

Newmarket Neighbourhood Plan (Referendum version) – Compliance Check (November 2019)

Requirements and relevant legislation* and/or guidance	LPA Comments	Legally compliant?
<p>The body submitting the neighbourhood plan is authorised to act. (Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 s38A(1,2), S38C(2)(a) and 1990 Act schedule 4B, 6(2), as it applies 61F). (In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning. The relationship between any steering group and the town or parish council should be transparent to the wider public. For example, it should be clear whether a steering group or other body is a formal sub-committee of the parish or town council. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public.)</p>	<p>The qualifying body is Newmarket Town Council.</p> <p>The neighbourhood area was designated on 20 November 2015.</p> <p>As explained in paragraph 2.3 of the Consultation Statement and paragraph 2.3 – 2.4 of the Referendum version Plan, a Neighbourhood Plan working group for Newmarket was formed in 2015 and adopted as a steering group reporting to the town council.</p>	<p>Yes</p>
<p>Section 38A of the Town and Country Planning Act 1990 as amended (by the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) defines a neighbourhood development plan as “a plan which sets out policies (however expressed) in relation to the</p>	<p>The Referendum version of the Newmarket Neighbourhood Plan meets this definition of a neighbourhood plan.</p>	<p>Yes</p>

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development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.”		
<p>SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation 15 – <i>A qualifying body is required to submit:</i></p> <p><i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates</i></p>	<p>The designated neighbourhood area is shown on page 8 of the Referendum version Newmarket Neighbourhood Plan.</p>	<p>Yes</p>
<p><i>(b) A consultation statement;</i> (the statement should 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).</p>	<p>A Consultation Statement accompanied 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. 	<p>Yes</p>
<p><i>(c) The proposed neighbourhood development plan;</i></p>	<p>The Local Planning Authority received the Referendum Neighbourhood Plan on 6th November 2019.</p>	<p>Yes</p>

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<p><i>d) A Statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act as revised by s38C of the Planning and Compulsory Purchase Act 2004, (as amended).</i> The local planning authority has to be satisfied that a basic condition statement has been submitted.</p>	<p>A Basic Conditions Statement accompanied the Submission Neighbourhood Plan. 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. 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>	<p>Yes</p>
<p><i>e) The Plan needs to be submitted with one of the following i) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR ii) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (as set out in the Neighbourhood Planning (General Amendment) Regulations 2015, (which amends Regulation 15 of the Neighbourhood Planning (General) Regulations 2012)).</i></p>	<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</p>	<p>Yes</p>

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<p>If an Environmental Report is required, then this needs to have been subject to the required level of consultation, and should comply with the government's SEA guidance.</p> <p>In terms of consultation, the 'consultation bodies' (EA, NE and HE) must have been consulted at scoping stage (for 5 weeks). There is no requirement for public consultation on the scoping report. The draft Environmental Report on the pre-submission neighbourhood plan will need to be subject to public consultation for 6 weeks. The draft Environmental Report must be made available at the same time as the draft plan, as an integral part of the consultation process, and the relationship between the two documents clearly indicated.</p>	<p>Newmarket Neighbourhood Plan took place from 16 August 2018 until 21 September 2018.</p>	
<p>The Neighbourhood Plan and accompanying documents meet the scope of neighbourhood plan provisions.</p> <p>i.e. specifies the period for which it covers, does not include provision about development that is 'excluded development' (as set out in section 61K of the 1990 Act - s38B(6) PCPA,) and does not relate to more than one neighbourhood area.</p> <p>(2004 Act s 38B (1 & 2) (4)).</p>	<p>The Referendum version of the Newmarket Neighbourhood Plan and its accompanying documents is compliant with the provisions as evidenced by the Basic Conditions Statement.</p> <p>The Referendum version Neighbourhood Plan covers the period 2018-2031, in line with the West Suffolk Development Plan</p> <p>The Referendum Neighbourhood Plan does not contain policies relating to 'excluded development'.</p>	<p>Yes</p>

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	<p>It does not relate to more than one neighbourhood area.</p> <p>There is not more than one NDP in existence in Newmarket.</p>	
<p>The Town Council has undertaken the correct procedures in relation to consultation and publicity.</p>	<p>The Town Council has submitted a Consultation Statement that demonstrates compliance with SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation s15.</p>	<p>Yes</p>
<p>The draft neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (Town and Country Planning Act 1990 Act Schedule 4B s5 and s18 as varied by s38C of the Planning and Compulsory Purchase Act 2004).</p>	<p>The Referendum version Newmarket Neighbourhood Plan is not a repeat proposal.</p>	<p>Yes</p>
<p>The pre-submission consultation requirements need to have been satisfied. Before submission to the LPA the qualifying body should:</p> <p>1. publicise (but this does not have to be on a web site) in a way that is likely to bring to the attention of people who live work or carry on business in the area details of:</p> <p>a. the proposals</p>	<p>Newmarket Council has complied with the requirements of the regulations in respect of the scope of their pre-submission consultation and this is evidenced within the submitted Consultation Statement. The consultation took place on the Pre-Submission Neighbourhood Plan in June – July 2018 and January – February 2019. A copy of the Pre-Submission Neighbourhood Plan was provided to the LPA.</p>	<p>Yes</p>

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<p>b. when and where they can be inspected c. how to make representations, and d. the deadline for making representations – not less than 6 weeks from first publicised. 2. consult any consultation body whose interests they consider may be affected by the proposals for a NDP. 3. send a copy of the NDP to the LPA. (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.</p>		
<p>Are there any conflicts in the NDP between policies and other statements or information? (s38B(3) Planning and Compulsory Purchase Act 2004.)</p>	<p>No, there are no conflicts.</p>	<p>Yes</p>
<p>The Conservation of Habitats and Species Regulations 2017, regulations 105 and 106. Regulation 106(1) requires the qualifying body to provide 'such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 to enable it to determine whether that assessment is required'</p>	<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</p>	<p>Yes</p>

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	Strategic Environmental Assessment Screening Report for the Newmarket Neighbourhood Plan took place from 16 August 2018 until 21 September 2018. The screening process undertaken concluded that the Neighbourhood Plan would not need to be subject to an HRA. The consultation bodies have all agreed with the conclusion reached. The Plan has not significantly changed since this screening opinion was issued, and nor has there been a long delay between the issue of the opinion and the submission of the Newmarket Neighbourhood Plan (Referendum Version).	

CONCLUSION: West Suffolk Council has issued a confirmation that the Referendum version Newmarket Neighbourhood Plan meets the legislative requirements.

The draft neighbourhood plan submitted to the local planning authority meets the requirements in the legislation, and the Local Planning Authority has publicised the neighbourhood plan for a minimum of 6 weeks, invited comments, notified any consultation body referred to in the consultation statement and sent the draft neighbourhood plan to independent examination. Following examination, the Council determined that the plan, modified as recommended by the examiner, is ready for a public referendum. (Schedule 4B of the Town and Country Planning Act 1990 (as varied by s38A & 38C of the Town and Country Planning Act) and the Neighbourhood Planning (General) Regulations 2012).

*Please note that all references to primary and secondary legislation are to those enactments as amended.