

Denmead Neighbourhood Plan Submission: Legal Compliance Checklist

4.	Receipt and assessment of the draft NDP by the Council	
A	<p>The draft NDP 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 para 5 and regulation 18).</p>	<p>The Denmead Neighbourhood Plan (the Plan) received from Denmead Parish Council on 5 September 2014 is not a 'repeat' proposal.</p>
B	<p>The draft plan should be checked to ensure it meets the criteria in the Localism Act</p> <p>e.g. the body submitting it is authorised to act; and</p> <p>that the regulations have been complied with including the minimum 6 week pre-submission consultation and confirmation sought where necessary.</p>	<p>The Denmead Parish Council is a "qualifying body" and therefore is authorised to lead in the preparation of the Plan. The Parish Council appointed the Denmead Neighbourhood Forum to operate as a working party, to produce the Plan.</p> <p>The Parish Council at its meeting on 5 March 2014 unanimously resolved to approve the process by which the Pre-Submission Neighbourhood Plan had been developed and to approve its release to allow a six week consultation with residents (minute 096/14C refers).</p> <p>The Pre-Submission Plan (March 2014) was published for consultation for the minimum 6 week period from 10 March to 21 April 2014.</p> <p>Evidence of publicity: The Statement of Consultation lists all the various types of events and formats that were used in the stages of preparing the Plan, leading up to and including the Pre-Submission Consultation. The Statement is accompanied by appendices which form all the evidence of publicity, including letters to consultees, lists of consultees, posters, exhibition boards. Posters (E1) and banners (E1B) advertised the consultation and one gave the deadline for comments. The flyer included with Denmead Scene Newsletter edition 119 (E2) and the 5 facts flyers (E3) gave the dates of the consultation meetings where people could make their views known and the DNP website for further information. The Plan on page 9 sets out how to comment and the deadline for comments. An email was sent to all residents who had previously been involved with the preparation of the Plan and all who had asked to be kept informed and had provided an email address – copy added at E2B.</p> <p>The Denmead Neighbourhood Plan website http://www.denmeadneighbourhoodplan.org.uk Includes some documentation including the Pre-Submission Plan documents and some reports of previous consultations.</p> <p>A copy of the Plan was received by WCC as required by regulation 14.</p>

It should be checked that the draft plan submitted (regulation15) includes:	
1. a map or statement identifying the area to which the plan relates,	The Plan includes in paragraph 1.2 that the area excludes the area of the Parish within the South Downs National Park and excludes the part within the West of Waterlooville strategic development as shown on the map of the Designated Denmead Neighbourhood Area (Figure A, page 6).
2. the consultation statement - which contains details of those consulted (how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant addressed in the proposed NDP)	<p>The Statement of Consultation (submitted with the Plan on 5 September 2014) lists all the various types of events and formats that were used in the stages of preparing the Plan, leading up to and including the Pre-Submission Consultation.</p> <p>In describing and listing the various types of consultation that were undertaken the Statement refers to various consultee groups – residents, parents, school children, WI, Scouts, Conservative Association, local businesses, landowners, developers and agents. Statutory Consultees are listed in XI.4. The full list is included at Appendix E8. The main issues and concerns raised are very briefly summarised with a sentence on how each has been addressed in section XII of the statement. Individual responses to the Pre-Submission Plan (except those received in hard copy format) are set out in the separate Consultation Response Log at Appendix E6. The main issues raised are contained in the Regulation 14 Report at Appendix E7 which makes recommendations for changes to the Plan and the August 2014 Update Flyer issued to all households, Appendix F5, summarises the outcome.</p>
3. the proposed NDP;	Denmead Neighbourhood Plan 2011-2031 Submission Plan V6 August 2014 submitted (with supporting documents) on 5 September 2014.
4. a statement explaining how the NDP meets the 'basic conditions' i.e. requirements of para 8 schedule 4B to the 1990 Act;	<p>The Basic Conditions Statement was submitted with the Plan on 5 September 2014.</p> <p>At this stage the LPA is not required to consider whether the Plan meets the basic conditions, only that a statement has been submitted. The role of the independent examiner will include assessing whether the Plan meets the basic conditions. It is after the examination has taken place, following receipt of the examiner's report, that the LPA comes to a formal view on whether the Plan meets the basic conditions.</p>
5. Where appropriate - information to enable appropriate environmental assessments if required e.g. The information that will enable an assessment under the Conservation of Habitats and Species Regulations 2010 or the Environmental Assessment of Plans and Programmes Regulations 2004.	<p>The documents accompanying the submitted plan include a Strategic Environmental Assessment (July2014).</p> <p>The requirement for SEA was set out in the screening opinion issued by WCC in January 2014. The report in Table 1 in answer to the question on whether the Plan, in view of its likely effect on sites, require an assessment for future development under the Habitats Directive states, "No. There are no likely significant effects on sites designated under the Habitats or Birds Directive."</p> <p>The scope of the SEA was consulted on (by letter to statutory authorities – Statement of Consultation Appendix E10) 24 Jan – 28 Feb 2014 and responses taken into account in the preparation of the draft SEA</p>

		<p>report. This was published for comments alongside the Pre-Submission Plan (10 March – 21 April 2014). A Review of the Denmead Neighbourhood Plan Environmental Report - draft report prepared by URS (August 2014), concludes that the SEA has fed into and influenced plan-making up to this point and that the Environmental Report presents the necessary information. Also that it would appear that a 'reasonable' approach has been taken in terms of alternatives appraisal and that the quality of the appraisal is of an adequate standard.</p> <p>The SEA report in Annex A lists the Evidence Base, all the documents collected and reviewed in preparing the SEA report. Most of these are WCC evidence reports and studies published on WCC's website.</p>
C	<p>The LPA must notify the parish council or neighbourhood forum whether or not it is satisfied that the relevant documents have been submitted and that the requirements of the legislation and regulations have been met. If it is not satisfied then the LPA must give reasons and issue a decision statement, in accordance with Regulation 19 and also Schedule 4B, paragraph 6 (4) (b) and para 8 of the TCPA 1990.</p>	<p>Meeting held with representatives of Denmead Parish Council on 19 September to discuss submitted documents and request electronic copies of Statement of Consultation Appendices and evidence documents to complete the submission and ensure proof of the requirements met to satisfaction of WCC. Followed up through telephone calls and email exchanges with Parish Clerk to confirm receipt of relevant documents, as requested, and also arrangements for publication of the Plan in accordance with Regulation 16.</p>
D	<p>If the LPA accepts the application then it must publicise the NDP in accordance with Regulation 16 for not less than 6 weeks and invite representations.</p>	<p>Emails sent to statutory consultees 26 September 2014 (using WCC mailing list with latest contact details) and all other consultees as supplied by Denmead Parish Council (including all private individuals removed from Statement of Consultation Appendix E8 List of People Consulted due to data protection issues) informing where to see plan and supporting documents, how to make representations and the period/deadline for making representations. Hard copy letters with same information sent to addresses supplied by Denmead Parish Council for those residents without email addresses.</p> <p>Public Notices posted on all 9 notice boards around the village of Denmead on morning of 29 September 2014.</p> <p>Public Notice, Plan and supporting documents published on the Council's website by 5pm on 29 September 2014.</p> <p>Public Notice in Mid Hants Observer published 1 October 2014.</p>
	<p>It must also notify the bodies referred to in the submitted consultation statement.</p>	<p>See above.</p>