

The Neighbourhood Planning (General) Regulations 2012 (as amended)



Regulation 16 Submission draft consultation FAQs

First published in May 2024. Last updated July 2026.

Overview

This document accompanies the other Regulation 16 consultation information published on a relevant neighbourhood plan webpage.

The relevant Qualifying Body; in Babergh and Mid Suffolk this will be a town or parish council, will have prepared and previously consulted on their draft Neighbourhood Plan at the Regulation 14 pre-submission stage. Having then made any necessary changes they will have submitted their draft Plan and other required documents to us under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Prior to it being advanced to independent examination, we (the Council) are obliged to consult on the submitted plan at the Regulation 16 stage for a minimum period of six-weeks (42 days), and invite written representation (comments) from statutory consultees, and from those persons who live, work and carry on business within the designated plan area (usually the whole parish) on the how the draft plan meets the relevant basic condition tests.

What are the Basic Conditions?

Planning Practice Guidance advises that *“Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be made.”*

It is the role of the independent examiner to assess whether the submitted Plan meets the relevant basic condition test, or if further modifications need to be made to the Plan in order for it to do so.

The basic condition test are set out in [paragraph 8\(2\) of Schedule 4B to the Town & Country Planning Act 1990 \(as amended\)](#)¹. These now require that the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- would not have the effect of preventing development from taking place which (i) is proposed in the development plan for the area of the authority (or any part of that area) and (ii) if it took place would provide housing;
- not breach and is otherwise compatible with EU obligations (this includes the SEA Directive of 2001/42/EC); and
- meet other prescribed conditions and comply with other prescribed matters, including that

¹ For example, through the implementation of Section 98 and Section 98 of the Levelling-up & Regeneration Act 2023.
See: <https://www.legislation.gov.uk/ukpga/2023/55/part/3/chapter/2/crossheading/neighbourhood-planning>

the making [adoption] of the Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010(d)), either alone or in combination with other plans or projects.

What can I comment on at this stage?

At this stage, you can comment on the submitted plan and its policies.

As noted above, it is important to remember that the Examiner will only be able to recommend changes to the submitted plan that are necessary to ensure that it meets the basic condition tests. You should therefore consider whether the plan meets those tests.

Along with their submission draft Plan, the Parish Council have submitted a 'Basic Conditions Statement'. This should set out how they consider that their Plan has met those tests.

I commented on this Plan at an earlier stage. Do I need to repeat those comments?

Issues raised in response to the pre-submission consultation exercise carried out by the Parish Council should be referred to in their Consultation Statement. As a result, the Examiner will see and be aware of these, i.e., you do not need to repeat them.

If changes have been made to the submitted plan that now raise new issues or if those changes now affect any of the points that you made previously, you might want to consider making a further comment.

What happens next?

At the end of this consultation period all valid representations will be shared with the Town / Parish Council and with the appointed Examiner. On behalf of the Examiner, the Town / Parish Council will also be invited submit a response to any new matters raised during this consultation exercise.

It will then be for the Examiner to decide how to proceed. Typically, they will rely on the submitted documents and duly made representations. They may also choose to seek clarification in writing on specific matters from the Town / Parish Council and or the District Council. If the matter cannot be resolved in this way, they may decide that the issue would be better addressed through a public meeting.

All relevant exchanges of correspondence from and with the Examiner, i.e., questions and responses, are also a matter of public record and will be published on the relevant webpage. As a minimum, we will normally publish the Examiners 'start letter' which sets out how the examination process operates.

Finally, a reminder that it is the Examiners role to determine whether the Plan meets the basic conditions with or without the need for further modifications to be made. The Examiner will also decide if the NDP should proceed to a local referendum. This will all be set out in their Final Report.