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Submission Titchfield Neighbourhood Plan – Compliance Check (13 November 2018)

Relevant legislative requirements/planning policy guidance	LPA Comments	Legally compliant?
<p>The Neighbourhood Planning (General) Regulations 2012 make the following requirements:</p> <p><i>15. – (1) Where a qualifying body submits a plan proposal to the local planning authority, it must include –</i></p> <p><i>(a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;</i></p>	<p>Map 1 (page 8) of the Submission Titchfield Neighbourhood Plan (TNP) identifies the Titchfield Neighbourhood Development Plan Area.</p> <p>The Titchfield Neighbourhood Plan area was designated on 20 March 2017.</p>	<p>Yes</p>
<p><i>(b) a consultation statement.</i></p> <p>The legislative requirements for the consultation statement are as follows (regulation 15(2)):</p> <p><i>(a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;</i></p> <p><i>(b) explains how they were consulted;</i></p> <p><i>(c) summarises the main issues and concerns raised by the persons consulted; and</i></p> <p><i>(d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.</i></p>	<p>A Consultation Statement accompanies the Submission TNP.</p> <p>The Consultation Statement includes:</p> <ul style="list-style-type: none"> • Information on how the community have been kept informed throughout the production of the neighbourhood plan. • Details of those consulted and how they were consulted. • Details of community engagement undertaken by the Titchfield Neighbourhood Forum. • Details of issues and concerns raised generally by residents in the village during consultation events organised by the Forum during the preparation of the TNP. <p>The revised Consultation Statement submitted on the 5th November 2018 includes:</p>	<p>Yes</p>

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	<ul style="list-style-type: none"> • A summary of the issues and concerns raised by the persons consulted during the pre-submission consultation. • A description of how the issues and concerns raised by persons consulted during the pre-submission consultation have been considered. <p>Therefore, the Consultation Statement now meets the requirements of Regulation 15 of the Neighbourhood Planning (General) Regulations 2012.</p>	
<i>(1)(c) The proposed neighbourhood development plan.</i>	The Local Planning Authority received the Submission TNP on 22 nd October 2018.	Yes
<p><i>(1)(d) A statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, i.e. the 'basic conditions'.</i></p> <p>The Local Planning Authority has to be satisfied that a basic conditions statement has been submitted but it is not required as this stage to consider whether the draft plan meets the basic conditions (PPG, Paragraph 12 and 52, Ref ID: 41-053-20140306).</p>	A condition statement accompanies the Submission Titchfield Neighbourhood Plan. The Statement sets out how the Plan is considered to meet the basic conditions.	Yes
<p><i>(1)(e) Environmental Assessment.</i></p> <p>The Neighbourhood Plan should be submitted with one of the following:</p> <ul style="list-style-type: none"> • Where it has been determined under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is 	In March 2018, the Borough Council issued its screening opinion concerning the need for a Strategic Environmental Assessment (SEA) in relation to the Titchfield Neighbourhood Plan following consultation with the three statutory bodies (the Environment Agency, Natural England and Historic England). This screening opinion was underpinned by a detailed report and the opinions of the three statutory bodies.	Yes

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<p>unlikely to have significant environmental effects, a statement of reasons for that determination; OR</p> <ul style="list-style-type: none"> An environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004. <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>The screening process undertaken concluded that in order to meet the 'basic conditions' for neighbourhood planning. A SEA was not considered to be required to support the Titchfield Neighbourhood Plan.</p> <p>Appendix 15 of the Submission Neighbourhood Plan includes a copy of the Borough Council's letter which confirmed its SEA screening opinion decision.</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 - a 'repeat' proposal is one where a previous Neighbourhood Plan (the same or similar to the submitted Neighbourhood Plan) has been submitted within the previous two years and either the Local Planning Authority has refused it or a referendum has been held and 50% or less of those voting voted in favour, and there has been no significant change in relevant considerations since that refusal or referendum).</p>	<p>The Submission TNP is not a repeat proposal.</p>	<p>Yes</p>
<p>The body submitting the neighbourhood plan is a qualifying body (Planning and Compulsory Purchase Act 2004 Section 38A(1) and 1990 Act Section 61F and Schedule 4B).</p>	<p>The qualifying body is the Titchfield Neighbourhood Forum. The Titchfield Neighbourhood Forum was designated on 20 March 2017.</p> <p>The Submission Titchfield Neighbourhood Plan was produced by the Titchfield Neighbourhood Forum.</p>	<p>Yes</p>
<p>The Pre-Submission publication requirements should be satisfied. Before submission to the LPA the qualifying body should:</p>	<p>A leaflet was delivered to all households and businesses in the Titchfield Neighbourhood Plan Area providing details of where and when the plan could be viewed and how people</p>	<p>Yes</p>

