

## **NDP Compliance Requirements**

### **A. Introduction**

There are some main components to compliance. Those required from the start and throughout the process, those required during the process and those required on submission to ensure the proposed NDP complies:

1. *Process requirements, required from the start and throughout.*

These requirements are essential to ensure wide ranging and thorough community engagement. See B below.

2. *Requirements during the process relating to what are known as 'basic conditions'.*

These include sustainable development, conformity with SODC strategic policies, and national policy guidelines and compatibility with EU obligations and human rights requirements. See C below

3. *A Pre-submission formal consultation.*

This is a formal consultation taken 6 weeks before the NDP is submitted to SODC. See D below.

4. *Requirements of the actual NDP on submission.*

These include such things as providing a Consultation Statement, a Basic Conditions Statement and other matters. See E below.

### **B. On-going Process Requirements**

1. It is essential that

- (1) a wide-ranging canvassing of community views is undertaken at all stages (using a range of techniques) to find out what people think of where they live, what are key issues, and to develop a vision and purposes for the NDP;
- (2) the views of the community and other key local groups are recorded and taken into account;
- (3) a robust evidence base is developed and recorded of those views and the Wheatley NDP group's responses to them to support any planning policies that may be developed; and
- (4) a record is kept (to be submitted to SODC and the Inspector) of how these processes have been carried out.

2. We should ask open-ended (not leading) questions, and involve key local groups (e.g. community groups, businesses, landowners, schools and so on).

3. Some of this should already have been done in performing what SODC calls 'scoping' i.e. determining whether an NDP (as opposed to its alternatives) is

appropriate, deciding on the Neighbourhood Area and submitting the proposed Neighbourhood Area to SODC for its designation.

4. Please note that the community involvement should be on going and not only part of the pre submission Consultation exercise that is also a process requirement.

### **C. Basic Conditions Requirements**

1. Sustainable development is essentially about enabling growth to cater for the needs of current generations but ensuring it doesn't make things worse for future generations.

(1) Three factors affect sustainability: economic, social and environmental. We must show, with sufficient and proportionate evidence, how the NDP will make improvements in those conditions or otherwise what mitigation measures are proposed.

(2) The SODC Local Plan would have required a more formal 'sustainability appraisal'. The NDP does not necessarily need one, but it may be useful.

2. Screening for significant environmental effects. We have to establish whether the NDP proposals are likely to have a 'significant environmental effect'.

(1) This should be established at an early stage.

(2) The screening requires an assessment against criteria set out in legal regulations (Environmental Assessment of Plans and Programmes Regulations 2004),

(link <http://www.legislation.gov.uk/ukxi/2004/1633/contents/made>)

and requires that we consult with certain 'consultation bodies' (Historic England, Natural England, Environment Agency).

(3) If the NDP does have such an effect then a strategic environmental assessment (SEA) will probably be required. Note that an SEA may be required for example where an NDP allocates sites for development.

(4) SODC should help with this whole process.

3. Compatibility with EU Regulations and Human Rights Requirements

This overlaps with 2 to some extent.

(1) EU Regulations require that when submitting the NDP, we include either (a) a screening opinion to the effect there are no significant environmental effects or (b) a report prepared in accordance with the Regulations referred to in 2.(2) above.

(2) A further question is whether our area includes or is near to a 'European Site'. A 'European site' is one of two types. The first is a Special Protection Area that protects rare, threatened or vulnerable birds, and the second is a Special Area of Conservation that protects certain habitats and species

- (3) If our area includes or is close to a European Site we will also need a Habitats Regulations assessment. Again SODC should help with this.
  - (4) It isn't clear to me at present how human rights requirements affect the NDP. Help from SODC is needed
3. Conformity with the National Policy Framework and SODC strategic policies
- (1) The National Policy Framework sets out the main planning policies for the country, with which we have to abide. Here is a link:  
  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)
  - (2) Government guidance advises that we explain in the NDP how we have had regard to the relevant National Policy in relation to each of the policies we develop in the NDP.
  - (3) SODC can advise as to their strategic plans.

#### **D. Pre submission Consultation**

1. When we have developed an NDP it must be subject to a formal minimum 6 weeks public consultation prior to its submission to SODC.
2. It must be publicised in such a way that all who live, work or who run businesses in the area are aware of it.
3. We must consult certain 'consultation bodies' with interests that may be affected e.g. the Environment Agency, Natural England, and English Heritage (SODC should advise on who these should be), and it would be advisable to consult neighbouring parish councils, significant landowners, local business and community organisations.
4. Any resulting comments must be considered and, if necessary, the NDP amended, and a brief report produced summarising the comments and showing how the NDP has been amended.
5. It may be worth emphasizing that an NDP is a planning document; it is about land use. The consultations referred to may throw up other issues e.g. relating to traffic. To the extent these are relevant to land use planning they are relevant to and can be in the NDP, but otherwise (if thought important) they should not be ignored but should be recorded in an Appendix to the NDP.

#### **E. Legal and Content requirements of the NDP**

Following the pre submission consultation (and assuming that no problems have been revealed or if revealed have been solved) the proposed NDP must be submitted to SODC, and if it meets SODC requirements, SODC will then submit it to an Inspector for Independent Examination.

The NDP submitted must comply with the process requirements (e.g. community involvement and robust evidence base) and the legal and content requirements (e.g. Consultation Statement and Basic Conditions Statement) set out below.

1. An NDP must:
  - contribute to sustainable development;
  - generally conform to SODC strategic policies;
  - adhere to national planning policy and guidance; and
  - be compatible with EU obligations and human rights requirements.
  
2. The NDP submitted to SODC must have the following:
  - a map or statement identifying the Neighbourhood Area;
  - a Consultation Statement;
  - a Basic Conditions Statement;
  - the NDP being proposed.
  
3. The Consultation Statement must include:
  - details of who was consulted and how (and remember this isn't just during the formal pre submission Consultation period);
  - a summary of the main issues and concerns revealed; and
  - how these were considered and addressed in the NDP.
  
4. The Basic Conditions Statement must:
  - explain how appropriate regard has been made to relevant policies in the National Planning Policy Framework;
  - analyse how the NDP contributes to sustainable development;
  - describe how the NDP conforms with SODC strategic policies; and
  - confirm the NDP is compatible with human rights requirements and EU obligations.

It must also:

  - state the NDP is being submitted by a qualifying body (i.e. the Parish Council);
  - state it is an NDP;
  - state the period for which it is to have effect (matching SODC's period to 2031 may be a good idea);
  - confirm its policies do not relate to "Excluded Development";
  - confirm it does not relate to more than one neighbourhood area; and
  - confirm there are no other NDPs in place within the Neighbourhood Area.

**Sources of information** (SODC website of course)

Planning Aid England (<http://www.rtpi.org.uk/planning-aid/neighbourhood-planning/>)

Locality's Roadmap Guide (<http://locality.org.uk/resources/neighbourhood-planning-roadmap-guide/>)

Planning Practice Guidance

(<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood->

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