

**Legal Compliance Assessment of Membury Neighbourhood Plan submission to meet Regulation 15& paragraph 6 of Schedule 4B TCPA  
90**

<p><b>EDDC Protocol</b> <b>STEP 9- Submission to the Council and assessment for Soundness</b> At this stage in the work the plan is formally submitted to the Council</p>	<p><b>Officer Assessment of legal compliance</b></p>
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<p><b>9a - The draft NP is submitted to the Council and assessed for legal compliance (Regulation 15&amp; paragraph 6 of Schedule 4B TCPA 90)</b></p> <p>This stage is not specifically concerned with details of plan wording or policy or sites. But is a legal compliance checking exercise.</p>	<p>The Plan Producers will be responsible for submitting the plan to the Council.</p>	<p>We may consult Legal Services at this stage of work.</p> <p>Legal Services may need to explain to/discuss with the Plan Producer and determine what actions would meet the requirements of the Regulations and legislation.</p>	<p>We will check whether the plan is legally compliant, in that it meets the requirements of Sections 38A, 38B &amp; 38C TCPA 90, Regulations 14 &amp; 15 and Schedule 4B TCPA 90.</p> <p>We will check;</p> <ul style="list-style-type: none"> <li>- That the Plan Producer is authorised to act</li> <li>- Whether the draft NP is a 'repeat' proposal.</li> <li>- Whether there is another NP already in place in respect of the NA</li> <li>- that the regulations have been complied with including the minimum 6 week pre-submission Consultation</li> </ul> <p>We will check that the draft plan submitted includes:</p> <ol style="list-style-type: none"> <li>1. a map or statement identifying the area to which the plan relates,</li> <li>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 NP)</li> <li>3. the proposed NP,</li> <li>4. a statement explaining how the NP meets the 'basic conditions' (being the requirements of para 8 schedule 4B TCPA 90)</li> <li>5. Either an environmental report prepared in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (a); or a statement of reasons for the determination of why the plan proposal is unlikely to have significant environmental effects.</li> </ol>	<p>The NP was submitted on Friday 26 January, 2018 by Membury Parish Council.</p> <hr/> <p>The Plan Producer is Membury Parish Council</p> <hr/> <p>The draft NP is not a repeat proposal</p> <hr/> <p>There is not another NP already in place in respect of the NA</p> <hr/> <p>The NP was appropriately advertised for at least 6 weeks in accordance with Regulation 14 (as set out in the consultation statement)</p> <ol style="list-style-type: none"> <li>1. The submission includes a map and a statement identifying the area to which it relates (Page 64 of the Neighbourhood Plan)</li> </ol> <hr/> <ol style="list-style-type: none"> <li>2. The consultation statement covers the requirements.</li> </ol> <hr/> <ol style="list-style-type: none"> <li>3. It includes the proposed NP</li> <li>4. A Basic Conditions Statement accompanies the submission.</li> </ol> <p>I understand a Neighbourhood Plan will be considered to have met the Basic Conditions if:</p> <ul style="list-style-type: none"> <li>• having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,</li> <li>• the making of the neighbourhood development plan contributes to the achievement of sustainable development,</li> <li>• the making of the neighbourhood development plan is in general conformity with the strategic policies contained</li> </ul>
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