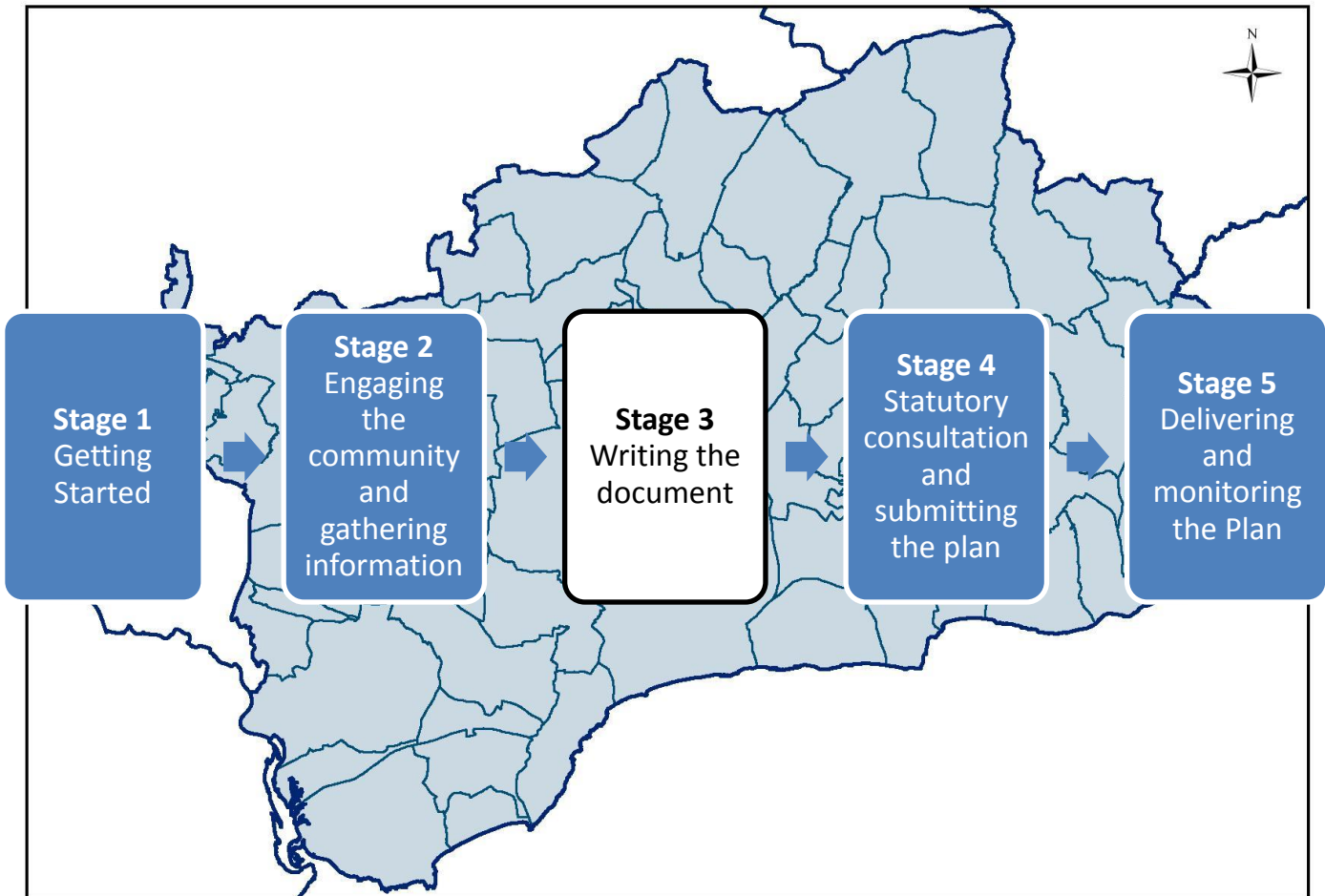


**Neighbourhood Planning  
Guidance**



***Writing the basic  
conditions  
statement***

# July 2015- updated July 2017



As part of the submission you will make to the local authority, one of the mandatory documents you need to submit is the basic conditions statement.

This is an important document as it gives the opportunity for you to inform the examiner how your plan meets the legal requirements for adoption. If the examiner considers that the plan meets the basic conditions then they will recommend that it can proceed to referendum where, if successful, it will form part of the development plan for East Devon.

