NEIGHBOURHOOD DEVELOPMENT PLANS: LEGAL COMPLIANCE CHECKLIST



Milborne St Andrew Neighbourhood Plan 2018 to 2033

	Reference	Test	LPA Comments	Legally Compliant?
1	Town and Country Planning Act 1990, Schedule 4B, Paragraph 5	Is the plan proposal a 'repeat' submission? [i.e. has the District Council refused a submission under Paragraph 12 or Section 61E or has it failed at referendum?]	The Milborne St Andrew Neighbourhood Plan is not a 'repeat' submission.	Yes
2	Town and Country Planning Act 1990, Schedule 4B, Paragraph 6 (2)(a) and Section 61F	Is the body who submitted the plan a qualifying body for the purposes of making a neighbourhood development plan?	The qualifying body is Milborne St Andrew Parish Council.	Yes
3	Town and Country Planning Act 1990, Schedule 4B, Paragraph 6 (2)(b) and Section 61F	Does the plan proposal comply with other relevant provisions made under Section 61F?	The Milborne St Andrew Neighbourhood Plan complies with other relevant provisions made under Section 61F.	Yes
4	Town and Country Planning Act 1990, Schedule 4B, Paragraph 6 (2)(c) and the Neighbourhood Planning (General) Regulations (as amended) – Regulation 15	 Have the qualifying body submitted the following in a satisfactory form? (i) A map or statement identifying the area to which the plan relates; (ii) A consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues or concerns raised and how these have been considered and where relevant addressed in the proposed neighbourhood development plan under Regulation 15(2)(a); 	 The qualifying body has submitted the following: (i) A map, included within the neighbourhood plan document, identifying the area to which the plan relates. (ii) A consultation statement (covering the period March 2015 – September 2018) which summarises the main issues and concerns raised and how these have been considered and addressed in the proposed neighbourhood development plan. 	Yes

	Reference	Test	LPA Comments	Legally Compliant?
		 (iii) The proposed neighbourhood development plan; (iv) A statement explaining how the neighbourhood development plan meets the 'basic conditions' [i.e. 	(iii) The proposed neighbourhood plan (dated October 2018)(iv) A 'basic conditions' statement (dated October 2018).	Yes Yes
		 the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 8(2)]; and (v) EITHER an environmental report prepared in accordance with Paragraphs (2) and (3) of Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 OR a Statement of Reasons for determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes 	 (v) A Strategic Environmental Assessment (SEA) (dated October 2018) has been prepared in line with the procedures prescribed by the Environmental Assessment of Plans and Programmes 2004. 	Yes
	The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General) Regulations 2012	Regulations 2004 that the Plan is unlikely to have significant environmental effects. (vi) Information to EITHER enable an assessment under Regulation 102 of the Conservation of Habitats and Species Regulations 2010 OR to enable it to be determined whether that assessment is required	(vi) Natural England has indicated that there is no requirement for the plan to be subject to a Habitats Regulations Assessment (HRA) at this stage. However, it will be necessary for the plan to be subject to a HRA prior to the Examination commencing.	Yes
5	Town and Country Planning Act 1990, Schedule 4B, Paragraph 6 (2) (d) and the Neighbourhood Planning (General) Regulations 2012 – Regulation 15 (2) (a).	Has the qualifying body complied with the requirements of the Town and Country Planning Act, 1990, Schedule 4B and the Regulations regarding the scope of pre- submission consultation?	The qualifying body has complied with the requirements of the regulations as evidenced within its submitted consultation statement.	Yes

	Reference	Test	LPA Comments	Legally Compliant?
6	Planning and Compulsory Purchase Act 2004, Section 38A (2)	Does the plan meet the definition of a 'neighbourhood development plan' in that it sets out policies in relation to the development and use of land in the neighbourhood area?	The Milborne St Andrew Neighbourhood Plan meets the definition of a 'neighbourhood development plan'.	Yes
7	Planning and Compulsory Purchase Act 2004, Section 38B (1)(a)	Does the 'neighbourhood development plan' [as defined under Section 38A] specify the time period for which it is to have effect?	The plan period for the Milborne St Andrew Neighbourhood Plan is stated as being 2018 to 2033.	Yes
8	Planning and Compulsory Purchase Act 2004, Section 38B (1)(b)	Does the 'neighbourhood development plan' [as defined under Section 38A] include any provisions relating to 'excluded development' as defined by Section 61K of the Town and Country	The Milborne St Andrew Neighbourhood Plan does not contain any policies or proposals relating to 'excluded development'.	Yes
9	Planning and Compulsory Purchase Act 2004, Section 38B (1)(c)	Does the 'neighbourhood development plan' [as defined under Section 38A] relate to more than one neighbourhood area?	The Milborne St Andrew Neighbourhood Plan does not relate to more than one neighbourhood area.	Yes

Dated: 16/01/2019