

**BABERGH and MID SUFFOLK DISTRICT COUNCILS  
NEIGHBOURHOOD DEVELOPMENT PLANS: LEGAL COMPLIANCE CHECKLIST**



**Elmsett Neighbourhood Development Plan**

	Reference	Test	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 Elmsett Neighbourhood Development 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 Elmsett 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 Elmsett Neighbourhood Development 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) Reg' (as amended) – Regulation 15	<p>Have the qualifying body submitted the following in a satisfactory form:</p> <p>(i) A Map or statement identifying the area to which the Plan relates;</p> <p>(ii) A Consultation Statement setting out who was consulted; how they were consulted; the main issues which arose and how these have been considered and, where relevant, addressed in the proposed N'hood Development Plan under Reg 15 (2)(a);</p>	<p>The qualifying body has submitted:</p> <p>(a) A Map identifying the area to which the Plan relates;</p> <p>(b) A Consultation Statement which summarises the main issues and concerns raised and how these have been considered and addressed in the proposed neighbourhood development plan;</p>	<p>Yes</p> <p>Yes</p>

	<p>The Conservation of Habitats and Species and Planning (Various Amendments) (England &amp; Wales) Regulations 2018 which amend Schedule 2 of the Neighbourhood Planning (General) Regulations, 2012</p>	<p>(iii) The proposed Neighbourhood Development Plan;</p> <p>(iv) A statement explaining how the neighbourhood development plan meets the 'Basic Conditions' (i.e. the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 8 (2)); and</p> <p>(v) EITHER an environmental report prepared in accordance prepared in accordance with Paragraph (2) and (3) of Regulation 12 of the Environmental Assessment of Plans &amp; Programmes Regulations 2004) OR a Statement of Reasons for determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the Plan is unlikely to have significant environmental effects.</p> <p>(vi) The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017</p>	<p>(c) The proposed Neighbourhood Development Plan;</p> <p>(d) A 'Basic Conditions' Statement <i>(NB: It is the Independent Examiners role to determine whether the Plan meets the 'Basic Conditions', not the District Council)</i></p> <p>(e) An appropriate SEA Screening Assessment was undertaken and the statutory consultees concurred with the finding that the Elmsett Neighbourhood Plan is unlikely to have significant environmental effects. The District Council issued a Determination Notice to this effect dated January 2019.</p> <p>(f) An appropriate HRA Screening Assessment was undertaken and the statutory consultees concurred with the finding that the Elmsett Neighbourhood Plan is not predicted to have any likely significant effects on a habitats site. The District Council issued a Determination Notice to this effect dated January 2019.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
5	<p>Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2)(d) and the Neighbourhood Planning (General) Regulations, 2012 – Regulation 15 (2)(a).</p>	<p>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?</p>	<p>The qualifying body has complied with the requirements of the regulations as evidenced within its submitted consultation statement.</p>	<p>Yes</p>

<b>6</b>	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 Elmsett Neighbourhood Development Plan meets the definition of a 'Neighbourhood Development Plan'.	Yes
<b>7</b>	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 Elmsett Neighbourhood Development Plan is given as 2017 to 2036.	Yes
<b>8</b>	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 Planning Act, 1990?	The Elmsett Neighbourhood Development Plan does not contain any policies or proposals relating to 'excluded development'.	Yes
<b>9</b>	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 Elmsett Neighbourhood Development Plan does not relate to more than one neighbourhood area.	Yes

**Dated:** 5 February 2019