## **What are the basic conditions?**

There are four basic conditions relevant to Neighbourhood Plans which are laid out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and are as follows:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State
2. the 'making' of the neighbourhood plan contributes to the achievement of sustainable development
3. 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)
4. the 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations

### **What do these conditions mean?**

1. having regard to national policies and advice contained in guidance issued by the Secretary of State

This is referring to the National Planning Policy Framework and any planning decisions or guidance made by the secretary of state. The NPPF sets the guidelines for which planning documents in the UK should operate within and any policies within your Plan that are in conflict or contradict any statements within the NPPF will fail this condition.

2. the 'making' of the neighbourhood plan contributes to the achievement of sustainable development

Sustainable development should be seen as the 'golden thread' running through Plan-making. Your basic conditions statement will need to demonstrate how the policies within your plan will contribute towards an improvement in environmental, economic and social conditions within your neighbourhood area and that any potential negative impacts have been reduced, mitigated or prevented. Many groups have been doing this by producing an accompanying sustainability appraisal which assesses the policies within the plan against a developed set of environmental, economic and social criteria.

3. 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)

In the East Devon Local Plan we have clearly set out the various strategies that your plan will need to take into account. Please note that the regulations only require that you be in **general** conformity, in other words there is some room for manoeuvre. Planning practice guidance advises that on general conformity you need to consider the following:

- a) whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- b) the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;

- c) 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;
  - d) the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach
4. the 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations

The relevant EU legislation that your plan must be compliant with are:

- a) **The SEA Directive-** you must demonstrate that you have met this requirement by supplying either a screening report from us stating that your plan is unlikely to have a significant environmental impact or a Strategic Environmental Assessment (SEA) where one is required.
- b) **The Habitat and Wild Birds Directives-** you must demonstrate that you have met this requirement by supplying either a screening report from us stating that your plan will not have an effect on a European habitats site or a Habitats Regulations Assessment (HRA) where one is required.

### **Are there any other requirements that we must meet?**

Additionally, there are also various other legal requirements that the examiner will consider.

- The plan is being **submitted by a qualifying body**. For almost all areas in East Devon this will be a Parish or Town Council.
- The plan states the **time period that the plan will cover**. This should be highlighted clearly on the front cover of the plan.
- The plan must contain enforceable policies that can be used in the determination of planning applications and **that relate to the use of land within the Neighbourhood Area**.
- The policies **do not relate to excluded development**. For example Nationally Significant Infrastructure Projects or county matters such as mineral extraction and waste development; and
- The proposed neighbourhood plan does **not cover or relate to land outside the designated neighbourhood area** and that there is
- That there is **not already an adopted neighbourhood plan** in the area.

#### Top Tip!

Start thinking about the basic conditions early on in the process when you start drafting your policies. In particular, draw out any relevant Local Plan policies and see whether the direction

you are going is in conflict with them. Make sure to also check with us to see whether your plan will require an SEA or HRA and plan into the process time to produce a sustainability appraisal of your plan if you decide to conduct one.

### **What happens if we don't think we have met the conditions?**

If you don't think that your plan will meet the basic conditions please contact us. We will discuss the situation with you in order to identify the issues and possible solutions. It may be tempting sometimes to rush ahead and produce planning policies, particularly if you are working with a consultant, but try to keep us informed throughout the process as we can always provide you with a view as to whether your plan is compliant with the conditions early on so you won't face difficulties further down the line.

### **How should we structure the Basic Conditions Statement**

To help aid you in this process, we have produced a basic conditions template which can be found in Appendix 1.

**Contact us:**

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Devon  
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[ptwamley@eastdevon.gov.uk](mailto:ptwamley@eastdevon.gov.uk)  
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**[Parish Name] Neighbourhood Development Plan**  
**Basic Conditions Statement**

**[Date]**

## 1. Legal requirements

- 1.1 This statement has been prepared by [Parish steering group] on the behalf of [Parish council] to accompany its submission to East Devon District Council of the [Parish] Neighbourhood Development Plan under section 15 of the Neighbourhood Planning Regulations 2012.
- 1.2 The Neighbourhood Plan has been prepared by the [Parish council], a qualifying body, for the area covering [full parish if designated], as designated by East Devon District Council on [date].
- 1.3 The plan proposal relates to planning matters (the use and development of land) in the designated neighbourhood area and covers the period from [date] to [date]. It does not contain policies relating to excluded development as laid out in the Regulations.
- 1.4 The following statement will address each of the four ‘basic conditions’ required of the Regulations and explains how the Neighbourhood Plan meets the requirement of paragraph 8 of schedule 4B to the 1990 Town and Country Planning Act.
- 1.5 The Regulations state that the neighbourhood plan will have met the basic conditions if it:
  - Has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - Contributes to the achievement of sustainable development;
  - Is in general conformity with the strategic policies of the development plan for the area ;
  - Is compatible with European Union (EU) and European Convention on Human Right (ECHR) obligations.

