

What are the legal tests that must be satisfied before a Neighbourhood Plan can be made (adopted)?

The Neighbourhood Planning (General) Regulations 2012 part 5 15 sets out the requirements for the qualifying body to submitting a Neighbourhood Plan to the Local Planning Authority. These requirements include the submission of:

1. A map or statement identifying the area to which the plan relates,
2. The 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 Neighbourhood Development Plan,
3. The proposed Neighbourhood Development Plan,
4. A statement explaining how the Neighbourhood Development Plan meets the 'basic conditions' i.e. requirements of para 8 schedule 4B to the 1990 Act (see further below),
5. A statement of reasons; environmental report or an explanation of why the plan is not subject to the requirements of the Strategic Environmental Assessment Directive.

The Basic Conditions to be met by a Neighbourhood Development Plan, which will be tested at Independent Examination, are:

1. Must be appropriate having regard to National Policy
2. Must contribute to the achievement of sustainable development
3. Must be in general conformity with the strategic policies in the development plan for the local area
4. Must be compatible with human rights requirements and
5. Must be compatible with EU obligations.