Freckenham Neighbourhood Plan (referendum version) – compliance check (Dec 2024)

Please note that all references to primary and secondary legislation are to those enactments as amended.

Requirements and relevant legislation and/or guidance	Local planning authority (LPA) comments	Legally compliant?
The body submitting the neighbourhood plan is authorised to act. (Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 38A(1,2), S38C(2)(a) and 1990 Act schedule 4B, 6(2), as it applies 61F). (In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning. The relationship between any steering group and the town or parish council should be transparent to the wider public. For example, it should be clear whether a steering group or other body is a formal sub-committee of the parish or town council. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public.)	The qualifying body is Freckenham Parish Council. The neighbourhood area was designated in November 2018. As explained in paragraph 2.1 of the consultation statement a neighbourhood plan working group for Freckenham was formed in April 2018 from a small group of volunteers.	Yes

Requirements and relevant legislation and/or guidance	Local planning authority (LPA) comments	Legally compliant?
Section 38A of the Town and Country Planning Act 1990 as amended (by the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) defines a neighbourhood development plan (NDP) as "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."	The referendum version of the Freckenham Neighbourhood Plan meets this definition of a neighbourhood plan.	Yes
SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation 15 – A qualifying body is required to submit: a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates	The designated neighbourhood area is shown as Map 1 in the referendum version Freckenham Neighbourhood Plan.	Yes
b) A consultation statement (the statement should contain details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and where relevant, addressed in the proposed neighbourhood plan).	A consultation statement accompanied the submission neighbourhood plan. The consultation statement includes: • Information on how the community have been kept informed throughout the production of the neighbourhood plan. • The details of those consulted and how they were consulted. • A summary of the issues and concerns raised. • Details on how the issues and concerns have been considered and where relevant, addressed.	Yes
c) The proposed neighbourhood development plan	The local planning authority received the referendum neighbourhood plan on 6 December 2024.	Yes

Requirements and relevant legislation and/or guidance	Local planning authority (LPA) comments	Legally compliant?
d) A Statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act as revised by s38C of the Planning and Compulsory Purchase Act 2004, (as amended). The local planning authority has to be satisfied that a basic condition statement has been submitted.	A basic conditions statement accompanied the submission neighbourhood plan. The statement clearly demonstrates how the neighbourhood planning working group considers that 8(1) and each of the conditions set out by 8(2) of Schedule 4B as amended have been met. Moreover, the Freckenham Basic Conditions Statement also demonstrates compliance with Sections 38A and 38B of the 2004 Act as required by the varied Paragraph 8.	Yes
The plan needs to be submitted with one of the following a) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects, or b) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 (as set out in the Neighbourhood Planning (General Amendment) Regulations 2015, (which amends Regulation 15 of the Neighbourhood Planning (General) Regulations 2012)). If an environmental report is required, then this needs to have been subject to the required level	In January 2024 West Suffolk Council issued its screening opinion that a strategic environmental assessment (SEA) was not required to accompany the pre-submission draft neighbourhood plan. This screening opinion was underpinned by a report. Consultation on the strategic environmental assessment and habitats regulations screening report for the Freckenham Neighbourhood Plan took place from 24 January 2024 to 29 February 2024 and Natural England (NE), Historic England (HE) and Environment Agency (EA) were consulted. All three bodies responded.	Yes

Requirements and relevant legislation and/or guidance	Local planning authority (LPA) comments	Legally compliant?
of consultation, and should comply with the government's SEA guidance. In terms of consultation, the 'consultation bodies' (EA, NE and HE) must have been consulted at scoping stage (for five weeks). There is no requirement for public consultation on the scoping report. The draft environmental report on the pre-submission neighbourhood plan will need to be subject to public consultation for six weeks. The draft environmental report must be made available at the same time as the draft plan, as an integral part of the consultation process, and the relationship between the two documents clearly indicated.		
The neighbourhood plan and accompanying documents meet the scope of neighbourhood plan provisions. For example, specifies the period for which it covers, does not include provision about development that is 'excluded development' (as set out in section 61K of the 1990 Act – s38B(6) PCPA,)) and does not relate to more than one neighbourhood area. (2004 Act s 38B (1 and 2) (4)).	The referendum version of the Freckenham Neighbourhood Plan and its accompanying documents are compliant with the provisions as evidenced by the basic conditions statement. The referendum version neighbourhood plan covers the period 2023 to 2040. The referendum neighbourhood plan does not contain policies relating to 'excluded development'. It does not relate to more than one neighbourhood area. There is not more than one NDP in existence in Freckenham.	Yes

