

Appendix 6: NDP submission requirements checklist

Requirement	What the requirement involves	Legislation	Comment
A. Definition of a neighbourhood development plan (NDP)	1. A plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.	Planning and Compulsory Purchase Act 2004 S38A(2) [Town and Country Planning Act 1990 Schedule 4B paragraph 6(3) applies the requirements in Planning and Compulsory Purchase Act 2004 SS38A-B to neighbourhood development plans; S38C modifies the application of Town and Country Planning Act 1990 in relation to neighbourhood development plans]	See report for discussion of draft Policy P20 and whether this draft policy meets this requirement.
B. Body proposing a NDP	1. Needs to be a designated neighbourhood forum for a designated neighbourhood area.	Planning and Compulsory Purchase Act 2004 S38A(1) Town and Country Planning Act 1990 Schedule 4B paragraph 6(2)(a) and (b) [Town and Country Planning Act 1990 S61F: designation requirements for neighbourhood forum; S61G: designation requirements for	The South Bank and Waterloo Neighbours Neighbourhood Area and Forum were designated on 10 February 2014.

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			neighbourhood area. 2012 Neighbourhood Planning Regulations set out additional requirements for content of forum/area applications]	
C.	Scope of NDP provisions	<ol style="list-style-type: none"> 1. The NDP must specify the period for which it is to have effect. 2. The NDP cannot include provision about 'excluded development'. Excluded development essentially means minerals, waste development, Annex 1 EIA projects and nationally significant infrastructure. 3. The NDP cannot relate to more than one neighbourhood area. 4. There can be only one NDP for each neighbourhood area. 	<p>Planning and Compulsory Purchase Act 2004 S38B(1) and (2)</p> <p>[Town and Country Planning Act 1990 S61K: definition of 'excluded development']</p>	<ol style="list-style-type: none"> 1. 2017-2032 2. The draft NDP does not contain any provision for excluded development. 3. The draft NDP relates only to the South Bank and Waterloo Neighbours neighbourhood area. 4. There is no other proposed or existing NDP for this neighbourhood area.
D.	Conflict between policy in the NDP and non-policy content in the NDP	<ol style="list-style-type: none"> 1. If a policy set out in the NDP conflicts with any other statement or information in the plan, the 	Planning and Compulsory Purchase Act 2004 S38B(3)	Not applicable at this stage.

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		<p>conflict must be resolved in favour of the policy (that is, policy content prevails over non-policy content).</p>		
<p>E.</p>	<p>Pre-submission consultation by the neighbourhood Forum</p>	<p>Before submitting the NDP to the LPA, the neighbourhood forum needs to:</p> <ol style="list-style-type: none"> 1. publicise the NDP in a way that is likely to bring to the attention of people who live, work or carry on business in the area details of: <ol style="list-style-type: none"> a. the proposals; b. when and where they can be inspected; c. how to make representations; d. the deadline for making representations – not less than 6 weeks from when first publicised. 2. consult any consultation body listed in Schedule 1 of the 2012 Regulations whose interests they consider may be affected by the proposals for a NDP. 	<p>Town and Country Planning Act 1990 Schedule 4B paragraph 6(2)(d)</p> <p>2012 Neighbourhood Planning Regulations (Regulation 14)</p> <p>[The consultation bodies are listed at Schedule 1 of the 2012 Regulations].</p>	<ol style="list-style-type: none"> 1. Pre-submission consultation took place between 28 November 2016 and 20 January 2017. 2. The consultation statement includes details of who was consulted and how. 3. A copy of the draft NDP was sent to the Council.

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	3. send a copy of the NDP to the LPA.		
F. Receipt of draft NDP documents by the LPA	<p>The draft NDP and accompanying documents should include:</p> <ol style="list-style-type: none"> 1. a map or statement identifying the area to which the plan relates. 2. consultation statement. 3. the proposed NDP. 4. statement explaining how the NDP meets the basic conditions. 	<p>Town and Country Planning Act 1990 Schedule 4B paragraph 6(2)(c)</p> <p>2012 Neighbourhood Planning Regulations (Regulation 15)</p> <p>Consultation statement (Reg 15(2)) needs to contain details of those consulted, how they were consulted, summarise the main issues and concerns raised and how those have</p>	<ol style="list-style-type: none"> 1. Included. 2. Included. 3. Included. 4. Included. 5. SEA screening was undertaken by Lambeth and Southwark Councils on the draft submission version of the draft NDP provided by SoWN in August 2017. This concluded that a full SEA is not required.

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	<p>5. <i>Either</i> a ‘negative’ screening opinion under the Environmental Assessment of Plans and Programmes Regulations 2004 <i>or</i> a full environmental assessment under those Regs [note: 2010 Conservation of Habitats and Species Regulations (Regulation 102A) requires submission of sufficient information from the neighbourhood forum to enable the LPA to determine whether an assessment under those Regulations is required].</p>	<p>been considered, and where relevant addressed in the NDP.</p> <p>Basic conditions: Town and Country Planning Act 1990 Schedule 4B paragraph 8(2).</p> <p>At this stage, the LPA is not required to verify whether the basic conditions have been complied with (PPG Paragraph: 053 Reference ID: 41-053-20140306)</p>	
<p>G. Reasons for a LPA declining to consider the proposal for the NDP</p>	<p>The LPA can decline to consider a plan proposal if it is a repeat. ‘Repeat’ means:</p> <ol style="list-style-type: none"> 1. the authority has refused the same or similar proposal within the previous 2 years; or 2. a referendum relating to a proposal that is the same as or similar has been held and 50% or less than 50% of those voting voted in favour; and 	<p>Town and Country Planning Act 1990 Schedule 4B paragraph 5</p> <p>Town and Country Planning Act 1990 Schedule 4B paragraph 6(1)</p> <p>2012 Neighbourhood Planning Regulations, Regulation 18(1)(a)</p>	<p>This is not a repeat proposal.</p>

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		<p>3. the LPA considers no significant change in national policy and advice in SoS guidance of relevance to the proposal, or the strategic policies of the development plan for the area of the authority have occurred since the refusal or referendum.</p>		
<p>H.</p>	<p>Summary of the criteria that the LPA must consider when assessing a NDP</p>	<p>The LPA must consider:</p> <ol style="list-style-type: none"> 1. whether the proposal meets the definition of an NDP: SEE REQUIREMENT A. 2. whether the neighbourhood forum is authorised to act in a neighbourhood area: SEE REQUIREMENT B. 3. whether the proposal meets the scope of the NDP/no internal conflict provisions: SEE REQUIREMENT C and REQUIREMENT D. 4. whether the neighbourhood forum has undertaken the correct pre-submission procedures in relation to 	<p>Town and Country Planning Act 1990 Schedule 4B paragraph 6(1)</p> <p>Town and Country Planning Act 1990 Schedule 4B paragraph 6(2)(a)-(d)</p> <p>Planning and Compulsory Purchase Act 2004 S38A-B</p>	<ol style="list-style-type: none"> 1. [see A] 2. [see B] 3. [see C and D] 4. [see E] 5. [see F] 6. [see G]

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		<p>consultation and publicity: SEE REQUIREMENT E.</p> <p>5. whether the proposal complies with the rules for submission to the LPA: SEE REQUIREMENT F.</p> <p>6. whether the proposal complies with the 'not a repeat' provisions: SEE REQUIREMENT G.</p>		