

Submission East Woodhay Neighbourhood Plan – Compliance Check (March 2022)

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>A map identifying the neighbourhood plan area can be found on map 1 (page 10) of the submission neighbourhood plan and also map 1 within the basic conditions statement.</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 Document (with appendices) accompanies the Submission NP, although it is not called a consultation statement it contains all the required information in b). This includes:</p> <ul style="list-style-type: none"> • (a) A list of the statutory consultees, residents, local businesses, community groups and landowners consulted (Appendix F). • (b) Details of how these groups were consulted can be found in detail within section 2.4 of the Consultation Document. Copies of the consultation material is provided in Appendix D. This includes the consultation letter (in section 2 of Appendix D), letters which were sent to parishioners and local groups and schools via email and on noticeboards (in section 2 of Appendix D), a flyer that was hand-delivered in the parish (Appendix D, part 3 and 10 an article publicising the consultation in the local weekly newspaper (in section 7 of Appendix D, advertisements in the local parish magazine (Appendix D, part 1), social media posts (Appendix D part 6) and notices of the drop-in sessions (Appendix D, part 4; 	<p>Yes</p>

	<ul style="list-style-type: none"> • (c) A brief summary of the feedback and main changes is set out in part 5 of the consultation statement, supplemented by a more detailed summary of the comments and how they were addressed in relation to various stakeholder groups in Appendices F-J. • (d) Appendices F-J also detail the representations received in full and how they have been considered in the submission Plan. 	
<i>(c) The proposed neighbourhood development plan;</i>	The Local Planning Authority received the Submission Neighbourhood Plan on Tuesday 1 March 2022.	Yes
<p><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></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>	A Basic Conditions Statement accompanies the Submission Neighbourhood Plan explaining how the basic conditions have been met.	Yes
<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>In September 2018, 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 not considered to be required to accompany the Neighbourhood Plan a Habitats Regulations Assessment (HRA) was also not required.</p>	Yes

<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 East Woodhay Parish Council. The neighbourhood area was designated in November 2013.</p> <p>The Plan was produced by the Neighbourhood Planning Steering Group, a group of volunteers authorised 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>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. The Regulation 14 consultation has complied with the regulations, as evidenced in the Consultation Statement which accompanies the submission of the NP. It shows that the Regulation 14 consultation was publicised via a variety of means including letters, leaflet drops, and public consultation events. Example documents can be found in the appendices to the Consultation Statement.</p> <p>The plan was available to view online, from the parish clerk, or could be inspected in eight locations within the parish (Appendix D, section 8).</p> <p>The publicity material also explained how representations could be made (online or via post). The consultation lasted for 6 weeks from 28 June until 9 August 2021.</p> <p>2. The consultation statement includes a list of the statutory consultees and non-statutory consultees who were consulted as part of the pre-submission consultation (in Appendix F).</p> <p>3. A copy of the Regulation 14 Neighbourhood Plan was provided to the LPA at the start of the pre-submission consultation.</p>	<p>Yes</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 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 September 2018, which confirmed that the council considered there was no need for a Habitats Regulations Assessment (HRA) in relation to the 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).</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 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 2022-2029.</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 (at pre-submission stage):

- In a London Borough, the Mayor of London
- Any 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 Buildings and Monuments Commission for England
- Network Rail Infrastructure Limited
- a strategic highways company any part of whose area is in or adjoins the neighbourhood area
- where the Secretary of State is the highway authority for any road in the area of a local planning authority any part of whose area is in or adjoins the neighbourhood area, the Secretary of State for Transport;
- The Marine Management Organisation
- Any person
- (i)to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003; and
- (ii)who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority; Where they exist a clinical commissioning group, 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
- bodies which represent the interests of persons carrying on business in the neighbourhood area; and
- Bodies representing the interests of disabled people in the neighbourhood area.