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By email

Date: 4 January 2018

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Your Ref:

Nikki Daft

Clerk to Irchester Parish Council

Our Ref:

Dear Ms Daft,

**Proposed Irchester, Knuston and Little Irchester Neighbourhood Plan
Legal Check under Schedule 4B of the Town and Country Planning Act 1990**

I write to you on behalf of the Borough Council of Wellingborough (BCW) to confirm our receipt of the submission version of your proposed neighbourhood development plan, along with accompanying supporting documentation.

Firstly, thank you for working positively and proactively with the community and council officers in producing the plan and congratulations on reaching such an advanced stage in the plan making process.

As you may be aware, under Paragraphs 5 and 6 of Schedule 4B of the Town and Country Planning Act (TCPA) 1990 there is now a requirement for BCW, as the local planning authority, to undertake a check of the compliance of the plan along with its process to date. The relevant legal tests are set out in both the TCPA and relevant sections of the Planning and Compulsory Purchase Act (PCPA) 2004. It is then an obligation of the local planning authority to issue a written statement clarifying the compliance (or otherwise) of the plan. Accordingly, this letter comprises the formal view of BCW and recommends whether the plan should be made available for independent examination.

A detailed consideration of the plan and submitted documents against both the TCPA 1990 and the PCPA 2004 is set out as an attachment to this letter. However, in summary, I am pleased to confirm the following on behalf of BCW:

- The plan **DOES** accord with all provisions of the PCPA 2004 in that it: specifies a plan period; does not include any provision for excluded development; and does not relate to more than one neighbourhood area;
- The plan **DOES NOT** comprise a 'repeat proposal' as defined under Paragraph 5 of the TCPA 1990;
- The plan **HAS** been prepared by a qualifying body who are authorised to deliver a neighbourhood plan;
- The submission **DOES** comprise the relevant documentation required under Paragraph 1 of Schedule 4B of the TCPA 1990 and as prescribed by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ('the Regulations') as amended in February 2015;



- The statutory consultation undertaken to date **DOES** comply with the requirements and regulations set out under Paragraph 4 of the TCPA 1990 and as prescribed by Regulation 14 of the Regulations; and
- The plan **DOES** comply with all other provisions under section 61E(2), 61J and 61L of the TCPA 1990.

The Irchester, Knuston and Little Irchester Neighbourhood Plan will now be publicised under Regulation 16 of the Regulations with a view to then making the plan available for independent examination.

BCW are now required to publicise the plan along with details of how to make responses to it on our website for a minimum of 6 weeks. We will undertake this process as soon as possible. In parallel we will shortly contact you to confirm the ways in which the Parish Council can aid the publicity of the plan to ensure as a local authority we fulfil the requirements of the regulations. Additionally, we will seek to meet with Irchester Parish Council at a suitable time to discuss the appointment of an examiner along with the arrangements for the examination itself.

I trust that the views set out in this letter are welcome. We look forward to speaking with you further in due course.

Yours sincerely



Julie Thomas
Director

cc Jon Paul Carr, Neighbourhood Plan Steering Group: jpcarr01@hotmail.com

Encs

Borough Council of Wellingborough neighbourhood plan 'Legal Check' checklist – Irchester, Knuston and Little Irchester Neighbourhood Plan, December 2017

**Borough Council of Wellingborough neighbourhood plan 'Legal Check'
checklist – Irchester, Knuston and Little Irchester Neighbourhood Plan,
December 2017**

Town and Country Planning Act 1990 as amended (TCPA)
 Planning and Compulsory Purchase Act 2004 (PCPA)
 The Neighbourhood Planning (General) Regulations 2012 as amended (NP Regs)
 Borough Council of Wellingborough (BCW)

Reference	Test	BCW comment	Legally compliant?
TCPA 1990 Schedule 4B para 5	Is the proposal in question a repeat proposal? (has BCW refused a proposal under para 12 or Section 61E or has it failed at referendum?)	No on both fronts. BCW therefore agrees to consider the proposal.	YES
TCPA 1990 Schedule 4B para 6(2)(a) and Section 61F	Is the body who submitted the plan a qualifying body for the purposes of neighbourhood plan making?	Yes. As clarified under 61F a parish council can act as a qualifying body for neighbourhood planning purposes. The plan has been submitted by Irchester Parish Council.	YES
TCPA 1990 Schedule 4B para 6(2)(b) and Section 61F	Does the plan proposal comply with other relevant provisions made under Section 61F?	Yes. The parish council area was designated as the neighbourhood area by BCW following a 6 week period of consultation on 4 December 2012.	YES
TCPA 1990 Schedule 4B para 1, para 6(2)(c) and NP (General) Regs 2012 Regulation 15	Has the qualifying body submitted the following in a satisfactory form: 1. a map or statement identifying the area to which the plan relates; 2. a consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered,	Yes. All of the documents have been submitted satisfactorily. Specifically, a statement has been received (the SEA and HRA Screening Report) confirming that the plan is unlikely to have significant environmental effects and, accordingly, does not require an environmental assessment, nor	YES

	<p>and where relevant addressed in the proposed NDP as defined under Regulation 15(2)(a) of the Regs);</p> <p>3. the proposed NDP; and</p> <p>4. a statement explaining how the NDP meets the 'basic conditions' ie requirements of para 8 schedule 4B to the 1990 Act.</p> <p>5. either (i) an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004(a); or</p> <p>(ii) where it has been determined under regulation 9(1) of those Regulations that the plan proposal is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), a statement of reasons for the determination.</p>	<p>does it require an appropriate assessment.</p>	
<p>TCPA 1990 Schedule 4B para 4, para 6(2)(d) and NP (General) Regs 2012 Regulation 15(2)(a)</p>	<p>Has the qualifying body complied with the requirements of regulations made under Paragraph 4 of the TCPA Schedule 4B regarding the scope of pre-submission consultation?</p>	<p>Yes. The parish council has complied with the requirements of the regulations in respect of the scope of the pre-submission consultation and this is evidenced within the submitted Consultation Statement.</p>	<p>YES</p>
<p>TCPA 1990</p>	<p>Does the plan seek</p>	<p>No. The plan does</p>	<p>YES</p>

Schedule 4B para 6(3), Section 61J (and also PCPA 2004 Section 38B(1)(b))	to grant or support planning permission for any development categorised as 'excluded development' under Section 61K of the TCPA 1990?	not seek to grant or support planning permission for any 'excluded development'.	
PCPA 2004 Section 38A (2)	Does the plan meet the definition of 'neighbourhood development plan' in that does it set out policies in relation to the development and use of land in the neighbourhood area?	Yes. The plan sets out policies in relation to the development and use of land in the neighbourhood area.	YES
PCPA 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?	Yes. The period is stated as 2011-2031, mirroring that of the adopted North Northamptonshire Joint Core Strategy.	YES
PCPA 2004 Section 38B(1)(c)	Does the 'neighbourhood development plan' (as defined under Section 38A) relate to more than one neighbourhood area?	No. The plan only relates to the designated Irchester neighbourhood area	YES

Conclusion

The Borough Council of Wellingborough is satisfied that the Irchester, Knuston and Little Irchester Neighbourhood Plan as submitted on 21 December 2017 has complied with the legal requirements in all respects. The Borough Council will as a result publicise the proposed plan, invite representations and arrange for its independent examination.