

# BABERGH and MID SUFFOLK DISTRICT COUNCILS

## NEIGHBOURHOOD DEVELOPMENT PLANS: LEGAL COMPLIANCE CHECKLIST

### Modification Draft MENDLESHAM 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 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 an NDP?	The qualifying body is Mendlesham 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 Mendlesham NDP 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>(a) A Map or statement identifying the area to which the Plan relates;</p> <p>(b) A Consultation Statement setting out who was consulted; how they were consulted; the main issues which arose and how these have been considered and addressed in the proposed NDP under Reg 15 (2)(a);</p> <p>(c) The proposed neighbourhood development plan;</p>	<p>The qualifying body have submitted:</p> <p>(i) a Map identifying the area to which the Plan relates</p> <p>(ii) an updated 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>(iii) the proposed Modification Draft Neighbourhood Development Plan</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General) Regulations, 2012; and the Conservation of Habitats and Species Regulations 2017</p>	<p>(d) A statement explaining how the NDP meets the 'Basic Conditions' (i.e., the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 8 (2)); and</p> <p>(e) EITHER an environmental report prepared in accordance prepared in accordance with Para (2) and (3) of Reg 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>Where required, information to enable an Appropriate Assessment under the Conservation of Habitats and Species Regulations, 2017.</p> <p>(f) a statement setting out the Qualifying Bodies opinion on the nature of the proposed modifications</p>	<p>(iv) an updated '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>(v) the Qualifying Body has submitted a Strategic Environmental Assessment Report in accordance with Paragraph (2) and (3) of the Environmental Assessment of Plans &amp; Programmes Regulations (2004).</p> <p>A HRA Screening Assessment has been carried out and the Statutory Body concurred with the finding that the NDP is not predicted to have any likely significant effects on a Habitats Site. A Determination Notice to this effect was issued in September 2020.</p> <p>(vi) the Parish Council have submitted a Statement which concludes that the modifications made are so significant and substantial as to change the nature of the already adopted NDP</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>

6	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 Mendlesham NDP meets the definition.	Yes
7	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 is given as 2018 to 2037.	Yes
8	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 Mendlesham NDP does not contain any policies or proposals relating to 'excluded development'.	Yes
9	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 Mendlesham NDP does not relate to more than one neighbourhood area.	Yes

**Dated: 1 July 2021**