

Legal Compliance Check – Submission of Neighbourhood Plan

Neighbourhood Plan	Compton
The Qualifying Body	Compton Parish Council
Date Submitted	6 May 2021
Date of Assessment	28 May 2021

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) 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 the Submission Compton Neighbourhood Development Plan (NDP) – see Chapter 2, Figure 1 on page 3.</p>	Yes
<p><i>(b) A consultation statement;</i></p> <p>(the statement must contain details of (a) 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) A Consultation Report accompanies the submission Compton NDP. Table 1 of Appendix 10 (Regulation 14 Consultation Report) includes details of statutory and local consultees consulted. These include:</p> <ul style="list-style-type: none"> • Beavers, cubs and scouts • Blewbury Parish Council • Cadent Gas Ltd • Church groups • East Ilsley Parish Council • Environment Agency • Historic England • Highways England 	Yes

Requirements and relevant legislation and/or guidance	West Berkshire District Council (WBDC) comments	Legally compliant?
	<ul style="list-style-type: none"> • Homes England • Mobile and broadband operators • National Grid • Natural England • NHS England South East • Scottish and Southern Electricity • Southern Gas Networks • South Oxfordshire District Council • Sport England • Thames Water • The Coal Authority • The National Federation of Gypsy Liaison Groups • Vale of White Horse District Council • West Berkshire District Council <p>It also indicates that all households in the designated Neighbourhood Area were consulted.</p> <p>(b) How interested parties were consulted is set out is set out within paragraphs 5-10 of Appendix 10, and this identifies that the consultation took place during the Covid-19 pandemic when social distancing restrictions were in place.</p> <p>Paragraphs 6-13 of Appendix 10 explain that an email notification was sent to all statutory and local consultees. There was a leaflet drop to all households, the draft plan and its supporting documents were included on the NDP website, the consultation was publicised on the Compton NDP Facebook page, posters were displayed around the village, and an online meeting was offered by the NDP steering group to anyone wanting to discuss the plan. A video was also made available on the NDP website which provided further detail on the NDP and its policies.</p>	

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	<p>(c) A summary of the main issues and concerns raised as a result of the pre-submission consultation are contained on pages 192-218 of Appendix 10. This is then followed by Appendix 11 (Pre School Technical Note January 2021) and Appendix 12 (Business Hub Technical Note March 2021) which provide further clarification on issues raised by two of the statutory consultees.</p> <p>(d) The pre-submission consultation representations can be found on pages 192-218 of Appendix 10. This appendix also details the response to each representation received and how they have been considered in the submission version of the plan.</p>	
<i>(c) The proposed neighbourhood development plan;</i>	The Local Planning Authority received the Submission Compton NDP on 6 May 2021. It was accompanied by a Consultation Report, Basic Conditions Statement, and an Evidence Document.	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 conditions statement has been submitted but it is not required at this stage to consider whether the draft plan or order meets the basic conditions. (PPG - Paragraph: 053 Reference ID: 41-053- 20140306)</p>	A Basic Conditions Statement accompanies the submission Compton NDP. This considers each Basic Condition in turn and explains how the policies in the plan meets these.	Yes
<p><i>(e) Environmental Assessment;</i></p> <p>The Plan needs to be submitted with one of the following:</p> <p>(i) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment</p>	<p>On 12 August 2020, WBDC issued its screening opinion concerning the need for a Strategic Environmental Assessment (SEA) in relation to the Compton NDP. 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 opinion is included in Appendix A of the Consultation Statement, and the responses from the three statutory bodies are included.</p>	Yes

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<p>(ii) of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR 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. 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 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 draft neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan</p>	<p>The Submission Compton NDP is not a repeat proposal.</p>	<p>Yes</p>

