



## **Neighbourhood Planning Toolkit Guidance Note 11**

# **Neighbourhood Planning: What are the Basic Conditions and How to Meet Them**

South Cambridgeshire District Council

Adopted December 2017

This document includes hyperlinks to a range of websites, and the hyperlinks can be accessed using the published version of this document, which is available to view via: [www.scambs.gov.uk/npgguidance](http://www.scambs.gov.uk/npgguidance). Every effort has been made to ensure that these hyperlinks are up-to-date, however as websites change these hyperlinks can become invalid.

Herefordshire Council has kindly given permission for us to provide links to their guidance on neighbourhood planning.

Huntingdonshire District Council has kindly allowed us to take inspiration and wording from their Neighbourhood Planning Guidance.

If you have any queries relating to this document, please contact us via [neighbourhood.planning@scambs.gov.uk](mailto:neighbourhood.planning@scambs.gov.uk) or 01954 713183.

## Introduction

To be successful at examination national policy requires that a neighbourhood plan must meet a number of tests, known as Basic Conditions.

### What are the basic conditions?

- a) **Have regard to national policies and advice** contained in guidance issued by the Secretary of State,
- b) The neighbourhood plan **contributes to the achievement of sustainable development**,
- c) 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),
- d) The neighbourhood plan **does not breach, and is otherwise compatible with EU obligations**, and
- e) A number of other basic conditions.

Alongside their neighbourhood plan, a parish council will need to prepare a statement about how their neighbourhood plan meets the 'Basic Conditions' and submit this to SCDC.

Right from the start of preparing your neighbourhood plan you will need to be aware of the basic conditions. It is against these that your plan will be judged.

There are some common pitfalls that a local community may fall into when writing the policies to ensure their plan meets the basic conditions.

When writing policies for your plan make sure that you are not:

- Rewriting the local plan by duplicating policies already included in the Local Plan;
- Duplicating or ignoring what is in national legislation and guidance;
- Not proposing alternative options to site allocations which could fall down in SEA assessment.

SCDC will consider whether the draft neighbourhood plan meets the basic conditions after it receives the examiner's report following the independent examination. In order to be put to referendum and made (adopted) by SCDC a neighbourhood plan needs to meet the basic conditions. It is a very important milestone.

### How can SCDC help?

We can advise you at the start of the process about how to meet the basic conditions.

### Guidance and Regulations

The National Planning Practice Guidance has a section about [Basic conditions](#). Here are the links to each one:

A - [NPPG - National Policy](#)

B - [NPPG - Sustainable Development](#)

C - [NPPG - Strategic Policies](#)

D - [NPPG - EU Obligations](#)

E - [NPPG - Other basic conditions](#)

[NPPG - Basic Condition report](#) - See paragraph 053

*These regulations may occasionally change or new regulations introduced*

**Other Council Guidance:**

Herefordshire Council Guidance note 35

[Basic Conditions](#)

## A – Having regard to National Policies and Advice

A neighbourhood plan must not constrain the delivery of important national policy objectives. The National Planning Policy Framework is the main document setting out the government's planning policies for England and how these are expected to be applied.

### Which national policies are relevant?

The **National Planning Policy Framework (NPPF)** makes it clear that a parish council when producing a plan should support the strategic development needs set out in the Local Plan for their area including policies for housing and economic development (NPPF paragraph 16). The NPPF states that a plan should not promote less development than set out in the Local Plan or undermine the strategic policies (NPPF paragraph 184).

How a parish council will consider which policies are relevant is set out in the **National Planning Practice Guidance (NPPG)**. A parish council will need to show how they have had regard to national policy and consider whether a particular policy is or is not relevant. This will need to be set out in the basic conditions report that you will submit with your plan to SCDC.

