

The Neighbourhood Planning (General) Regulations 2012 (as amended)



Regulation 16 Submission draft consultation FAQs

(First published in May 2024)

Overview

This document accompanies the other Regulation 16 consultation information published on a relevant neighbourhood plan webpage.

The relevant Qualifying Body - in Babergh and Mid Suffolk this will be a parish council - will have prepared and previously consulted on their draft Neighbourhood Plan at the Regulation 14 pre-submission stage. Having made any necessary changes, they will then have submitted their draft plan and the other required documents to us under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Prior to it being advanced to independent examination, we are obliged to consult on the submitted plan, at the Regulation 16 stage, for a minimum period of six-weeks (42 days), and to invite comments from statutory consultees, and from those persons who live, work and carry on business within the designated plan area (usually the whole parish) on the how the draft plan meets the relevant basic condition tests.

What are the Basic Conditions?

The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town & Country Planning Act 1990 \(as amended\)](#)

It is the role of the independent examiner to assess whether the submitted Plan meets the relevant basic condition test, or if further modifications need to be made to the Plan in order for it to do so. A draft plan will meet the basic conditions if:

- It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- the making of the neighbourhood plan contributes to the achievement of sustainable development,
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority,
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

A further basic condition, which came into effect in December 2018, requires that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

What can I comment on at this stage?

At this stage, you can comment on the submitted plan and its policies.

As noted above, it is important to remember that the examiner will only be able to recommend changes to the submitted plan that are necessary to ensure that it meets the basic condition tests. You should therefore consider whether the plan meets those tests.

Along with their submission draft Plan, the Parish Council will also have submitted a 'Basic Conditions Statement' which should set out how they consider that they have met the relevant tests.

I commented on this Plan at an earlier stage. Do I need to repeat those comments?

Issues raised in response to the pre-submission consultation exercise carried out by the Parish Council should be referred to in their Consultation Statement. As a result, the Examiner will be aware of these - so you do not need to repeat them.

If further changes have been made to the submitted plan that now raise new issues or if they affect any of the points that you made previously, you might want to consider making a further comment.

What happens next?

At the end of this consultation period all valid representations will be sent to the Parish Council and to the appointed Examiner. With the exception of personal contact details, they will also be published on the relevant neighbourhood plan webpage.

On behalf of the Examiner, we will invite the Parish Council to submit a response to any new matters raised during the consultation exercise.

It will be up to them to the Examiner to then decide how they wish to proceed. Typically, they will rely upon all of the submitted documentation and any representations received during this consultation period to help them reach a decision. They may choose to seek further clarification in writing on specific matters from both the Parish and District Council, but they could also call a public meeting if they consider it beneficial to do so.

In cases where an Examiner does seek written clarification, their questions and the responses to these will be set out in an 'Examination Correspondence' document that will be published on the relevant webpage. As a minimum, this document will contain a copy of the 'examination start letter'.

The Examiners role is to consider whether the Plan meets the basic conditions, or if further modifications need to be made for it to do so. They will also decide if this NDP should proceed to a local referendum. This will all be set out in their Final Report.

[Ends]