

Submission Dalston Parish Neighbourhood Plan – Compliance Checklist (May 2017)

Requirements and relevant legislation and/or guidance	LPA Comments	Legally compliant?
Neighbourhood Planning (General) Regulations 2012 (as amended) - Regulation 15 requirements: <i>A qualifying body is required to submit: (a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates</i>	A map of the neighbourhood area has been set out on page 5 of the Submission Neighbourhood Plan.	Yes
<i>(b) A consultation statement; (the statement should contain 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 Neighbourhood Plan).</i>	A Consultation Statement accompanies the Submission Neighbourhood Plan. The Consultation Statement includes: • 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 • a summary of the main issues and concerns raised • details on how the main issues and concerns have been considered and where relevant addressed.	Yes
<i>(c) The proposed neighbourhood development plan;</i>	The Local Planning Authority received the Submission Neighbourhood Plan on 11 May 2017.	Yes
<i>(d) A statement explaining how the proposed</i>	A Basic Conditions Statement accompanies the Submission Neighbourhood	Yes

<i>neighbourhood development plan meets the 'basic conditions', i.e. the requirements of paragraph 8 of Schedule 4B to the 1990 Act.</i> The local planning authority has to be satisfied that a basic condition statement has been submitted but it is not required at this stage to consider whether the draft plan or order meets the basic conditions. (NPPG - Paragraph: 053)	Plan. The Statement confirms that the Neighbourhood Planning Group consider the Submission Neighbourhood Plan meets the Basic Conditions.	
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 and Regulation 18). 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)). In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning. The relationship between any steering group and the town or parish council should be transparent to the wider public. For example it should be clear whether a steering group or other body is a formal sub-committee of the parish or town council. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public.	The Submission Neighbourhood Plan is not a repeat proposal.	Yes
	The qualifying body is Dalston Parish Council. The neighbourhood area was designated on 15 October 2013. Reference is made to the the neighbourhood planning group and parish council on the back cover of the Submission Neighbourhood Plan. Furthermore, the neighbourhood planning group has provided details which explain the relationship between the parish council and the neighbourhood planning group and in turn the interaction with the wider public.	Yes

(see NPPG - Paragraph: 015)	
The pre-submission publication requirements need to have been satisfied. Before submission to the LPA the qualifying body should: 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: 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	The qualifying body has complied with the requirements of the regulations in respect of the scope of the pre-submission consultation and this is evidenced within their submitted Consultation Statement and through the details provided on the parish council website. The consultation period for the Pre-Submission Neighbourhood Plan was for a 6 week period between 3 September 2016 and 15 October 2016. The neighbourhood planning group has provided a list of the consultation
	Yes

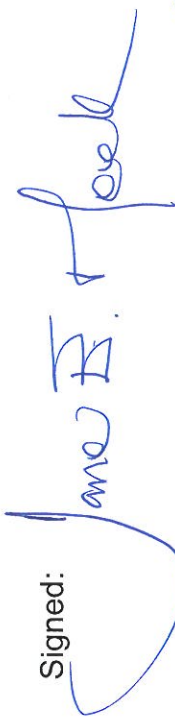
interests they consider may be affected by the proposals for a NDP. 3. send a copy of the NDP to the LPA. (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.	bodies consulted. A copy of the Pre Submission Neighbourhood Plan was provided to the LPA, and the City Council's response to the consultation is evidenced within the Consultation Statement.	
The Plan needs to be submitted with one of the following a) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR b) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (as set out in the Neighbourhood Planning (General Amendment) Regulations 2015, which amends Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. 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 EH) 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	In September 2016, the City Council issued its screening opinion concerning the need for a Strategic Environmental Assessment (SEA) in relation to the Neighbourhood Plan. This screening opinion was underpinned by a detailed report and the opinions of the three statutory bodies (the Environment Agency, Natural England and English Heritage). The screening process undertaken concluded that in order to meet the 'basic conditions' for neighbourhood planning, a Strategic Environmental assessment was not considered to be required to accompany the Neighbourhood Plan. The three statutory bodies agreed with this opinion.	Yes

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)		
The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General Regulations) 2012, i.e. Regs 102 and 102A, Assessment of implications for European site: <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 102 or to enable them to determine whether that assessment is required.</i>	In September 2016, the City Council issued its screening opinion concerning the need for a Habitats Regulation Assessment (HRA) in relation to the Neighbourhood Plan. This screening opinion was underpinned by a detailed report and the opinions of the three statutory bodies (the Environment Agency, Natural England and English Heritage). The screening process undertaken concluded that in order to meet the 'basic conditions' for neighbourhood planning, a Strategic Environmental assessment was not considered to be required to accompany the Neighbourhood Plan. The three statutory bodies agreed with this opinion.	Yes
Meets the definition of a 'neighbourhood development plan': <i>"A plan which sets out policies (however expressed) in relation to the development use and of land in the whole or any part of a particular neighbourhood area specified in the plan"</i> (2004 P & CP Act as amended by Localism Act 2011 Section 38 A (2))	The Submission Neighbourhood Plan meets the definition of a 'neighbourhood development plan'.	Yes
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' (as set out in section 61K of the 1990 Act) and does not relate to more than one neighbourhood area. (2004 Act s 38B (1 & 2) (4))	The Submission Neighbourhood Plan covers the period 2015-2030, this is clearly stated. The Submission Neighbourhood Plan does not contain policies relating to 'excluded development'. It does not relate to more than neighbourhood area.	Yes

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 six weeks, invite representations, 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), NPPG - Paragraph: 054 Reference ID: 41-054-20140306)

Carlisle City Council considers the submission draft of the Dalston Parish Neighbourhood Plan to be legally compliant with regard to Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The Council is satisfied that the Plan should now be progressed towards publication and independent examination.

Signed:



2/6/17

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