

JUS-T (Selston) Proposed Neighbourhood Development Plan Legal Compliance Check and Decision Statement, 24th April 2017

Selston Parish Council submitted its proposed Neighbourhood Development Plan to Ashfield District Council on 24th March 2017. Ashfield District Council has a statutory duty to check the proposed Neighbourhood Development Plan to ensure it meets all relevant legal requirements. This document sets out the results of the Legal Compliance Check, and includes Ashfield District Council's 'Decision Statement' in regard to the legal compliance of the submitted proposed Neighbourhood Development Plan.

Legal Compliance Check

The LPA must consider whether the parish council or neighbourhood forum is authorised to act in relation to the Neighbourhood Plan.

The Town and Country Planning Act 1990, Section 61F identifies that '*A Parish Council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council.*'

Selston Parish Council has been designated by Ashfield District Council to act on the whole of the designated Neighbourhood Plan Area when the application was submitted.

N.B. The designated neighbourhood plan area does not include that area of land which was included in the Parish under the Ashfield District Council (Reorganisation of Community Governance) (Selston) Order 2016 which came into effect from 1st December 2016.

The LPA must consider whether the proposal and accompanying documents meet the definition of a Neighbourhood Development Plan and meet the scope of the Neighbourhood Development Plan provisions.

Section 38A of the Planning and Compulsory Purchase Act 2004 defines a Neighbourhood Development Plan as follows: '*A "neighbourhood development plan" is 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.*'

Under Section 38B sets out that '*A neighbourhood development plan-*

- a) Must specify the period to which it has effect,*
- b) May not include provision for development that is excluded development, and*
- c) May not relate to more than one neighbourhood area.'*

It is considered that the JUS-T proposed Neighbourhood Plan meets this requirement setting out a community vision for the Plan Area with community objectives and a number of policies that cover the land use within the Plan Area. The proposed Plan identifies the period to which it has effect, no provision for excluded development (including minerals development, waste development or nationally significant

infrastructure projects) has been identified in the proposed Plan and it does not relate to more than one neighbourhood area.

The proposed Neighbourhood Plan does not comprise a 'repeat proposal' as defined under Paragraph 5 of Schedule 4B, of the Town and Country Planning Act CPA 1990.

Paragraph 1 of Schedule 4b, of the Town and Country Planning Act 1990 and Regulation 15 of the Neighbourhood Planning (General) Regulations 2012, as amended, sets out that the following should be submitted:

- a) **'A map or statement which identifies the area to which the proposed neighbourhood development plan.** – A map identifying the area has been submitted and is also identified in Map1 of the proposed Neighbourhood Plan Submission Version.
- b) **A consultation statement** - The submitted consultation statement provided details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and addressed in the proposed Neighbourhood Development Plan.
- c) **The proposed neighbourhood plan** – The JUS-T (Selston) proposed Neighbourhood Plan Submission Version was submitted to the Council on 24th March 2017.
- d) **The submission material should include a statement explaining how the Neighbourhood Plan meets the 'basic conditions'.** – A basic condition statement has been submitted as required. The Statement confirms that Selston Parish Council consider the proposed Neighbourhood Plan Submission Version meets the Basic Conditions. The District Council is not required at this stage to consider whether the proposed plan meets the basic conditions.
- e) **The submission material should include either a statement of reasons for a determination that the proposal is unlikely to have significant environmental effects, or an environmental report.** - The District Council has undertaken a SEA Scoping Report on behalf of the Parish Council, which forms part of the submission. This screening opinion was underpinned by a detailed report and included the responses of the three statutory bodies (the Environment Agency, Natural England and English Heritage). The Scoping Report concludes that the proposed Plan is unlikely to have a significant effects on environmental issues. It also concludes that a Habitat Regulations Assessment is not required.

The LPA must consider whether the parish council or neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity. –

Paragraph 4 of Schedule 4b, of the Town and Country Planning Act 1990 and Regulation 14 of the Neighbourhood Planning (General) Regulations 2012, as amended, sets out requirements for pre submission consultation and publicity to be undertaken by the Parish Council. The Pre submission Draft Neighbourhood Plan was out to consultation from 9th July 2016 to 30th September 2016, a period significantly in excess of the 6 weeks required in Regulation 14. The Consultation Statement

identifies the Consultation Bodies contacted in accordance with the Regulations. It is considered that the Parish Council have met the requirements of the Regulation.
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Legal compliance check: Decision Statement

Ashfield District Council is satisfied that the proposed JUS-T (Selston) Neighbourhood Plan Submission Version as submitted to the District Council on 24th March 2017, meets the requirements under Paragraphs 5 and 6 of Schedule 4B of the Town and Country Planning Act 1990 and The Neighbourhood Planning (General) Regulations 2012, as amended and Section 38 of the Planning and Compulsory Purchase Act 2004.

As the proposed neighbourhood plan submitted to the District Council meets the requirements in the legislation, the District Council as 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 proposed neighbourhood plan to independent examination.