

Legal Requirements Checklist

South West Kettering (Headlands Community) Neighbourhood Plan Submission

Prepared by: Planning Policy Team

Date Prepared: 10th January 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 ² 5 - 7	Consultation on the application for the South West Kettering (Headlands Community) Neighbourhood Area (SWK NA) took place from 16/07/2015 until 01/09/2015 The Executive Committee of Kettering Borough Council (KBC) voted to designate the Neighbourhood Area on 14/10/2015	Yes
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	Consultation on the application for the South West Kettering (Headlands Community) Neighbourhood Forum (SWK NF) took place from 16/07/2015 until 01/09/2015. The Executive Committee of KBC voted to designate the Neighbourhood Forum on 14/10/2015 To retain the designation after a period of 5 years the SWK NF presented a new application to KBC. Consultation on the application took place between	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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			<p>11/08/2020 until 22/09/2020. The Executive Committee of KBC voted to re-designate the Forum 14/10/20.</p> <p>Upon the creation of Kettering Town Council (KTC) the designation of the SWK NF ceased to have effect. KTC assumed the role as qualifying body and established the South West Kettering Neighbourhood Planning Forum Committee through the Annual Town Council meeting 19/05/2021 for the purposes of completing the SWK (Headlands Community) Neighbourhood Plan.</p>	
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 neighbourhood development plan?	<p>A neighbourhood development plan:</p> <p>(a) must specify the period for which it is to have effect;</p> <p>(b) may not include provision about development that</p>	<p>2004 Act section 38B (1)</p> <p>1990 Act 61J and 61K (see footnote 4)</p>	<p>(a) The plan period is stated both on the front cover and p6 of the Submission Plan. The period is 2019 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</p> <p>(b) No provision is made in relation to excluded development</p>	Yes

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

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	<p>is 'excluded development'⁴, and</p> <p>(c) may not relate to more than one neighbourhood area</p>		<p>(c) The plan proposal only relates to the SWK Neighbourhood Area</p>	
<p>Is the plan proposal a 'repeat proposal'?</p>	<p>A repeat proposal is one received which is similar to, or the same as one previously received and refused by the Council because:</p> <p>(a) the Council was not satisfied it met the provisions of para 12 under Schedule 4B following the examiners recommendations</p> <p>(b) it did not meet the provisions of 61E(8) and</p> <p>(c) it failed to secure more than 50% of a yes vote at referendum</p>	<p>1990 Act 61E(8); Schedule 4B (5);</p>	<p>No, this is the first submission of the plan proposal by the qualifying body</p>	<p>Yes</p>

⁴ 1990 Act 61K – the meaning of “excluded development” for the purposes of section 61J: (a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1; (b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description; (c) development that falls within Annex 1 to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (as amended from time to time); (d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008); (e) prescribed development or development of a prescribed description and (f) development in a prescribed area or an area of a prescribed description.

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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 identified issues the local community wanted to address. A mid-stage engagement helped inform plan development and the pre-submission plan was then subject to the Regulation 14 consultation. The Neighbourhood Forum used social media, their website and hand delivered newsletter to publicise Plan progress.	Yes
Does the plan proposal submitted by the qualifying body meet the legal requirements?	The submission documents for the plan proposal must include: (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	1990 Act Schedule 4B (6) Regulation 15 European Directive 2001/42/EC ⁵ European Directive 92/43/EEC ⁶ .	The Council is in receipt of all the submission documents required by Regulation 15 (as set out in column 2 on this row of this table). The map of the neighbourhood area can be found in both the Basic Conditions Statement and the plan proposal	Yes

⁵ 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#>

⁶ 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#>



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	Environmental Assessment) OR a statement explaining why a Strategic Environmental Assessment is not required			
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