



Legal Requirements Checklist

Harrington Parish Neighbourhood Plan Submission

Prepared by: Planning Policy Team

Date Prepared: 26th May 2022

Assessment	Description	Legislation / regulations	Comments	Legally compliant (Y/N)
Has the neighbourhood area been designated in accordance with the legal requirements?	A neighbourhood area is the geographical boundary within which the neighbourhood plan, including all its policies, will apply	1990 Act ¹ sections 61F and 61G Regulations ²ⁱ 5 - 7	In accordance with Regulation 5A of the Neighbourhood Planning (General) Regulations 2012 (as amended), on 9th September 2019 Kettering Borough Council designated the Parish of Harrington as the Neighbourhood Plan Area for the Harrington Parish Neighbourhood Plan. Under regulation 5A, a local authority to designate a Neighbourhood Plan Area where the application is made by a parish or town council and relates to the	Yes

¹ 1990 Act = Town and Country Planning Act 1990 (as amended)

² Regulations = Neighbourhood Planning (General) Regulations (2012) (as amended)

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			whole area of the parish, without the need for public consultation under regulation 6 and 6A. As a result, no consultation was undertaken for the designation of the Braybrooke Neighbourhood Plan Area and the decision to designate the Neighbourhood Plan Area was approved via the Council's Scheme of Delegation.	
Does the qualifying body have the authorisation to act as such?	A qualifying body may be: (a) Parish Council (b) Designated Neighbourhood Forum	1990 Act sections 61E and 61F; Schedule 4B (6) Regulations 8 - 12	The qualifying body is Harrington Parish Council.	Yes
Does the plan proposal meet the definition of a 'neighbourhood development plan'?	Definition: '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'	2004 Act ³ section 38A (2)	The plan proposal provides a policy direction for the development and use of land in the designated neighbourhood area.	Yes
Does the plan proposal meet the provisions required for a	A neighbourhood development plan:	2004 Act section 38B (1)	(a) The plan period is stated on the front cover, and pages 4 and 10. The period	Yes

³ 2004 Act = Planning and Compulsory Purchase Act 2004 (as amended)

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neighbourhood development plan?	(a) must specify the period for which it is to have effect; (b) may not include provision about development that is excluded development, and (c) may not relate to more than one neighbourhood area		is 2011 to 2031 which corresponds to the end date for the adopted North Northamptonshire Joint Core Strategy 2011 - 2031 and the Kettering Site-Specific Part 2 Local Plan 2011 – 2031. (b) No provision is made in relation to excluded development (c) The plan proposal only relates to the Harrington Parish Neighbourhood Plan.	
Is the plan proposal a 'repeat proposal'?	A repeat proposal is one received which is similar to, or the same as one previously received and refused by the Council because: (a) the Council was not satisfied it met the provisions of para 12 under Schedule 4B following the examiners recommendations	1990 Act 61E (8); Schedule 4B (5);	No, this is the first submission of the plan proposal by the qualifying body.	Yes

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	(b) it did not meet the provisions of 61E (8) and (c) it failed to secure more than 50% of a yes vote at referendum			
Has the qualifying body met the requirements for consultation and publicity?	Before submitting a plan proposal, a qualifying body must undertake pre-submission consultation and publicity	1990 Act Schedule 4B (6) Regulation 14	The Consultation Statement sets out the public engagement and consultation that has taken place. The range of consultees includes people who live and work in the neighbourhood area, stakeholders, and statutory consultees. The early stage engagement via a village questionnaire sought to identify the views of the local community on a number of issues and to shape the focus for policies in the Neighbourhood Plan. The pre-submission plan was then subject to the Regulation 14 consultation. The Neighbourhood Plan Steering Group used their website, notice board and hand delivered flyers to publicise Plan progress.	Yes
Does the plan proposal submitted by the qualifying	The submission documents for the plan proposal must include:	1990 Act Schedule 4B (6) Regulation 15	The Council is in receipt of all the submission documents required by	Yes

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body meet the legal requirements?	(a) a map or statement identifying the area to which the plan proposal relates; (b) a consultation statement; (c) the proposed plan; (d) a basic conditions statement (e) an environmental report (Strategic Environmental Assessment) OR a statement explaining why a Strategic Environmental Assessment is not required	European Directive 2001/42/EC ⁴ European Directive 92/43/EEC ⁵ .	Regulation 15 (as set out in column 2 on this row of this table). The map of the neighbourhood area can be found in the plan proposal.	
Has the qualifying body been notified by the Council on whether or not the Council is satisfied that the plan proposal complies with the criteria set out in Schedule 4B (6)?		1990 Act Schedule 4B (6)		Yes

⁴ Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive) - <http://www.legislation.gov.uk/eudr/2001/42/contents/adopted#>

⁵ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) - <http://www.legislation.gov.uk/eudr/1992/43/contents#>