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(1990 Act Schedule 4B Paragraph 5 and Regulation 18).		
<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 Compton Parish Council. The neighbourhood area was designated on 11 January 2017.</p> <p>Compton Parish Council, as the qualifying body, have formally (at a Parish Council meeting on 26 April 2021) resolved to submit the NDP to the WBDC.</p> <p>The Plan was produced by the Compton NDP Steering Group, a group of volunteers, having been commissioned to do so by the parish council.</p>	Yes
<p>The pre-submission publication requirements need to have been satisfied. Before submission to the LPA the qualifying body should:</p> <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> (a) the proposals (b) when and where they can be inspected (c) how to make representations, and (d) the deadline for making representations – not less than 6 weeks from first publicised. 2. Consult any consultation body whose interests they consider may be affected by the proposals for a NDP (please see Appendix A below). 3. Send a copy of the NDP to the LPA. 	<p>The Consultation Statement demonstrates that these requirements have been satisfied:</p> <ol style="list-style-type: none"> 1. The Regulation 14 consultation version of the plan has complied with the regulations, and this is evidenced by the Consultation Statement which accompanies the submission Compton NDP. It shows in Appendix 10 that the Regulation 14 consultation was publicised by a variety of means including a leaflet drop to all households, the NDP website, the NDP Facebook page, and posters around the village. <p>The plan was available to view online at http://www.comptonndp.org.uk/community/compton-neighbourhood-development-plan-13450/regulation14-consultation/. The publicity material also explained how representations could be made and the address and website to be used. The consultation lasted for 6 weeks and ran from 9 November until 17 December 2020.</p> 2. The Consultation Statement includes a list of Statutory Consultees and non-statutory consultees who were consulted as part of the Regulation 14 pre-submission consultation. This is included in Appendix 10 of the Consultation Statement. 	Yes

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(Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.	3. The NDP Steering Group emailed WBDC on 7 November 2020 and this included a link to the consultation documents on the NDP website. The consultation took place during the Covid-19 restrictions when WBDC officers were working at home. It was therefore not necessary for a hard copy to be sent to the Council.	
<p>The Conservation of Habitats and Species Regulations 2017 Regulations 105 and 106:</p> <p><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>	WBDC issued its screening opinion on 12 August 2020, which confirmed that there was no need for a Habitat Regulation Assessment in relation to the NDP. This screening opinion was underpinned by a detailed report and the opinion of three statutory bodies (Environment Agency, Historic England, and Natural England). The screening opinion is included in Appendix A of the Consultation Statement.	Yes
<p>Meets the definition of a 'neighbourhood development plan':</p> <p><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 Planning and Compulsory Purchase Act as amended by Localism Act 2011 Section 38 A (2))</p>	The Submission Compton NDP meets the definition of a 'neighbourhood development plan'.	Yes
Meets the scope of neighbourhood plan provisions, ie. 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	<p>The Submission Compton NDP specifies that it covers the period 2020 to 2037.</p> <p>The Submission Compton NDP does not contain policies relating to 'excluded development'.</p>	Yes

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<p>does not relate to more than one neighbourhood area.</p> <p>(2004 Act s 38B (1, 2) (4))</p> <p>Meaning of 'excluded development':</p> <p>The following development is excluded development for the purposes of section 61J—</p> <ul style="list-style-type: none"> (a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1, (b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description, (c) development that falls within Annex 1 to Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (as amended from time to time), (d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008), (e) prescribed development or development of a prescribed description; and 	<p>It does not relate to more than the neighbourhood area.</p>	

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(f) development in a prescribed area or an area of a prescribed description.		

Conclusion: West Berkshire District Council confirms that the Compton Neighbourhood Development Plan meets the legislative requirements.

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 6 weeks, invite comments, 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), Planning Practice Guidance - Paragraph: 054 Reference ID: 41-054-20140306).

Following examination, the Council will determine whether or not the plan is ready for a public referendum or if further modifications are required (Schedule 4B of the Town and Country Planning Act 1990 (as varied by s38A & 38C of the Town and Country Planning Act)). Please note that all references to primary and secondary legislation are to those enactments as amended.

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 (now known as Homes England)
- 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.