

Legal Requirements Check of the Broughton Neighbourhood Plan

Completed by Kettering Borough Council

October 2017

Reference	Considerations	Comments	Legally compliant?
Designation of a Neighbourhood Area			
Designation of the Neighbourhood Area 1990 Act 61F and G Neighbourhood Plan Regulations 5-7	Has the neighbourhood area been designated in accordance with the legal requirements?	Yes. The Parish Council area was designated as the Neighbourhood Area by KBC following a six week period of consultation on the 15 th January 2014.	Yes
Producing a Neighbourhood Plan			
Definition of a NDP PCPA 2004 as amended by Localism Act Section 38A (2)	Does the plan meet the definition of 'neighbourhood development plan' – A plan which sets out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.	Yes	Yes
Body proposing the Neighbourhood Plan TCPA1990 61F	The body proposing a Neighbourhood Plan should be a parish council or neighbourhood forum.	Under 61F a parish council can act as a qualifying body for neighbourhood planning purposes. The plan has been prepared and submitted by Broughton Parish Council.	Yes
Scope of the Neighbourhood Plan provisions 2004 Act s38B (1&2) 1990 Act 61k	<ol style="list-style-type: none"> 1. The NDP must specify the period for which it is to have effect. 2. It cannot include provision about development that is 'excluded development'. 3. It cannot relate to more than one neighbourhood area or repeat an existing planning permission. 	<ol style="list-style-type: none"> 1. The period is stated on the front of the Neighbourhood Plan as 2016-2031. 2. The Neighbourhood Plan does not include 'excluded development'. 3. The proposal only relates to the Broughton Neighbourhood Area. 	Yes

Pre submission consultation and publicity by the parish council/ neighbourhood forum of the proposed Neighbourhood Development Plan (NDP)			
<p>Consultation by the parish council</p> <p>TCPA1990 Schedule 4B para 4, Para 6(2)(d)</p> <p>Neighbourhood Planning (General) regulations as amended Reg 14</p>	<p>Has the qualifying body complied with the requirements of Regulation 14:</p> <p>Before submitting a plan proposal to the local planning authority, a qualifying body must—</p> <p>(a) publicise, in a manner that is likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area—</p> <p>(i) details of the proposals for a neighbourhood development plan;</p> <p>(ii) details of where and when the proposals for a neighbourhood development plan may be inspected;</p> <p>(iii) details of how to make representations; and</p> <p>(iv) the date by which those representations must be received, being not less than 6 weeks from the date on which the draft proposal is first publicised;</p> <p>(b) consult any consultation body referred to in paragraph 1 of Schedule 1 whose interests the qualifying body considers may be affected by the proposals for a neighbourhood development plan; and</p> <p>(c) send a copy of the proposals for a neighbourhood development plan to the local planning authority.</p>	<p>Pre submission consultation took place between 1st December 2016 to 19th January 2017.</p> <p>The consultation statement sets out how the consultation was publicised and lists consultation bodies consulted.</p> <p>This included advertising the consultation on social media, a household door drop, KBC website and notifications sent to consultation bodies.</p> <p>A copy of the neighbourhood development plan was sent to the local planning authority.</p>	<p>Yes</p>
Receipt of a draft NDP by the LPA			
<p>TCPA 1990 Schedule 4B para 5</p>	<p>Is the proposal a repeat proposal? (Has KBC refused a proposal under para 12 or Section 61E or it has failed at referendum?)</p>	<p>No. This is not a repeat proposal.</p>	<p>Yes</p>
<p>Plan proposals</p> <p>TCPA 1990 4B para 1, Para 6(2)(c)</p>	<p>Has the qualifying body submitted the required documents? Regulation 15 (1) Where a qualifying body</p>	<p>(a) – The Neighbourhood Plan includes a map which shows the</p>	<p>Yes</p>

<p>Neighbourhood Planning (General) regulations as amended Reg 15</p>	<p>submits a plan proposal to the local planning authority, it must include—</p> <p>(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;</p> <p>(b) a consultation statement;</p> <p>(c) the proposed neighbourhood development plan; and</p> <p>(d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.; and</p> <p>(e) (i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 200414; or</p> <p>(ii) where it has been determined under regulation 9(1) of those Regulations that the plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination.</p> <p>(2) In this regulation “consultation statement” means a document which—</p> <p>(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;</p> <p>(b) explains how they were consulted;</p> <p>(c) summarises the main issues and concerns raised by the persons consulted; and</p> <p>(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.</p>	<p>Neighbourhood Plan Area.</p> <p>(b) – A consultation statement has been submitted with the Neighbourhood Plan.</p> <p>(c) – The proposed Neighbourhood Plan has been submitted.</p> <p>(d) - A basic conditions statement has been submitted with the Neighbourhood Plan.</p> <p>(e) – An SEA report has been submitted with the Neighbourhood Plan.</p> <p>In addition to these documents the Parish Council has also supplied evidence documents prepared for or used to support the preparation of the plan.</p>	
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