Requirements and relevant legislation and/or guidance	Local planning authority (LPA) comments	Legally compliant?
The parish council has undertaken the correct procedures in relation to consultation and publicity.	The parish council has submitted a consultation statement that demonstrates compliance with Section 15(2) of The Neighbourhood Planning (General) Regulations 2012.	Yes
The draft neighbourhood plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (Town and Country Planning Act 1990 Act Schedule 4B s5 and s18 as varied by s38C of the Planning and Compulsory Purchase Act 2004).	The referendum version Freckenham Neighbourhood Plan is not a repeat proposal.	Yes
The pre-submission consultation requirements need to have been satisfied. Before submission to the LPA the qualifying body should: a) publicise (but this does not have to be on a web site) 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: i. the proposals ii. when and where they can be inspected iii. how to make representations, and iv. the deadline for making representations – not less than six weeks from first publicised. b) consult any consultation body whose interests they consider may be affected by the proposals for a NDP. c) send a copy of the NDP to the LPA. (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.	Freckenham Parish Council has complied with the requirements of the regulations in respect of the scope of their pre-submission consultation and this is evidenced within the submitted consultation statement. The consultation took place on the pre-submission neighbourhood plan from Friday 20th October to 4th December 2023. A copy of the pre-submission neighbourhood plan was provided to the LPA.	Yes

Requirements and relevant legislation and/or guidance	Local planning authority (LPA) comments	Legally compliant?
Are there any conflicts in the NDP between policies and other statements or information? (s38B(3) Planning and Compulsory Purchase Act 2004.)	No, there are no known conflicts in the NDP.	Yes
The Conservation of Habitats and Species Regulations 2017, regulations 105 and 106. Regulation 106(1) requires the qualifying body to provide 'such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 to enable it to determine wither that assessment is required'	In January 2024 West Suffolk Council issued its screening opinion that a strategic environmental assessment was not required to accompany the neighbourhood plan. This screening opinion was underpinned by a report and sought the opinions of the three statutory bodies (the Environment Agency, Natural England and Historic England). Consultation on the strategic environmental assessment and habitats regulations screening report for the Freckenham Neighbourhood Plan took place from 24 January 2024 to 29 February 2024 and Natural England (NE), Historic England (HE) and Environment Agency (EA) were consulted. All three bodies responded. The screening process undertaken concluded that the neighbourhood plan would not need to be subject to a habitats regulations assessment (HRA). The consultation bodies have all agreed with the conclusion reached. The plan has not significantly changed since this screening opinion was issued, and nor has there been a long delay between the issue of the opinion and the submission of the Freckenham Neighbourhood Plan (referendum version).	Yes

Conclusion: West Suffolk Council has issued a confirmation that the referendum version Freckenham Neighbourhood Plan meets the legislative requirements.

The draft neighbourhood plan submitted to the local planning authority meets the requirements in the legislation, and the local planning authority has publicised the neighbourhood plan for a minimum of six weeks, invited comments, notified any consultation body referred to in the consultation statement and sent the draft neighbourhood plan to independent examination. Following examination, the council determined that the plan, modified as recommended by the examiner, is ready for a public referendum. (Schedule 4B of the Town and Country Planning Act 1990 (as varied by s38A & 38C of the Town and Country Planning Act) and the Neighbourhood Planning (General) Regulations 2012).