

**NEIGHBOURHOOD PLANS:  
LEGAL COMPLIANCE CHECKLIST**



**Arne Neighbourhood Plan – Submitted**

	Reference	Test	LPA 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 local planning authority refused a submission under Paragraph 12 or Section 61E or has it failed at referendum?]	No. The Council has not: <ul style="list-style-type: none"> <li>• Considered a proposal under Paragraph 12 of Schedule 4B or Section 61E(8) of the Town and Country Planning Act 1990; or</li> <li>• The same, or a similar proposal, has not be subject to an unsuccessful referendum.</li> </ul>	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?	Yes, Arne Parish Council are authorised to act in respect to the designated neighbourhood plan area (which corresponds with the boundaries for Arne Parish).	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?	Yes.	Yes
4	Town and Country Planning Act 1990, Schedule 4B, Paragraph 6 (2)(c) and the Neighbourhood Planning (General) Regulations (as amended) – Regulation 15	Have the qualifying body submitted the following in a satisfactory form? <ul style="list-style-type: none"> <li>(i) A map or statement identifying the area to which the plan relates;</li> <li>(ii) A consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues or concerns raised and how these have been considered and where relevant addressed in the proposed neighbourhood development plan under Regulation 15(2);</li> <li>(iii) The proposed neighbourhood development plan;</li> </ul>	Yes. The submission draft neighbourhood plan and accompanying documents include: <ul style="list-style-type: none"> <li>• A map identifying the area which the neighbourhood plan relates;</li> <li>• A consultation statement (containing details of those consulted [Pages 2 and 3, and Appendix D], means of consultation, summarises main issues raised and the Parish Council's response [Appendix D];</li> <li>• The neighbourhood development plan;</li> <li>• A basic conditions statement;</li> </ul>	Yes

	The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General) Regulations 2012	<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 with Paragraphs (2) and (3) of Regulation 12 of the Environmental Assessment of Plans and 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) Information to EITHER enable an assessment under Regulation 102 of the Conservation of Habitats and Species Regulations 2010 OR to enable it to be determined whether that assessment is required.</p>	<ul style="list-style-type: none"> <li>• An environmental report prepared in accordance with Paragraphs (2) and (3) of Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004; and</li> <li>• Information to enable an assessment under Regulation 105 of the Conservation of Habitats and Species Regulations 2017.</li> </ul>	
5	Town and Country Planning Act 1990, Schedule 4B, Paragraph 6 (2)(d) and the Neighbourhood Planning (General) Regulations 2012 – Regulation 15 (2)(a).	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>A consultation statement has been submitted which:</p> <ul style="list-style-type: none"> <li>• details where and when the pre-submission draft Arne Neighbourhood Plan was made available for inspection (Appendix c);</li> <li>• details the procedure for making representations on the pre-submission draft neighbourhood plan and the deadline for making response (not less than 6 weeks from the date when the pre-submission draft neighbourhood plan was first published) (Appendix C);</li> <li>• details the bodies (in Paragraph 1, Schedule 1 of The Neighbourhood Planning (General) Regulations 2012) who were consulted (Appendix D); and</li> <li>• details that copies of the pre-submission draft Arne Neighbourhood Plan were sent to Purbeck District Council.</li> </ul>	Yes
6	Planning and Compulsory Purchase Act 2004, Section	Does the plan meet the definition of a 'neighbourhood development plan' in that it	The submission draft Arne Neighbourhood Plan meets this requirement by setting out land use	Yes

	38A (2)	sets out policies in relation to the development and use of land in the neighbourhood area?	policies in relation to the development and use of land.	
<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 submission draft Arne Neighbourhood Plan specifies the plan period (2018 – 2034).	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 submission draft Arne Neighbourhood Plan does not include any provisions for 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?	No. The designated neighbourhood plan area does not overlap any other designated areas.	Yes

**Dated: 14<sup>th</sup> August 2019**