

**BABERGH and MID SUFFOLK DISTRICT COUNCILS  
NEIGHBOURHOOD DEVELOPMENT PLANS: LEGAL COMPLIANCE CHECKLIST**



**ELMSWELL NEIGHBOURHOOD PLAN 2022 – 2037**

	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 Elmswell Neighbourhood Development Plan (NDP) 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 a neighbourhood development plan?	The qualifying body is Elmswell 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 Elmswell 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	Have the qualifying body submitted the following in a satisfactory form:  (i) A Map or statement identifying the area to which the Plan relates;  (ii) A Consultation Statement setting out who was consulted; how they were consulted; the main issues which arose and how these have been considered and where relevant addressed in the proposed N'hood development plan under Reg 15 (2)(a);	The qualifying body has submitted:  (a) A Map identifying the area to which the Plan relates  (b) A Consultation Statement which summarises the main issues and concerns raised and how these have been considered and addressed in the proposed neighbourhood development plan.	Yes  Yes

	<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>(iii) The proposed neighbourhood development plan;</p> <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 Paragraph (2) &amp; (3) of Regulation 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>(vi) Where required, information to enable an Appropriate Assessment under the Conservation of Habitats and Species Regulations, 2017.</p>	<p>(c) The proposed Neighbourhood Development Plan</p> <p>(d) A '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>(e) The statutory bodies were consulted on the content of an appropriate SEA Screening Opinion and concurred with the finding that the Elmswell NDP is unlikely to have significant environmental effects. Mid Suffolk District Council issued a Determination Notice to this effect in October 2022</p> <p>(f) HRA Screening was undertaken and the statutory body concurred with the conclusion that no likely significant effects are predicted on European sites, either alone or in-combination with other policies and proposals as a result of the Elmswell NDP. Mid Suffolk District Council issued a Determination Notice to this effect in October 2022</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 Elmswell NDP meets the definition of a 'Neighbourhood Development Plan'.	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 2022 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 Elmswell 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 Elmswell NDP does not relate to more than one neighbourhood area.	Yes

**Dated: 28 February 2023**