

Havant Borough Council
Legal Compliance checklist for Neighbourhood Plans

Emsworth Neighbourhood Plan

Reference	Test	HBC comment	Legally compliant?
TCPA 1990 Schedule 4B Para 5	Is the proposal in question a repeat proposal? (has HBC refused a proposal under Para 12 or Section 61E or has it failed at referendum?)	The proposal is the newly submitted Emsworth Neighbourhood Plan. It 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?	Yes. The plan has been submitted by the Emsworth Forum, designated by HBC for the purposes of neighbourhood planning on 23 July 2014	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 plan area was designated as a neighbourhood area by HBC for the purposes of neighbourhood planning on 23 July 2014	Yes
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 conditions' i.e. requirements of para 8 schedule 4B to the 1990 Act. And 5. either an environmental report or a statement of reasons why an environmental assessment is not required	Yes. The documents submitted by the Emsworth Neighbourhood Forum include the documents required by Regulation 15 (NB map identifying the area is included within the neighbourhood plan)	Yes
TCPA 1990 Schedule 4B para 4, para 6(2)(d) and NP (General) Regulations	Has the qualifying body complied with the requirements of regulations made under Paragraph 4 of the TCPA Schedule 4B regarding the	The Emsworth Neighbourhood Forum has complied with the requirements of the regulations in respect of	Yes

2012 Regulation 15(2)(a)	scope of pre-submission consultation?	the scope of the pre-submission consultation and this is evidenced within their submitted consultation statement.	
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 TCPA 1990?	The Emsworth Neighbourhood Plan does not contain policies relating to 'excluded development' under Section 61k of the TCPA 1990.	Yes
PCPA 2004 Section 38A (2)	Does the plan meet the definition of 'neighbourhood development plan', i.e. does it set out policies in relation to the development and use of land in the neighbourhood area?	The Emsworth Neighbourhood Plan meets the definition of 'neighbourhood plan.'	Yes
PCPA 2004 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?	Page 8 of the Emsworth Neighbourhood Plan states that the plan period is to 2036, mirroring that of the emerging Havant Borough Local Plan.	Yes
PCPA 2004 Section 38B(1)(c)	Does the 'neighbourhood development plan' (as defined under Section 38A) relate to more than one neighbourhood area?	The Emsworth Neighbourhood Plan does not relate to more than one neighbourhood area.	Yes