### Key national policies to be aware of:

- A **plan should not promote less development than set out in the Local Plan** or undermine its strategic policies (see paragraphs 16 and 184 of the NPPF);
- A neighbourhood plan **must address the development and use of land** (NPPG paragraph 004 Reference ID: 41-004-20140306);
- If the policies and proposals are to be implemented as the community intended a **neighbourhood plan needs to be deliverable**. The NPPF requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened (NPPG paragraph 001 Reference ID: 10-001-20140306);
- The NPPF states that a **neighbourhood plan should develop robust and comprehensive policies** that set out the quality of development that will be expected for the area (NPPF paragraph 58);
- Planning policies and decisions **should not attempt to impose architectural styles or particular tastes** and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to **seek to promote or reinforce local distinctiveness** (NPPF paragraph 60);
- Local communities through local and neighbourhood plans **should be able to identify for special protection green areas of particular importance to them**. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances (NPPF paragraph 76);
- Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans. Once established, **Green Belt boundaries should only be altered in exceptional circumstances**, through the preparation or review of the Local Plan. (NPPF paragraph 83);
- **Inappropriate development in areas at risk of flooding should be avoided** by directing

development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (NPPF paragraph 100);

- In preparing plans to meet development needs, **the aim should be to minimise pollution and other adverse effects on the local and natural environment** (NPPF paragraph 110).

### National Planning Practice Guidance (NPPG) to be aware of:

- NPPG states that policies in a neighbourhood plan should be
  - **clear and unambiguous;**
  - **drafted with sufficient clarity** that a decision maker can apply it consistently and with confidence when determining planning applications;
  - **concise, precise and supported by appropriate evidence;** and
  - distinct to **reflect and respond to the unique characteristics and planning context of the specific neighbourhood area** for which it has been prepared (NPPG paragraph 041 Reference ID: 41-041-20140306).
- A neighbourhood plan **can allocate sites for development**. Those preparing the plan will need to have carried out an appraisal of options and assessment of individual sites against clearly identified criteria (NPPG paragraph 042 Reference ID: 41-042-20140306).
- A neighbourhood plan **can allocate additional sites to those in a Local Plan** where this is supported by evidence to demonstrate need above that identified in the Local Plan (NPPG paragraph 043 Reference ID: 41-043-20140306).
- A neighbourhood plan **should not be used to constrain the delivery of a strategic site** allocated for development in the Local Plan (NPPG paragraph 044 Reference ID: 41-044-20160519).
- Neighbourhood plans **are not obliged to contain policies addressing all types of development**. Housing policies must take account of the latest and up to date evidence on housing need (NPPG paragraph 040 Reference ID: 41-040-20160211).
- The plan should consider **what infrastructure needs to be provided in their neighbourhood area** alongside development, such as homes or shops. Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way (NPPG paragraph 045 Reference ID: 41-045-20140306).
- Those preparing a plan should set out in their draft neighbourhood plan the **prioritised infrastructure required to address the demands of the development identified** in the plan (NPPG paragraph 046 Reference ID: 41-046-20140306).

### How can SCDC help?

SCDC has highlighted in this guidance some of the **key national policies** you need to be aware of. The relevant policies and guidance will depend on what issues you are considering for your neighbourhood plan.

### Guidance and Regulations

[National Planning Policy Framework](#) (NPPF)

[National Planning Practice Guidance](#) (NPPG)

[NPPG](#) – Basic condition – see paragraph 070

*These regulations may occasionally change or new regulations introduced*

## B - Contributes to the achievement of Sustainable Development

This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development.

### **How can a parish council demonstrate that their plan contributes to sustainable development?**

A parish council **must demonstrate how its plan will contribute to sustainable development** using sufficient and proportionate evidence.

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal, but the NPPG indicates that the approach used in preparing such an appraisal may be useful in order for a parish council to demonstrate how its plan will contribute to achieving sustainable development.