## 2. Introduction and Background

- 2.1 [Here you can briefly detail when work started, why you wanted to produce a plan, how you have proceeded including local details of the process etc. The consultation statement will handle this topic in further detail so keep it to the essentials and try to be brief]



**3. Having regard to National Planning Policy**

3.1 The Neighbourhood plan has been prepared having regard to the policies set out in the National Planning Policy Framework (NPPF) of April 2012. It also gives regard to the 12 core planning principles contained in paragraph 17 of the National Planning Policy Framework, alongside the National Planning Practice Guidance (NPPG) published by the Government in April 2014 in relation to the formation of Neighbourhood Plans.

3.2 The table below sets out a summary of how each policy has regard to the NPPF. The paragraphs referred to are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

**Table 1: How the NP policies conform to the NPPF**

<b>NP Policy Number and Title</b>	<b>NPPF Paragraph(s)</b>	<b>Comment on conformity</b>
<i>Example</i> Policy HR3- Housing design and development mix	<i>Example</i> 58, 50	<i>Example</i> Conforms to paragraph 58 by ensuring the scale and design of development will function well and add to the overall quality of the area. Conforms to paragraph 50 by promoting a varied mix of housing types to meet local needs.

**4. General conformity with the strategic policies of the development plan**

4.1 The Neighbourhood Plan has been prepared to ensure that it is in general conformity with the development plan for the area.

4.2 The current development plan for the area is the adopted East Devon Local Plan 2013-2031.

4.3 The table below sets out how each policy is in general conformity with East Devon Local Plan 2013-2031.

<b>NP Policy Number and Title</b>	<b>Relevant local plan policy</b>	<b>Comment on conformity</b>
<i>Example</i> Policy HR3- Housing design and development mix	<i>Example</i> D1 H3	<i>Example</i> Conforms to policy D1 by ensuring new development will be locally distinctive. Confirms with policy H3 by promoting a good mix of housing for new residential development.

**5. Contribution to the achievement of sustainable development**

- 5.1 A Neighbourhood plan must take into account the need to contribute to the achievement of sustainable development. This involves working to address the three separate strands of sustainability; economic, social and environmental. [If you have conducted a sustainability appraisal to accompany your plan you can summarise that in this section, if you have conducted an SEA you can also include its findings on environmental sustainability]
- 5.2 The vision and objectives of the plan... [You may want to discuss each objective in turn here and discuss how they contribute towards sustainable development]
- 5.3 Table 3 below sets out an assessment of each policy of the plan and how it impacts on each of the three strands of sustainability; economic, social and environmental.

[This table should be an assessment of the impact your policies on the three strands of sustainability in turn, essentially it can work as a mini-sustainability appraisal, a marking system can be used for the purposes of the assessment]

<b>NP Policy Number and Title</b>	<b>Economic</b>	<b>Social</b>	<b>Environmental</b>	<b>Comments</b>
<i>Example</i> Policy HR3- Housing design and development mix	<i>Example</i> *	<i>Example</i> **	<i>Example</i> *	<i>Example</i> This policy has a very positive social impact by encouraging a mix of uses to meet local needs. A varied housing mix can also have a positive economic impact by encouraging different types of residents to the area. Encouraging high quality design will have a positive impact on the local environment.

\*\*Very positive impact   \*positive impact   – neutral impact   x negative impact   xx very negative impact

## 6. Compatibility with EU obligations and legislation

- 6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded.

- 6.2 A screening process was carried out by East Devon District council which determined that the Neighbourhood Plan required/didn't require a Strategic Environmental Assessment. [If required add details of SEA study here]
- 6.3 It was also determined that the plan required/didn't require a Habitats Regulations Assessment. [If required add details of HRA study here]