

EHDC Neighbourhood Plan 'Legal Check' checklist – Alton Neighbourhood Plan

| Reference | Test | EHDC comment | Legally compliant? |
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| TCPA 1990 Schedule 4B Para 5 | Is the proposal in question a repeat proposal? (has EHDC refused a proposal under Para 12 or Section 61E or has it failed at referendum?) | The proposal is the Alton Neighbourhood Plan and 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? | The qualifying body is Alton Town 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 town's civil parish area (minus a small strip of land inside the South Downs National Park) was designated as the neighbourhood area by EHDC following a 6 week period of consultation on 8th May 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, | The qualifying body has submitted a Consultation Statement, a Basic Conditions Statement, a statement setting out the reasons why an environmental assessment is not required and the Final Submission Plan: | Yes |

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| | <p>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);</p> <p>3. the proposed NDP;</p> <p>4. a statement explaining how the NDP meets the 'basic conditions' i.e. requirements of para 8 schedule 4B to the 1990 Act.</p> <p>And 5. either an environmental report or a statement of reasons why an environmental assessment is not required</p> | <p>A map identifying the area to which the plan relates; a consultation statement containing relevant details to meet points 2 and 3; a Basic Conditions Statement and a statement of reasons why an environmental assessment is not required have been submitted in a satisfactory form.</p> | |
| <p>TCPA 1990 Schedule 4B para 4, para 6(2)(d) and NP (General) Regulations 2012 Regulation 15(2)(a)</p> | <p>Has the qualifying body complied with the requirements of regulations made under Paragraph 4 of the TCPA Schedule 4B regarding the scope of pre-submission consultation?</p> | <p>The qualifying body has complied with the requirements of the regulations in respect of the scope of the pre-submission consultation and this is evidenced within their submitted consultation statement and supporting appendices.</p> | <p>Yes</p> |
| <p>TCPA 1990 Schedule 4B para 6(3), Section 61J (and also PCPA</p> | <p>Does the plan seek to grant or support planning permission for any</p> | <p>The Alton Neighbourhood Plan does not contain policies</p> | <p>Yes</p> |

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| 2004 Section 38B(1)(b)) | development categorised as 'excluded development' under Section 61K of the TCPA 1990? | relating to 'excluded development' under Section 61k of the TCPA 1990. | |
| 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? | The Alton 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? | Yes. The period is stated as 2011 – 2028, mirroring that of the adopted East Hampshire District Local Plan: Joint Core Strategy. | 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 Alton Neighbourhood Plan does not relate to more than one neighbourhood area. | Yes |