A sustainability appraisal is a systematic process which can help you select the most sustainable options in your neighbourhood plan policies. It assesses the extent to which your emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

A full sustainability appraisal can involve a significant amount of work. You may find it useful to look at the objectives from the Sustainability Appraisal of the South Cambridgeshire Local Plan. These objectives are included as Appendix 1 to this guidance and were used to assess each of the planning policies included in SCDC's emerging Local Plan. If you are considering allocating sites in your plan these objectives could be used in deciding which the most sustainable option is. You may find this a helpful template to use to assess your planning policies and sites on a consistent basis, or you could follow a different approach.

A parish council is strongly encouraged to consider the environmental implications of its proposals at an early stage and to seek the advice of SCDC on whether the Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply, for example, if your plan needs to have a full Strategic Environmental Assessment.

### **How can SCDC help?**

Look at the objectives in the Sustainability Appraisal Report for SCDC's emerging Local Plan (appendix 1 of this guidance).

SCDC can advise you as you are preparing your plan and considering what policies to include to achieve your objectives. We can also advise you on their likely impact on the environment.

### **Guidance and Regulations**

[National Planning Policy Framework](#)

[NPPG](#) – Basic condition (paragraphs 072 and 073)

[NPPG](#) – Sustainability appraisals and neighbourhood plans (paragraph 026)

This is the legislation which includes the requirement to carry out a **Strategic Environmental Assessments** if the plan has a significant impact on the environment: [Environmental Assessment](#)

[of Plans and Programmes Regulations 2004](#)

*These regulations may occasionally change or new regulations introduced*

[SCDC Neighbourhood Planning Toolkit](#)

**Strategic Environment Assessments (SEA)**

**Site Assessments**

## C - General conformity with the Strategic Policies

Neighbourhood plans need to be in "*general conformity with the strategic policies contained in the development plan for the area*".

### **What is the 'development plan' for South Cambridgeshire?**

The current adopted development plan for South Cambridgeshire is a suite of documents and planning policies that have been statutorily adopted. It includes the Local Development Framework (LDF) which is made up of the Core Strategy Development Plan Document (DPD), Development Control Policies DPD and Site Specific DPD as well as a number of Area Action Plans on specific sites e.g. Northstowe AAP.

SCDC has reviewed all the DPDs as part of the preparation for the new Local Plan that is currently going through examination. This emerging Local Plan for South Cambridgeshire will, once adopted, replace the Core Strategy DPD, Development Control Policies DPD and Site Specific DPD.

You will need to consider when you are likely to submit your plan to SCDC as if you do this before our emerging Local Plan had been adopted you will need to be considering the strategic policies in the LDF as you prepare the policies in your plan.

### **Can we do a neighbourhood plan before the emerging Local Plan is adopted?**

Neighbourhood plans can be brought forward before an up to date Local Plan.

If a neighbourhood plan is brought forward before the emerging Local Plan is adopted SCDC will expect to work positively with the Parish Council to minimise any conflicts between the emerging plan and the neighbourhood plan.

The NPPG states that "*the local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies*".

### **What is meant by general conformity?**

The NPPG provides a definition of this term in relation to neighbourhood planning:

*"When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without*

*undermining that policy*

- *the rationale for the approach taken in the draft neighbourhood plan or order and the evidence to justify that approach”*

### **How can SCDC help?**

As you are preparing your plan, SCDC can advise you on the strategic policies in our LDF and in our emerging Local Plan, and how your policies should conform to them.

### **Guidance and Regulations**

[National Planning Policy Framework](#)

[NPPG](#) – Basic Condition (see paragraph 074)

[NPPG](#) – What is a Neighbourhood Plan? (see paragraph 009)

*These regulations may occasionally change or new regulations introduced*

### **[SCDC Neighbourhood Planning Toolkit](#)**

#### **Strategic Policies**

## D - Does Not Breach and is Otherwise Compatible with EU Obligations

Your neighbourhood plan must be compatible with EU obligations in order to be legally compliant. The main relevant obligations relate to the environmental impacts of your plan and ensuring it is compatible with human rights considerations.

