

**BCW neighbourhood plan 'Legal Check' checklist – Earls Barton NP
June 2014**

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 agree 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 Earls Barton 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 28 th June 2012.	YES
TCPA 1990 Schedule 4B para 1, para 6(2)(c) and NP (General) Regs 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; and	Yes. All of the documents have been submitted satisfactorily. Additionally, officers are in receipt of copies of the key evidence documents prepared for or used to support the plan, and hold a copy of the decisions issued by BCW confirming that neither SEA nor AA of the plan will be required.	YES

	4. a statement explaining how the NDP meets the 'basic conditions' ie requirements of para 8 schedule 4B to the 1990 Act.		
TCPA 1990 Schedule 4B para 4, para 6(2)(d) and NP (General) Regs 2012 Regulation 15(2)(a)	Has the qualifying body complied with the requirements of regulations made under Paragraph 4 of the T CPA Schedule 4B regarding the scope of pre-submission consultation?	Yes. The plan was made available for consultation for a period of 6 weeks inviting representations from all groups detailed under Regulation 14 of the Regs. This was done through advertising the plan both locally within the parish and through use of both the EBNP and BCW websites. Additionally, all consultees included in Schedule 1 of the Regs were emailed individually and a copy of the plan proposal was sent to BCW for comment.	YES
TCPA 1990 Schedule 4B para 6(3), Section 61J (and also PCPA 2004 Section 38B(1)(b))	Does the plan seek to grant or support planning permission for any development categorised as 'excluded development' under Section 61K of the T CPA 1990?	No.	YES
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.	YES
PCPA 2004 Section 38B(1)(a)	Does the 'neighbourhood development plan' (as defined under Section 38A) specify	Yes. The period is stated as 2011-2031, mirroring that of the emerging North Northamptonshire	YES

	the time period for which it is to have effect?	Joint Core Strategy.	
PCPA 2004 Section 38B(1)(c)	Does the 'neighbourhood development plan' (as defined under Section 38A) relate to more than one neighbourhood area?	No.	YES