

Our Ref: Thorndon NP
Your Ref: e-mails dated 5 June 2020

Date: 12 June 2020

Sent by e-mail to:

Amanda Thompson (Parish Clerk)
Ian Poole (Places4People Ltd)

Dear Amanda, Ian

- 1. TOWN AND COUNTRY PLANNING ACT 1990**
- 2. THORNDON NEIGHBOURHOOD DEVELOPMENT PLAN**

We refer to the e-mails received on behalf of Thorndon Parish Council on 5 June 2020 and to the subsequent e-mail received on 8 June 2020. On behalf of Mid Suffolk District Council, please accept this letter as confirm of receipt of the submitted Thorndon Neighbourhood Development Plan (the 'Plan') and other required documents.

Under paragraphs 5 and 6 of Schedule 4B of the Town & Country Planning Act, 1990 there is a requirement placed upon the District Council to check the compliance of the Plan and the processes undertaken to date with the provisions of the Act and the relevant sections of the Planning & Compulsory Purchase Act, 2004. Having undertaken the appropriate checks there is also an obligation placed upon the District Council to issue a written statement clarifying compliance (or otherwise) of the Plan with the relevant provisions. This letter therefore comprises our formal view.

It should be noted that it is not the duty of the of the District Council to consider the Plan against the 'Basic Conditions' set out under Paragraph 8(2) of the Town & Country Planning Act, 1990. This will fall to the Independent Examiner who we appoint to consider the Plan.

A detailed consideration of the Plan against the Town & Country Planning Act, 1990 and the Planning & Compulsory Purchase Act, 2004 is attached to this letter. In summary, the District Council can confirm that:

- The Plan **does** accord with all the provisions of the Planning & Compulsory Purchase Act, 2004 in that it; specifies a plan period; does not include any provision for excluded development; and does not relate to more than one neighbourhood area,

Cont/...



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- The Plan **does not** comprise a 'repeat proposal' as defined under Paragraph 5 of the Town & Country Planning Act, 1990,
- The Plan **has** been prepared by a qualifying body who are authorised to deliver a neighbourhood development plan,
- The submission **does** comprise the relevant documentation required under Schedule 4B of the Town & Country Planning Act, 1990 and as prescribed by Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended), *and*,
- The statutory consultation undertaken to date **does** comply with the requirements prescribed by Regulation 14 of those regulations.

The Thorndon Neighbourhood Development Plan can therefore be publicised for consultation under Regulation 16 with a view to then making it available for independent examination.

We are required to publicise the submitted Plan for a minimum period of not less than 6-weeks. Due to the limitations imposed on us all by the current Covid-19 pandemic our recommendation is that the consultation period be extended by no more than 2-weeks in order to give individuals and organisations as much opportunity as possible to read the Plan and submit comments if they wish to do so. That means that the consultation period will run for no more than 8-weeks in total. The emphasis will also be on use of on-line methods (website, e-mail etc.). We will confirm both the start / end dates for the consultation as soon as possible and contact you separately about how the parish council can assist in promoting this.

Finally, we have made some initial enquires as to the availability of an examiner and both Ann Skippers and Janet Cheesley have indicated to us that they might be available. Having worked with them both on many previously submitted plans we have no hesitation in recommending either to you as your independent examiner.

Yours sincerely

Robert Hobbs
Corporate Manager – Strategic Planning

(Attached: Checklist)

In case of any queries please contact my colleague Paul Bryant (Neighbourhood Planning Officer) in the first instance. T: 01449 724771 / 07860 829547 or E: paul.bryant@baberghmidsuffolk.gov.uk



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**BABERGH and MID SUFFOLK DISTRICT COUNCILS
NEIGHBOURHOOD DEVELOPMENT PLANS: LEGAL COMPLIANCE CHECKLIST**