### What is a Strategic Environmental Assessment?

Strategic Environmental Assessment (SEA) integrates consideration of environmental impacts into the process of preparing a plan. **You will need to explicitly screen your draft plan** to check whether or not it will have certain impacts that trigger the need for a full SEA.

EU obligations may also be triggered, depending on:

- the presence of protected species or habitats in or close to your area; and
- what your neighbourhood plan contains.

EU obligations are complex, and if triggered, could require a substantial amount of work in order to address them. It is important to discuss with SCDC early in the process whether your plan is likely to trigger the need for a full SEA and assessments relating to other EU obligations.

### How can SCDC help?

SCDC as part of its support offer to parish councils is willing to undertake (using consultants) and pay for the screening of your neighbourhood plan to see if a full SEA is required (see guidance note 3 'Support offer to Parish Councils' for the full details of the offer).

### Others who can offer help:

You may find it helpful to contact the local wildlife trust for advice on local wildlife information about your area. [Cambridgeshire and Peterborough Environmental Records Centre](#) (CPREC) have a wealth of data for the whole of our district.

### Guidance and Regulations

[NPPG](#) – Basic condition (see paragraphs 078 and 079)

*These regulations may occasionally change or new regulations introduced*

### [SCDC Neighbourhood Planning Toolkit](#)

**Strategic Environment Assessments (SEA)**

**Site Assessment**

## E - Other basic conditions

There are other basic conditions that apply which include:

- The need to consider whether the **neighbourhood plan may have a significant impact on a European wildlife site** – Habitat Regulation Assessment (HRA). The aim of this is to protect and improve Europe’s most important habitats and species.
- The need to comply with the **public sector equality duty** – Equality Impact Assessment (EqIA). The aim of this is to eliminate discrimination against protected equality groups.

### Habitat Regulation Assessment (HRA)

#### How can SCDC help?

SCDC as part of its offer to parish councils is willing to undertake (using consultants) and pay for the screening of your neighborhood plan to see if a full HRA is required. (see guidance note 3 ‘Support offer to Parish Councils’ for the full details of the offer).

#### Guidance and Regulations

[NPPG](#) – Basic condition (see paragraph 079)

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#### The need to comply with the Public Sector Equality Duty.

The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not.

“Protected characteristics” are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

Carrying out an Equality Impact Assessment (EqIA) helps to ensure that neighbourhood planning policies and objectives do not disadvantage or discriminate against potentially vulnerable groups and that, where possible, they promote equality. An EqIA also provides documentary evidence that the parish council has complied with the Public Sector Equality Duty. In order to confirm that the neighbourhood plan does not have any unintended consequences, an equality impact assessment (EqIA) will need to be carried out to ensure the policies and objectives within the plan will not

A parish council is strongly encouraged to consider the equality implications of its plan at an early stage.

#### How can SCDC help?

SCDC has developed an EqIA template form which can be used by parish councils when developing a neighbourhood plan and advice. This is included in Appendix 2.

#### Guidance and Regulations

[Public Sector Equality Duty](#)

