



Planning Policy Team
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Guidance Note for responses to the submission consultation for a Neighbourhood Development Plan

A Neighbourhood Development Plan which has been submitted to the Council must be subjected to at least six weeks consultation before progressing to independent examination.

All comments submitted during the consultation period will be passed onto an appointed independent examiner along with a copy of the Neighbourhood Development Plan and its associated statutory documents.

The role of an independent examiner is to consider whether the submitted Plan meets the statutory requirements set out in legislation and consider the area the referendum should apply to. It may therefore be helpful to tailor your comments to these matters.

The Independent Examiner must consider whether a neighbourhood plan meets the “basic conditions.” These were set out in law¹ following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.²

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³

In examining the Plan the Examiner is also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and

View the documents:

- Website: www.westsomersetonline.gov.uk/neighbourhoodplanning
- Consultation Website: www.westsomersetsays.com
- West Somerset Council's offices: West Somerset House, Killick Way, Williton, Somerset TA4 4QA and The Customer Centre, 1-3 Summerland Road Minehead TA24 5BP during normal office hours, or;
- The public library in Williton during its normal opening hours

Please submit comments in writing either:

- Using the pro-former below and send it either;
 - via e-mail to ldf@westsomerset.gov.uk or
 - by post to: the Planning Policy Team, West Somerset Council, West Somerset House, Killick Way, Williton, Somerset TA4 4QA or,
- via the Council's online consultation portal www.westsomersetsays.com

Representations may include a request to be notified of details about The Plan examination, referenda and the Local Authorities decision under Regulation 19.

Further information on Neighbourhood Planning can be found at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1 Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

2 Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

3 The Convention rights has the same meaning as in the Human Rights Act 1998.