

## EHDC Neighbourhood Plan ‘Legal Check’ checklist

### Rowlands Castle Neighbourhood Plan



Reference	Test	EHDC comment and assessment of legal compliance
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?)	<p>The proposal is the Rowlands Castle Neighbourhood Plan and it is not a repeat proposal.</p> <p>The Plan is legally compliant in this respect.</p>
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?	<p>The qualifying body is Rowlands Castle Parish Council.</p> <p>The Plan is legally compliant in this respect.</p>
TCPA 1990 Schedule 4B Para 6(2)(b) and Section 61F	Does the plan proposal comply with other relevant provisions made under Section 61F?	<p>The Rowlands Castle Neighbourhood Plan complies with other relevant provisions made under this section.</p> <p>The Plan is legally compliant in this respect.</p>
TCPA 1990 Schedule 4B Para 1, Para 6(2)(c) and NP (General) Regulations 2012 Regulation 15	<p>Have the qualifying body submitted the following in a satisfactory form:</p> <ol style="list-style-type: none"> <li>1. a map or statement identifying the area to which the plan relates;</li> <li>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</li> </ol>	<p>The qualifying body – Rowlands Castle Parish Council have submitted :</p> <ol style="list-style-type: none"> <li>1. A map identifying the area to which the plan relates,</li> <li>2. A consultation statement</li> <li>3. The Submission Neighbourhood Plan</li> <li>4. A Basic Conditions Statement</li> <li>5. A statement setting out why an SEA is not required</li> </ol>

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	<p>addressed in the proposed NDP as defined under Regulation 15(2)(a) of the Regs);</p> <p>3. the proposed NDP;</p> <p>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>The Plan is legally compliant in this respect.</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 consultation statement and appendices details various communications and responses from various individuals and organisations at Regulation 14.</p> <p>The Plan is legally compliant in this respect.</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 Rowlands Castle Neighbourhood Plan does not contain policies relating to 'excluded development'.</p> <p>The Plan is legally compliant in this respect.</p>
<p>PCPA 2004 Section 38A (2)</p>	<p>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?</p>	<p>The Neighbourhood Plan for Rowlands Castle meets the definition of 'Neighbourhood Plan'.</p> <p>The Plan is legally compliant in this respect.</p>
<p>PCPA 2004 Section 38B(1)(a)</p>	<p>Does the 'neighbourhood development plan' (as defined under Section 38A) specify the time period for which it is to have effect?</p>	<p>The plan period for the Rowlands Castle Neighbourhood Plan is 2022 – 2033</p> <p>The Plan is legally compliant in this respect.</p>
<p>PCPA 2004 Section 38B(1)(c)</p>	<p>Does the 'neighbourhood development plan' (as defined under Section 38A) relate to more than one neighbourhood area?</p>	<p>The Rowlands Castle Neighbourhood Plan does not relate to more than one neighbourhood area.</p> <p>The Plan is legally compliant in this respect.</p>