## Appendix 1: Sustainability Objectives used by SCDC in the Sustainability Appraisal of the Local Plan

	<b>Sustainability Objective</b>	<b>Decision Making Criteria</b>
LAND	1. Minimise the irreversible loss of undeveloped land, economic mineral reserves, productive agricultural holdings, and the degradation / loss of soils	Will it use land that has been previously developed?
		Will it use land efficiently?
		Will it protect and enhance the best and most versatile agricultural land?
		Will it avoid the sterilisation of economic mineral reserves? Will it minimise the degradation/loss of soils due to new development?
	2. Minimise waste production and support the reuse and recycling of waste products	Will it encourage reduction in household waste, and increase waste recovery and recycling?
POLLUTION	3. Improve air quality and minimise or mitigate against sources of environmental pollution	Will it maintain or improve air quality?
		Will it minimise, and where possible improve on, unacceptable levels of noise, light pollution, odour and vibration?
		Will it minimise, and where possible address, land contamination?
		Will it protect and where possible enhance the quality of the water environment?
BIODIVERSITY	4. Avoid damage to designated sites and protected species	Will it conserve protected species and protect sites designated for nature conservation interest, and geodiversity?
	5. Maintain and enhance the range and viability of characteristic habitats and species	Will it reduce habitat fragmentation, enhance native species, and help deliver habitat restoration (helping to achieve Biodiversity Action Plan Targets)?
	6. Improve opportunities for people to access and appreciate wildlife and green spaces	Will it improve access to wildlife and green spaces, through delivery and access to green infrastructure, or access to the countryside through public rights of way?
LANDSCAPE, TOWNSCAPE AND CULTURAL HERITAGE	7. Maintain and enhance the diversity and local distinctiveness of landscape and townscape character	Will it maintain and enhance the diversity and distinctiveness of landscape character?
		Will it maintain and enhance the diversity and distinctiveness of townscape character?

	<b>Sustainability Objective</b>	<b>Decision Making Criteria</b>
	8. Avoid damage to areas and sites designated for their historic interest, and protect their settings.	Will it protect or enhance sites, features or areas of historical, archaeological, or cultural interest (including conservation areas, listed buildings, registered parks and gardens and scheduled monuments)?
	9. Create places, spaces and buildings that work well, wear well and look good	Will it lead to developments built to a high standard of design and good place making that reflects local character?
CLIMATE CHANGE	10. Minimise impacts on climate change (including greenhouse gas emissions)	Will it support the use of renewable energy resources?
		Will it promote energy efficiency?
		Will it minimise contributions to climate change through sustainable construction practices?
	11. Reduce vulnerability to future climate change effects	Will it use water in a sustainable manner, and enable and encourage high levels of water efficiency?
		Will it minimise risk to people and property from flooding, and incorporate sustainable drainage measures?
		Will it minimise the likely impacts on future development of climate change through appropriate adaptation?
HEALTH	12. Maintain and enhance human health	Will it promote good health, encourage healthy lifestyles, and reduce health inequalities?
	13. Reduce and prevent crime and reduce fear of crime	Will it reduce actual levels of crime, and will it reduce fear of crime?
	14. Improve the quantity and quality of publically accessible open space.	Will it increase the quantity and quality of publically accessible open space?
HOUSING	15. Ensure everyone has access to decent, appropriate and affordable housing	Will it support the provision of a range of quality housing of appropriate types and sizes, including affordable housing, to meet the identified needs of all sectors of the community?
		Will it result in quality homes for people within the district to live in?
		Will it provide for housing for the ageing population?
		Will it provide for the accommodation needs of Gypsies and Travellers and Travelling Showpeople?
INCLUSIVE COMMUNITIES	16. Redress inequalities related to age, disability,	Will it improve relations between people from different backgrounds or social groups?