THORNDON NEIGHBOURHOOD PLAN

	Reference	Test	Comments	Legally Compliant?
1	Town and Country Planning Act, 1990 Schedule 4B, Paragraph 5	Is the plan proposal a 'repeat' submission? (i.e., has the District Council refused a submission under Paragraph 12 or Section 61E or has it failed at Referendum?)	The Thorndon Neighbourhood Development Plan is not a 'repeat' submission.	Yes
2	Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2)(a) and Section 61F	Is the body who submitted the Plan a qualifying body for the purposes of making a neighbourhood development plan?	The qualifying body is Thorndon Parish Council.	Yes
3	Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2)(b) and Section 61F	Does the plan proposal comply with other relevant provisions made under Section 61F?	The Thorndon Neighbourhood Development Plan complies with other relevant provisions made under Section 61F.	Yes
4	Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2)(c) and the Neighbourhood Planning (General) Reg' (as amended) – Regulation 15	<p>Have the qualifying body submitted the following in a satisfactory form:</p> <p>(i) A Map or statement identifying the area to which the Plan relates;</p> <p>(ii) A Consultation Statement setting out who was consulted; how they were consulted; the main issues which arose and how these have been considered and where relevant addressed in the proposed N'hood development plan under Reg 15 (2)(a);</p>	<p>The qualifying body has submitted:</p> <p>(a) A Map identifying the area to which the Plan relates</p> <p>(b) A consultation Statement which summarises the main issues and concerns raised and how these have been considered and addressed in the proposed neighbourhood development plan.</p>	<p>Yes</p> <p>Yes</p>

	<p>The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General) Regulations, 2012; and the Conservation of Habitats and Species Regulations 2017</p>	<p>(iii) The proposed neighbourhood development plan;</p> <p>(iv) A statement explaining how the neighbourhood development plan meets the 'Basic Conditions' (i.e. the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 8 (2)); and</p> <p>(v) EITHER an environmental report prepared in accordance prepared in accordance with Paragraph (2) and (3) of Regulation 12 of the Environmental Assessment of Plans & Programmes Regulations 2004) OR a Statement of Reasons for determination under Regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the Plan is unlikely to have significant environmental effects.</p> <p>(vi) Where required, information to enable an Appropriate Assessment under the Conservation of Habitats and Species Regulations, 2017.</p>	<p>(c) The proposed Neighbourhood Development Plan</p> <p>(d) A 'Basic Conditions' Statement (<i>NB: It is the Independent Examiners role to determine whether the Plan meets the 'Basic Conditions', not the District Council</i>)</p> <p>(e) The statutory consultees were consulted on the content of an appropriate SEA Screening Assessment and concurred with the finding that the Thorndon Neighbourhood Plan is unlikely to have significant environmental effects. The District Council issued a Determination Notice to this effect in May 2020</p> <p>(f) An HRA Screening Assessment was undertaken and the statutory consultees concurred with the finding that the Thorndon Neighbourhood Plan is not predicted to have any likely significant effects on a Habitats Site. The District Council issued a Determination Notice to this effect in May 2020.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
5	<p>Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2)(d) and the Neighbourhood Planning (General) Regulations, 2012 – Regulation 15 (2)(a).</p>	<p>Has the qualifying body complied with the requirements of the Town and Country Planning Act, 1990, Schedule 4B and the Regulations regarding the scope of pre-submission consultation?</p>	<p>The qualifying body has complied with the requirements of the regulations as evidenced within its submitted consultation statement.</p>	<p>Yes</p>

6	Planning and Compulsory Purchase Act, 2004 Section 38A (2)	Does the Plan meet the definition of a 'Neighbourhood Development Plan' in that it sets out policies in relation to the development and use of land in the neighbourhood area?	The Thorndon Neighbourhood Development Plan meets the definition of a 'Neighbourhood Development Plan'.	Yes
7	Planning and Compulsory Purchase Act, 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?	The Plan period for the Thorndon Neighbourhood Development Plan is given as 2018 to 2036.	Yes
8	Planning and Compulsory Purchase Act, 2004 Section 38B (1)(b)	Does the 'Neighbourhood Development Plan' (as defined under Section 38A) include any provisions relating to 'excluded development' as defined by Section 61K of the Town and Country Planning Act, 1990?	The Thorndon Neighbourhood Development Plan does not contain any policies or proposals relating to 'excluded development'.	Yes
9	Planning and Compulsory Purchase Act, 2004 Section 38B (1)(c)	Does the 'Neighbourhood Development Plan' (as defined under Section 38A) relate to more than one neighbourhood area?	The Thorndon Neighbourhood Development Plan does not relate to more than one neighbourhood area.	Yes

Dated: 12 June 2020