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<p>a. Publicise in a way that is likely to bring to the attention of people who live, work or carry on business in the neighbourhood area details of:</p> <ul style="list-style-type: none"> i. The proposals ii. When and where they can be inspected iii. How to make representations, and iv. The deadline for making representations (not less than 6 weeks from when they are first publicised). <p>b. Consult any consultation body whose interest they consider may be affected by the proposals for a NDP (please see Appendix A below).</p> <p>c. Send a copy of the NDP proposals to the LPA.</p> <p>(Regulation 14 of the Neighbourhood Planning (General) Regulations 2012)</p>	<p>could make representations. In this regard, it complies with regulation 14(a)(i), (ii) and (iii).</p> <p>The consultation statement provides details of the consultation period of the Pre-Submission consultation (page 9) 14a (iv).</p> <p>The above evidence demonstrates that the Titchfield Neighbourhood Forum have complied with the publicity requirements.</p> <p>The Neighbourhood Forum has complied with the requirements of regulation 14(b) in respect of the Pre-Submission consultation and this is evidenced in the submitted Consultation Statement.</p> <p>A copy of the Pre-Submission Titchfield Neighbourhood Plan was provided to the LPA and therefore the Neighbourhood Forum has complied with the requirements of regulation 14(c).</p>	
<p>The Conservation of Habitats and Species Regulations 2017, i.e. Regulations 105 and 106, Assessment of implications for European sites:</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 it to determine whether that assessment is required".</i></p>	<p>In July 2018, the Borough Council re-screened the Titchfield Neighbourhood Plan following a judgement issued on 12th April 2018 by the Court of Justice of the European Union and issued a screening opinion for Habitats Regulations Assessment and Appropriate Assessment.</p> <p>The screening opinion and Habitats Regulations Assessment was underpinned by a detailed report and the opinions of the three statutory bodies (the Environment Agency, Natural England and Historic England). Appendix 15 of the Submission Neighbourhood Plan includes a copy of the Borough Council's letter which</p>	<p>Yes</p>

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	confirmed its HRA screening opinion decision and the conclusions from the Appropriate Assessment undertaken.	
<p>Meets the definition of a 'neighbourhood development plan' (Planning and Compulsory Purchase Act 2004 Section 38A(2)):</p> <p><i>"A plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan".</i></p>	The Submission Titchfield Neighbourhood Plan meets the definition of a 'neighbourhood development plan'.	Yes
<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', no other NDP in the area, does not relate to more than one neighbourhood area (Planning and Compulsory Purchase Act 2004 Section 38B)</p> <p>'Excluded development' is defined in section 61K TCPA 1990 as:</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), 	<p>The Submission Titchfield 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>The Submission TNP does not relate to more than one neighbourhood plan area. There is not more than one Neighbourhood Plan in existence in Titchfield.</p>	Yes

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<p>(d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008);</p> <p>(e) prescribed development or development of a prescribed description, and</p> <p>(f) development in a prescribed area or an area of a prescribed description.</p>		
<p>Includes a statement which contains a summary of the proposals and sets out the reasons why a plan should be made in the proposed terms (1990 Act Schedule 4B paragraph 1)</p>	<p>Chapter 1 of the Submission Titchfield Neighbourhood Plan provides a summary of the plan proposals and so complies with the first part of Schedule 4B paragraph 1(2)(b).</p> <p>The revised Submission TNP now includes an addendum to the Submission Titchfield Neighbourhood Plan which provides details showing how the plan fulfils the basic conditions and other legal requirements. In addition, the condition statement sets out the reasons why the TNP should be made in the proposed terms and therefore, complies with the second part of Schedule 4B paragraph 1(2)(b).</p>	<p>Yes</p>
<p>No other plan proposal for the same neighbourhood area is outstanding (1990 Act Section 61F(11))</p>	<p>There are no other outstanding plan proposals for the Titchfield Neighbourhood Plan Area.</p>	<p>Yes</p>

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Appendix A – Consultation Bodies (Paragraph 1 of Schedule 1 of the Neighbourhood Planning (General) Regulations 2012)

Consultation bodies that the Neighbourhood Forum should consult –

- A LPA, country council or parish council any part of whose area is in or adjoins the area of the LPA
- The Coal Authority
- Homes England
- Natural England
- The Environment Agency
- Historic England
- Network Rail
- Highways England
- The Marine Management Organisation
- In a London Borough, the Mayor of London
- Any person to whom the electronic communication 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 interest of different religious groups in the neighbourhood area.
- Bodies representing the interest of persons carrying on business in the neighbourhood area.
- Bodies representing the interest of disabled persons in the neighbourhood area.