

Legal Compliance Assessment

Woodbury Parish Neighbourhood Plan Submission (September 2025)

Introduction

At this stage in the development of a Neighbourhood Plan, the draft Plan is formally submitted to the Council and assessed for legal compliance under the relevant provisions of Neighbourhood Planning Regulations and the Town & Country Planning Act 1990. This stage is not specifically concerned with details of plan wording or policy or sites but is primarily a legal compliance checking exercise.

Legal Compliance Assessment:

The following sets out the Officer assessment of the Woodbury Neighbourhood Plan submission against the relevant legal requirements. The questions relate to the requirements of Sections 38A, 38B & 38C of the Planning and Compulsory Purchase Act 2004, Schedule 4B of the Town & Country Planning Act 1990 and Regulations 14 & 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Part 1 – Overall Requirements

Question 1

Is the Plan Producer authorised to act?

Answer

Yes, the Neighbourhood Plan was submitted by the Plan Producer, Woodbury Parish Council. Woodbury Parish Council, as a Parish Council, is authorised to act as the approved 'Qualifying Body' for the Woodbury Neighbourhood Area, designated 12 June 2013.

Question 2

Is the draft Neighbourhood Plan a 'repeat' proposal?

Answer

No, this is the first and only Neighbourhood Plan submitted for this Neighbourhood Area.

(N.b. Some further work was undertaken to the submission documents between November 2024 (when the post Regulation 14 version of the Plan was first signed off) and September 2025. This was primarily in respect of the supporting Basic Conditions Statement and Consultation Statement, with reference to the Regulations, with some limited revision agreed by the Qualifying Body to the NP document itself. This work was undertaken in liaison with EDDC officers under the duty to support neighbourhood planning. The formal date of submission of the final documentation for Regulation 16 consultation was 30th September 2025.)

Question 3

Is there another Neighbourhood Plan in place in respect of the designated Neighbourhood Area?

Answer

No, there is not another Neighbourhood Plan already in place in respect of the Neighbourhood Area, which covers the whole of the parish of Woodbury.

Question 4 -

Have the Neighbourhood Plan Regulations been complied with, including the minimum 6-week pre-submission (Regulation 14) Consultation?

Answer

Yes. The necessary steps set out in the Regulations appear to have been followed, including the neighbourhood plan being appropriately advertised for at least 6 weeks, in accordance with Regulation 14 (as set out in the consultation statement). This confirms that the consultation ran from 10th June 2024 to 22nd July 2024.

Part 2 - The submitted Draft Plan

Question 1

A map or statement is included identifying the area to which the plan relates?

Answer

Yes, the submission includes a map identifying the neighbourhood area as the whole of Woodbury Parish, together with details the application and approval process which established the designation of the area, set out section 2 of the Basic Conditions Statement. The map of the area is also included within the Neighbourhood Plan itself.

Question 2

The consultation statement is included and contains 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)?

Answer

The submission includes a satisfactory Consultation Statement which sets out and reports on the consultation and engagement undertaken from the commencement of work on the Plan in 2013 up to Submission stage and indicates how and why the impetus and focus for the plan changed over time, with shifts in local circumstances and the wider context for plan making. With specific reference to the statutory 'Pre-Submission' consultation (Regulation 14), the document explains who was consulted and how, in terms of both the local community and statutory consultees. The document sets out the responses received (more in full than in summary) and confirms that they were considered by the Steering Group before a final version of the document was agreed by the Parish Council for submission. The specific amendments made further to the Regulation 14 stage consultation are indicated.

Question 3

The submission includes the proposed Neighbourhood Plan?

Answer

Yes, it includes the proposed Neighbourhood Plan, clearly labelled on the front cover as being the 'Woodbury Parish Neighbourhood Plan Regulation 15 Submission' and stating the plan period (to 2031).

Question 4

A statement is included explaining how the Neighbourhood Plan meets the 'basic conditions'? (These are the requirements as set out in paragraph 8(2) schedule 4B Town & Country Planning Act 1990).

Answer

Yes. A Basic Conditions Statement accompanies the submission which addresses how the Plan is considered to meet each of the prescribed 'basic conditions'.

The Neighbourhood Plan does not contain any Neighbourhood Development Orders.

As such, Officers understand that the Neighbourhood Plan will be considered to have met 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 development plan,
- the making of the neighbourhood development 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) (which is currently the adopted East Devon Local Plan 2013-2031),
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, retained EU obligations,
- prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

This will be considered in more detail and formally commented on by East Devon District Council in its consideration of the Regulation 16 Submission Version of the Plan and supporting appendices. Any comments will be submitted to the independent examiner, along with those received from other consultees, who will examine the Plan in respect of compliance with these Basic Conditions.

Question 5

The Submission includes 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 (a)); or a statement of reasons for the determination of why the plan proposal is unlikely to have significant environmental effects?

Answer

Yes. A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) or Habitat Regulations Assessment (HRA) would be required in support of the plan. Neither an SEA nor HRA were deemed necessary and the statutory consultees concurred with this view. Therefore, basic conditions concerning Habits and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.

The Neighbourhood Plan is also considered to have had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and to comply with the Human Rights Act 1998.

Conclusion

In the opinion of the East Devon District Council Policy Team, having consulted (if appropriate) with Legal Services, the relevant legal requirements at Submission stage have been met. The Plan Producer can be notified as such, and the Plan can proceed to Regulation 16 Consultation.