

## EHDC Neighbourhood Plan ‘Legal Check’ checklist – Bentley Neighbourhood Plan

| Reference  | Test   | EHDC comment   | Legally compliant? |
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| TCPA 1990 Schedule 4B Para 5   | Is the proposal in question a repeat proposal? (has EHDC refused a proposal under Para 12 or Section 61E or has it failed at referendum?)  | The proposal is the Bentley Neighbourhood Plan and is not a repeat 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?  | The qualifying body is Bentley 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?   | The Bentley Neighbourhood Plan complies with other relevant provisions made under Section 61F.   | Yes                |
| TCPA 1990 Schedule 4B Para 1, Para 6(2)© and NP (General) Regulations 2012 Regulation 15 | Have the qualifying body submitted the following in a satisfactory form:<br>1. a map or statement identifying the area to which the plan relates;<br>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, and where relevant addressed in the | The qualifying body has submitted a Consultation Statement, a Basic Conditions Statement, a statement setting out the reasons why an environmental assessment is not required and the Final Submission Plan:<br><br>A map identifying the area to which the plan relates; a consultation statement containing relevant details to meet points 2 and 3; | Yes                |

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|   | <p>proposed NDP as defined under Regulation 15(2)(a) of the Regs);</p> <p>3. the proposed NDP; 4. a statement explaining how the NDP meets the 'basic conditions' i.e. requirements of para 8 schedule 4B to the 1990 Act.</p> <p>5. either an environmental report or a statement of reasons why an environmental assessment is not required.</p> | <p>and a Basic Conditions Statement have been submitted in a satisfactory form.</p>  |            |
| <p>TCPA 1990 Schedule 4B para 4, para 6(2)(d) and NP (General) Regulations 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>The qualifying body has complied with the requirements of the regulations in respect of the scope of the pre-submission consultation and this is evidenced within their submitted consultation statement and supporting appendices.</p> | <p>Yes</p> |
| <p>TCPA 1990 Schedule 4B para 6(3), Section 61J (and also PCPA 2004 Section 38B(1)(b))</p>              | <p>Does the plan seek to grant or support planning permission for any development categorised as 'excluded development' under Section 61K of the TCPA 1990?</p>  | <p>The Bentley Neighbourhood Plan does not contain policies relating to 'excluded development' under Section 61k of the TCPA 1990 (see paragraph 1.3 of the Basic Conditions Statement).</p>   | <p>Yes</p> |

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| PCPA 2004<br>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? | The Bentley Neighbourhood Plan meets the definition of 'neighbourhood development plan'.   | Yes |
| PCPA 2004<br>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 Basic Conditions Statement, paragraph 1.3, sets out the plan period for the Bentley Neighbourhood Plan from 1 <sup>st</sup> April 2015 to 31 <sup>st</sup> March 2028. | Yes |
| PCPA 2004<br>Section 38B(1)(c) | Does the 'neighbourhood development plan' (as defined under Section 38A) relate to more than one neighbourhood area?   | The Bentley Neighbourhood Plan does not relate to more than one neighbourhood area.  | Yes |