

	Reference	Test	LPA Comments	Legally Compliant?
	The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General) Regulations 2012	<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 with Paragraphs (2) and (3) of Regulation 12 of the Environmental Assessment of Plans and 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) Information to EITHER enable an assessment under Regulation 102 of the Conservation of Habitats and Species Regulations 2010 OR to enable it to be determined whether that assessment is required</p>	<p>(iii) The proposed neighbourhood plan (dated October 2018)</p> <p>(iv) A 'basic conditions' statement (dated October 2018).</p> <p>(v) A Strategic Environmental Assessment (SEA) (dated October 2018) has been prepared in line with the procedures prescribed by the Environmental Assessment of Plans and Programmes 2004.</p> <p>(vi) Natural England has indicated that there is no requirement for the plan to be subject to a Habitats Regulations Assessment (HRA) at this stage. However, it will be necessary for the plan to be subject to a HRA prior to the Examination commencing.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
5	Town and Country Planning Act 1990, Schedule 4B, Paragraph 6 (2) (d) and the Neighbourhood Planning (General) Regulations 2012 – Regulation 15 (2) (a).	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?	The qualifying body has complied with the requirements of the regulations as evidenced within its submitted consultation statement.	Yes

	Reference	Test	LPA Comments	Legally Compliant?
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 Milborne St Andrew Neighbourhood 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 Milborne St Andrew Neighbourhood Plan is stated as being 2018 to 2033.	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	The Milborne St Andrew Neighbourhood 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 Milborne St Andrew Neighbourhood Plan does not relate to more than one neighbourhood area.	Yes

Dated: 16/01/2019