	<b>Sustainability Objective</b>	<b>Decision Making Criteria</b>
	gender, race, faith, location and income	<p>Will it redress all the sections of inequality included in the Council's Single Equality Scheme which are as follows -</p> <ul style="list-style-type: none"> <li>Age</li> <li>Disability</li> <li>Gender Reassignment</li> <li>Marriage and Civil Partnership</li> <li>Pregnancy and Maternity</li> <li>Race</li> <li>Religion or Belief</li> <li>Sex</li> <li>Sexual Orientation</li> </ul>
		Will it redress rural isolation - rurality?
	17. Improve the quality, range and accessibility of services and facilities (e.g. health, transport, education, training, leisure opportunities)	<p>Will it provide accessibility to key local services and facilities, including health, education and leisure (shops, post offices, pubs etc?)</p> <p>Will it improve quality and range of key local services and facilities including health, education and leisure (shops, post offices, pubs etc?)</p>
	18. Encourage and enable the active involvement of local people in community activities	<p>Will it increase the ability of people to influence decisions, including 'hard to reach' groups?</p> <p>Will it encourage engagement in community activities?</p>
ECONOMIC ACTIVITY	19. Improve the efficiency, competitiveness, vitality and adaptability of the local economy.	Will it support business development and enhance competitiveness, enabling provision of high-quality employment land in appropriate locations to meet the needs of businesses, and the workforce?
		Will it promote the industries that thrive in the district – the key sectors such as research and development /high tech/ Cambridge University related particularly through the development and expansion of clusters?
		Will it protect the shopping hierarchy, supporting the vitality and viability of Cambridge, town, district and local centres?
	20. Help people gain access to satisfying work appropriate to their skills, potential and place of residence	Will it contribute to providing a range of employment opportunities, in accessible locations?
		Will it encourage the rural economy and diversification, and support sustainable tourism?
	21. Support appropriate investment in people, places, communications and other	Will it improve the level of investment in key community services and infrastructure, including communications infrastructure and broadband?

	<b>Sustainability Objective</b>	<b>Decision Making Criteria</b>
	infrastructure	Will it improve access to education and training, and support provision of skilled employees to the economy?
TRANSPORT	22. Reduce the need to travel and promote more sustainable transport choices.	Will it enable shorter journeys, improve modal choice and integration of transport modes to encourage or facilitate the use of modes such as walking, cycling and public transport?
		Will it support movement of freight by means other than road?
	23. Secure appropriate investment and development in transport infrastructure, and ensure the safety of the transport network.	Will it provide safe access to the highway network, where there is available capacity?
		Will it make the transport network safer for all users, both motorised and non-motorised?

## Appendix 2: Equalities Impact Assessment Form

### Section 1: Research and analysis

Evidence based decision making is key to the success of any policy, strategy, service or function. Understanding the people that the proposed neighbourhood plan policies and objectives will impact and how they will be impacted will help you to maximise their effectiveness and minimise any potential negative impacts on individuals or groups with “protected characteristics”.

Please use this section to outline what research, data analysis and consultation you have carried out in order to understand the extent to which people with “protected characteristics” (see list in Section 2) will be affected by the proposed policies. You will be asked in Section 2 to describe the results of this research.

**Describe the research / analysis have you undertaken in order to understand how the “protected characteristic” groups are likely to be affected by the proposed neighbourhood plan policies and objectives.**

You will be asked to describe the results of this research in Section 2.

**Have you consulted or involved those groups that are likely to be affected by the proposed policies or objectives? If so, describe the consultations.**

You will be asked to describe the views of each equality community and their views have influenced your proposal in Section 2.

**If you have not consulted or engaged with communities that are likely to be affected by the proposed policies or objectives, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary.**

## Section 2: Impact of policies

Consider the impact of your plan on each “protected characteristic” group listed below:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

For more information on each go to: <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

Use the table below to summarise the findings of the information and evidence you have gathered to identify whether each proposed neighbourhood plan policy or objective could affect some groups of people differently (a ‘differential impact’) – positively or negatively.

It is particularly important to consider whether people with different “protected characteristics” have different needs or experiences in relation to each policy or objective, and whether it would directly or indirectly discriminate against or disadvantage people on the grounds of any of the “protected characteristics”, or whether there are any opportunities to better promote equality or foster good relations between different groups of people through modifying any of the policies or objectives.

If there is no information available about the impact (or potential impact) of a policy or objective on people with a particular “protected characteristic”, you should note this in the table.

If you have identified a negative potential impact, the next step is to identify whether the policy should be amended or removed in order to eliminate discrimination, disadvantage or unfair impact, or to make changes to more effectively promote equality, diversity or good relations.

Policy / Objective	Assessment of impact on persons with protected characteristics	If a negative impact was identified, how was this addressed?

## Section 3: Sign off

I confirm that this analysis has been completed appropriately.	
Name	Date