

## EHDC Neighbourhood Plan 'Legal Check' checklist

### Bramshott and Liphook 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?)	The proposal is the Neighbourhood Plan and it is not a repeat proposal.  <b>The Plan is legally compliant in this respect.</b>
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 Bramshott and Liphook Parish Council.  <b>The Plan is legally compliant in this respect.</b>
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 Bramshott and Liphook Neighbourhood Plan complies with other relevant provisions made under this section.  <b>The Plan is legally compliant in this respect.</b>
TCPA 1990 Schedule 4B Para 1, Para 6(2)(c) and NP (General) Regulations 2012 Regulation 15	Have 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, and where relevant addressed in the proposed NDP as defined under Regulation 15(2)(a) of the Regs); 3. the proposed NDP; 4. a statement explaining how the NDP meets the 'basic	The qualifying body – Bramshott and Liphook Parish Council have submitted : 1. A map identifying the area to which the plan relates, 2. A consultation statement 3. The Submission Neighbourhood Plan 4. A Basic Conditions Statement 5. A statement setting out why an SEA is not required  <b>The Plan is legally compliant in this respect.</b>

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	<p>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>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><b>The Plan is legally compliant in this respect.</b></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 Bramshott and Liphook Neighbourhood Plan does not contain policies relating to 'excluded development'.</p> <p><b>The Plan is legally compliant in this respect.</b></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 Bramshott and Liphook meets the definition of 'Neighbourhood Plan'.</p> <p><b>The Plan is legally compliant in this respect.</b></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 Bramshott and Liphook Neighbourhood Plan is 2020 – 2040</p> <p><b>The Plan is legally compliant in this respect.</b></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 Bramshott and Liphook Neighbourhood Plan does not relate to more than one neighbourhood area.</p> <p><b>The Plan is legally compliant in this respect.</b></p>