

1) Is the Plan submitted by a ‘qualifying body’?

S38A(1) PCPA

Newmarket Town Council is a qualifying body by S38B(12) PCPA.

2) Does the proposal meet the definition of a Neighbourhood Plan?

S38A(2) PCPA

A Neighbourhood Plan is defined as “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.”

LPA response	Legally compliant?
The Submission version of the Newmarket Neighbourhood Plan meets this definition of a neighbourhood plan	Yes

3) Have the requirements of Schedule 4B (as varied) of the TCPA been met?

SS38A(3) & 38C(5) PCPA

a) Does the LPA need to consider whether the submitted NDP is a repeat proposal?

Para 5, Schedule 4B TCPA

LPA response	Legally compliant?
The Submission of Newmarket Neighbourhood Plan is not a repeat proposal	Yes

b) Is the qualifying body authorised to act in relation to the neighbourhood area?

Para 6(2)(a), Schedule 4B TCPA

Determined with reference to s61F TCPA: a town council is authorised to act in relation to a neighbourhood area if that area includes the whole or part of the area of the town council

LPA response	Legally compliant?
<p>The qualifying body is Newmarket Town Council.</p> <p>The neighbourhood area was designated on 23 December 2015 with an amendment being designated on 15 June 2018 in conjunction with an application to designate a Neighbourhood Area for the parish of Exning as explained on page 7 paragraph 2.5 of the Submission Newmarket Neighbourhood Plan.</p> <p>As explained in paragraph 2.3 of the Consultation Statement and paragraph 2.2 of the Submission Plan, a Neighbourhood Plan working group for Newmarket was formed in December 2014 and endorsed by the Town Council.</p>	Yes

c) Does the proposal comply with provisions made by or under Section 61F TCPA?

Para 6(2)(b), Schedule 4B TCPA

LPA response	Legally compliant?
Not applicable	Yes

d) Does the proposal comply with provision made under Paragraph 1, Schedule 4B TCPA?

Para 6(2)(c), Schedule 4B TCPA

LPA response	Legally compliant?
Not applicable	

e) Does the proposal comply with regulations made pursuant to Paragraph 4, Schedule 4B TCPA?

Para 6(2)(d), Schedule 4B TCPA

i) Has the qualifying body publicised, in a manner that is likely to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area, details of the NDP, details of where the proposed NDP may be inspected, how to make representations and the deadline for making representations?

Regulation 14(a) NPGR

LPA response	Legally compliant?
Newmarket Town Council has complied with the requirements of the regulations in respect of the scope of their pre-submission consultation and this is evidenced within Section 3 of their submitted Consultation Statement. Two pre-submission consultations took place between 26th June and 10th August 2018 and 7th January and 17th February 2019.	Yes

ii) Has the qualifying body consulted the relevant bodies referred to in Paragraph 1, Schedule 1 NPGR?

Regulation 14(b) NPGR

LPA response	Legally compliant?
The consultation bodies consulted are listed in Appendix D of the Consultation Statement.	Yes

iii) Did the qualifying body send a copy of the proposals for a NDP to the LPA?

Regulation 14(c) NPGR

LPA response	Legally compliant?
A copy of the Pre Submission Neighbourhood Plan was provided to the LPA.	Yes

iv) Did the proposal submitted to the LPA contain a map or statement which identifies the area to which the proposed neighbourhood development plan relates?

Regulation 15(1)(a) NPGR

LPA response	Legally compliant?
The designated neighbourhood area is shown on page 8 of the Submission version Newmarket Neighbourhood Plan.	Yes

v) Did the proposal submitted to the LPA contain a consultation as defined by Regulation 15(2) NPGR?

Regulation 15(1)(b) NPGR

The requirement is for the statement to 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.

LPA response	Legally compliant?
<p>A Consultation Statement accompanies the Submission Neighbourhood Plan. The Consultation Statement includes:</p> <ul style="list-style-type: none"> • Information on how the community have been kept informed throughout the production of the neighbourhood plan. • the details of those consulted and how they were consulted. • a summary of the issues and concerns raised. • details on how the issues and concerns have been considered and where relevant, addressed. 	Yes

vi) Did the proposal submitted to the LPA include the proposed NDP?

Regulation 15(1)(c) NPGR

LPA response	Legally compliant?
The Local Planning Authority received the Submission Neighbourhood Plan on 28 th March 2019.	Yes

vii) Did the proposal submitted to the LPA contain a statement explaining how the requirements of Paragraph 8, Schedule 4B TCPA (as varied by S38C PCPA) have been met?

Regulation 15(1)(d) NPGR

LPA response	Legally compliant?
<p>A Basic Conditions Statement accompanies the Submission Neighbourhood Plan.</p> <p>The Statement clearly demonstrates how the Neighbourhood Planning Working Group considers that 8(1) and each of the conditions set out by 8(2) of Schedule 4B as amended have been met.</p> <p>Moreover, the Newmarket Basic Conditions Statement also demonstrates compliance with Sections 38A and 38B of the 2004 Act as required by the varied Paragraph 8.</p>	Yes

viii) Did the proposal contain an environmental report pursuant to the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons that those Regulations do not apply?

Regulation 15(1)(e) NPGR

LPA response	Legally compliant?
<p>A Strategic Environmental Assessment Screening Request pursuant to the 2004 Regulations was issued by Newmarket Town Council on 25 June 2018.</p> <p>In November 2018, Forest Heath District Council issued its screening opinion that a Strategic Environmental Assessment was not required to accompany the Neighbourhood Plan. This screening opinion was underpinned by a report, and the opinions of the three statutory bodies (the Environment Agency, Natural England and Historic England). Consultation on the draft Strategic Environmental Assessment Screening Report for the Newmarket Neighbourhood Plan took place from 16 August 2018 until 21 September 2018.</p>	Yes

f) Does the proposal comply with Sections 38A and 38B PCPA?

Para 6(3), Schedule 4B TCPA

Those sections are considered in this document

4) Does the NDP specify the period for which it is to have effect?

S38B(1)(a) PCPA

LPA response	Legally compliant?
The Submission Neighbourhood Plan covers the period 2018-2031.	Yes

5) Does the NP include provision about excluded development?

S38B(1)(b) PCPA

Excluded development is defined by s61K TCPA (*S38B(6) PCPA*)

LPA response	Legally compliant?
The Submission Neighbourhood Plan does not contain policies relating to 'excluded development'.	Yes

6) Does the NDP relate to more than neighbourhood area?

S38B(1)(c) PCPA

LPA response	Legally compliant?
It does not relate to more than one neighbourhood area.	Yes

7) Is there already a NDP in existence for this neighbourhood area?

S38B(2) PCPA

LPA response	Legally compliant?
No	Yes

8) Are there any conflicts in the NDP between policies and other statements or information?

S38B(3) PCPA

LPA response	Legally compliant?
No	Yes

9) Is the Town Council authorised to act?

S38C(1), S38C(2)(a) PCPA & S61F TCPA

LPA response	Legally compliant?
See 3b above	Yes

CONCLUSION: West Suffolk Council has issued an initial confirmation that the submission version Newmarket Neighbourhood Plan meets the legislative requirements.

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 6 weeks, invite comments, notify any consultation body referred to in the consultation statement and send the draft neighbourhood plan to independent examination (The Neighbourhood Planning (General) Regulations 2012).

Abbreviations:

TCPA: Town and Country Planning Act 1990

PCPA: Planning and Compulsory Purchase Act 2004

NPGR: Neighbourhood Planning (General) Regulations 2012

All references to primary and secondary legislation are to those enactments as amended.