Basic Conditions Statement).</p> <p>The Basic Conditions Statement concludes that:</p> <p>'6.1 Whitchurch Neighbourhood Plan:</p> <ul style="list-style-type: none"> • Has been positively prepared, in that it will meet the development needs assessed by BDBC, • Is justified, in that it complies with all the European, National and local requirements and meets all the basic conditions, and • Is effective, in that it is deliverable within the period of the plan. ' 	
<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 (as set out in the Neighbourhood Planning (General Amendment) Regulations 2015, which amends Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.</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 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. The consultation bodies all agreed with the conclusion reached.</p> <p>Consultation on the Strategic Environmental Assessment Scoping Report for the Whitchurch Neighbourhood Plan took place from 12 March to 17 April 2015. Responses were received from all three statutory bodies.</p> <p>A Strategic Environmental Assessment Report accompanied the consultation on the Regulation 14 Pre-Submission Neighbourhood Plan, and</p>	<p>Yes</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>was consulted on between 25 November 2015 and 8 January 2016. The relationship between the Strategic Environmental Assessment Report and the Regulation 14 Neighbourhood Plan was indicated.</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 is clearly indicated.</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>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 National Planning Practice Guidance (Paragraph: 015 Reference ID: 41-015-</p>	<p>The qualifying body is Whitchurch Town Parish Council. The neighbourhood area was designated on 22 March 2013.</p> <p>Paragraph 1.6 of the Submission Neighbourhood Plan states that the plan</p>	<p>Yes</p>

<p>20160211) states that the relationship between any group and the formal functions of the town or parish council should be transparent to the wider public. A parish or town council may choose to establish an advisory committee or sub-committee under section 102(4) of the Local Government Act 1972 and appoint local people (who need not be parish councillors) to those bodies. 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>has been led by the Neighbourhood Plan Steering Committee who report to the Town Council (NPG Terms of Reference – June 2013). These Terms of Reference are included in Appendix E of the Consultation Statement.</p> <p>Minutes of the NPSC meetings are available to the public on the Town Council’s website: http://whitchurch-hampshire-tc.gov.uk/neighbourhood-plan/category/whitchurch-neighbourhood-plan-minutes/</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>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>The Consultation Statement demonstrates that these requirements have been satisfied:</p> <p>1. Progress in the developing plan was publicised via a variety of means including a leaflet drop, posters, emails and consultation events.</p> <p>As set out in Chapter 5 of the Consultation Statement, for the Regulation 14 consultation, a flyer was distributed to each house in the town and the businesses on the Ardglan Estate (Consultation Statement Figure 10) setting out the nature of the Plan, when and where it could be inspected, details of consultation events, and the deadline for making representations. An email was also sent to 121 businesses who had been identified as operating in Whitchurch (CS, 5.10). Two consultation events were held where all the documents were made available and attendees had an opportunity to make comments. The WNDP website also displayed the relevant documents and provided an opportunity to comment (Figure 11).</p> <p>Chapter 6 of the Consultation Statement clearly sets out the way in which the additional consultation in July 2016 was publicised including the way in which people who live and work in the area were consulted.</p> <p>2. The consultation statement includes a list of the statutory consultees that were consulted.</p>	<p>Yes</p>

<p>3. send a copy of the NDP to the LPA. (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.</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 October 2014, stating no need for a Habitats Regulations Assessment (HRA) 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 the Neighbourhood Plan would not need to be subject to an HRA. The consultation bodies have all agreed with the conclusion reached.</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> (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 Local Plan. The Submission Neighbourhood Plan does not contain policies relating to 'excluded development'. 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.