

Submission Burghclere Neighbourhood Plan – Compliance Check (November 2019)

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 in Plan A (page 7) of the introduction section of the submission neighbourhood plan.</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 BURNP. The Consultation Statement includes:</p> <ul style="list-style-type: none"> • (a) details of statutory consultees, residents, local businesses, community groups, tourism site owners, schools, sports clubs, public houses and landowners who were consulted. • (b) how the local community were consulted, including via questionnaires at drop in sessions, leaflets, public meetings, publication of parish council meeting agendas, through the parish magazine on social media and updates on the Burghclere Parish Council Neighbourhood Plan webpage. • (c) a summary of the main issues and concerns raised as a result of the pre-submission consultation is referenced on page 10 and detail can be found in Appendix 21 of the consultation statement. • (d) The pre-submission consultation representations can be found in appendix 22 (page 61 of the consultation statement). This appendix also details the response to each representation received and how they have been considered in the submission of the Plan. 	<p>Yes</p>

<p><i>(c) The proposed neighbourhood development plan;</i></p>	<p>The Local Planning Authority received the Submission Neighbourhood Plan on Friday 8th November 2019.</p>	<p>Yes</p>
<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>	<p>A Basic Conditions Statement accompanies the Submission Neighbourhood Plan. The Basic Conditions Statement contains a section on each basic condition to show how the BURNP meets the Basic Conditions.</p>	<p>Yes</p>
<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>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 November 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), with their responses shown in Appendix 4.</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 however, a Habitats Regulations Assessment (HRA) was not required.</p> <p>The required Environmental Report was subject to the required level of consultation in compliance with SEA guidance at both scoping and Regulation 14 consultation stages.</p>	<p>Yes</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 Burghclere Parish Council. The neighbourhood area was designated on 26 February 2018.</p> <p>Burghclere Parish Council, as the qualifying body, have formally (at a Parish Council meeting on 4 November 2019) resolved to submit the Neighbourhood Plan to the Council</p> <p>The Plan was produced by the Neighbourhood Planning Steering Group, a group of volunteers, having been commissioned to do so 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</p>	<p>The Consultation Statement demonstrates that these requirements have been satisfied:</p> <p>1. The Regulation 14 Consultation version of the Plan has complied with the regulations, this is evidenced in the Consultation Statement which accompanies the submission of the BURNP. It shows that the Regulation 14 Consultation version of the BURNP was publicised via a variety of means including leaflet drops, the parish magazine and</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>website, local newspapers and on social media platforms. A public consultation event was also held in Burghclere. Examples of consultation publicity can be found in appendix 6 – 20 of the Consultation Statement.</p> <p>The plan was available to view online at the Burghclere Neighbourhood Planning website at https://www.burghclerepc.co.uk/. The publicity material also explained how representations could be made (this was online, via post or at a drop off point in a community facility) and the address and website to be used. The consultation lasted for 6 weeks and ran from 16 September until 28 October 2019.</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 19. The letter/email sent to consultees can also be found in the appendix 20 of the consultation statement.</p> <p>3. A copy of the pre-submission Neighbourhood Plan was provided to the LPA at the start of the pre-submission consultation.</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 November 2018, which confirmed that the council considered there was no need for a Habitats Regulations Assessment (HRA) in relation to the BURNP. 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</i></p>	<p>The Submission Neighbourhood Plan meets the definition of 'neighbourhood development plan'.</p>	<p>Yes</p>

<p><i>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>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 2011-2036.</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
- 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.