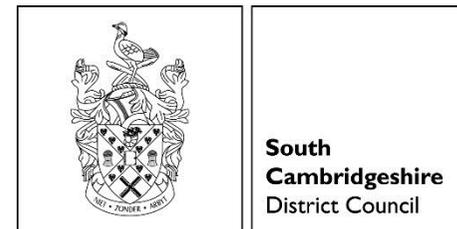


Appendix 2

Basic Conditions Check – made (adopted) Neighbourhood Plan

Great Abington Former Land Settlement Association Estate Neighbourhood Plan – February 2019



Requirements	Local Planning Authority Comments	Basic Condition met?
<p>The Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State and it is appropriate to make the Neighbourhood Plan.</p>	<p>The Council considers that the Neighbourhood Plan is consistent with national policies and advice in that the core land use planning principles set out in the National Planning Policy Framework (NPPF, 2012)¹ have been embodied in the Neighbourhood Plan. Specifically, the Neighbourhood Plan:</p> <ul style="list-style-type: none"> • empowers local people to shape their surroundings through a succinct Neighbourhood Plan that sets out a positive vision for the future of the area (paragraph 17); • seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17); • recognises the intrinsic character and beauty of the countryside whilst supporting the community within it (paragraph 17); • contributes to conserving and enhancing the natural environment (paragraph 17); • helps plan for a mix of housing based on demographic trends and the needs of different groups in the community (paragraph 50); • promotes housing to enhance or maintain the vitality of the rural community (paragraph 55); 	<p>Yes</p>

¹ Paragraph 214 of the National Planning Policy Framework (2018) confirms that for the purposes of examining a Neighbourhood Plan, the policies in the previous NPPF (2012) will apply where the Neighbourhood Plan was submitted to the local planning authority before 24 January 2019. The Great Abington Former LSA Estate Neighbourhood Plan was submitted to SCDC in February 2018, and therefore references to the NPPF refer to the NPPF 2012 and not the NPPF 2018.

Requirements	Local Planning Authority Comments	Basic Condition met?
	<ul style="list-style-type: none"> • sets out the quality of development that will be expected based on an understanding and evaluation of the defining characteristics within the area (paragraph 58); • seeks to contribute to and enhance the natural and local environment, including by protecting the landscape (paragraph 109); and • provides a tool for local people to ensure they get the right types of development for their community (paragraph 184). <p>This conclusion is consistent with the examiner's conclusions² that the Neighbourhood Plan has had regard to national planning policies and guidance, in that it sets out a positive vision for the future of the neighbourhood area and provides clarity and consistency on extensions to existing dwellings and the opportunities that exist for additional dwellings. The examiner has recommended a series of modifications to provide clarity and precision to the policies to ensure that the Neighbourhood Plan fully accords with national policy and guidance. SCDC and Great Abington Parish Council have agreed each of the recommended modifications and the modifications are included in the 'made' (adopted) version of the Neighbourhood Plan.</p>	

² Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraphs 6.7-6.9): <https://www.scams.gov.uk/GreatAbingtonFormerLSAEstateNP>

Requirements	Local Planning Authority Comments	Basic Condition met?
<p>The making of the Neighbourhood Plan contributes to the achievement of sustainable development.</p>	<p>The Council considers that the Neighbourhood Plan contributes to the achievement of sustainable development, specifically by:</p> <ul style="list-style-type: none"> • enabling the delivery of housing required to meet the needs of present and future generations; • seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and • contributing to the protection and enhancement of the natural, built and historic environment of the former LSA estate. <p>This conclusion is consistent with the examiner's conclusion³ that the Neighbourhood Plan has set out to achieve sustainable development in the neighbourhood area:</p> <ul style="list-style-type: none"> • in the economic dimension through policies for extensions to and the rebuilding of original dwellings and for additional dwellings; • in the social role through policies that reflect the very specific circumstances that exist in the neighbourhood area; and • in the environmental dimension through a specific policy on road usage. 	<p>Yes</p>
<p>The Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area.</p>	<p>The development plan for South Cambridgeshire consists of the adopted South Cambridgeshire Local Plan 2011-2031, and a list of strategic policies is included in Appendix E of the Local Plan. The Basic Conditions Statement, submitted by Great</p>	<p>Yes</p>

³ Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraph 6.10): <https://www.scambs.gov.uk/GreatAbingtonFormerLSAEstateNP>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>Abington Parish Council, considers whether the Neighbourhood Plan is in general conformity with these strategic policies.</p> <p>The Council considers that Policies GAL/1 – GAL/3 of the Neighbourhood Plan are in general conformity with the strategic policies in the adopted South Cambridgeshire Local Plan as set out in its response⁴ to the consultation on the submission version of the Neighbourhood Plan.</p> <p>This conclusion is consistent with the examiner's conclusion⁵ that the Neighbourhood Plan delivers a local dimension and supplements the detail already included in the adopted Local Plan, and on that basis is satisfied that the Neighbourhood Plan is in general conformity with the strategic policies in the development plan.</p>	
<p>The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.</p> <p>Prescribed conditions are met in relation to the Neighbourhood Plan, including that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.</p>	<p>The Council considers that the Neighbourhood Plan does not breach and is compatible with EU Obligations.</p> <p><u>Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA)</u>: a SEA screening has been undertaken that determines that the Neighbourhood Plan is unlikely to result in significant environmental impacts and therefore does not require a SEA. A HRA screening has also been undertaken that indicates that the Neighbourhood Plan is</p>	Yes

⁴ Planning Portfolio Holder Meeting (March 2018) – Council's response on submission version of Great Abington former LSA estate Neighbourhood Plan (see Appendix 1 of Item 5, pages 2-5): <http://scams.moderngov.co.uk/ieListDocuments.aspx?CId=1059&MId=7246>

⁵ Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraph 6.12): <https://www.scams.gov.uk/GreatAbingtonFormerLSAEstateNP>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>not predicted to have significant effects on any European site, either alone or in conjunction with other plans and projects. These conclusions were supported by the responses from the statutory bodies.</p> <p>During the course of the examination of the Neighbourhood Plan, a case in the European Court (People Over Wind and Peter Sweetman, April 2018) changed the basis on which competent authorities are required to undertake HRAs. In June 2018, Essex Place Services, on behalf of SCDC, undertook a review of the screening determination from July 2017. The review concluded that the earlier HRA screening determination was properly reached without regard to measures intended to avoid or reduce harmful effects on any EU protected site either alone or in combination. The review also concluded that there was no need to progress to an Appropriate Assessment.</p> <p>On 28 December 2018, in response to a case in the European Court (People Over Wind and Peter Sweetman, April 2018) one of the Basic Conditions was amended through the coming into force of new national regulations. The amendment to the Basic Condition only has implications for Neighbourhood Plans where the HRA screening (when considering the proposals in the plan without taking account of any measures intended to avoid or reduce harmful effects on any EU protected site) has determined that the Neighbourhood Plan was 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).</p>	

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>The modifications made to the Great Abington Former LSA Estate Neighbourhood Plan following its examination do not change the essence of its planning policies.</p> <p>The Great Abington Former LSA Estate Neighbourhood Plan therefore meets the new Basic Condition as it has been determined that the making of the Great Abington Former LSA Estate Neighbourhood Plan is unlikely to have any significant effects on any European site, either alone or in combination with other plans and projects, and therefore the amendments to the Basic Condition do not affect the validity of the Council's previous HRA screening, screening determination, and review of the screening determination.</p> <p>This conclusion is consistent with the examiner's conclusion⁶ that a proportionate process has been undertaken in accordance with the various regulations and the Neighbourhood Plan is compatible with European obligations.</p> <p><i>Human Rights:</i> an assessment has been undertaken to examine the impact of the Neighbourhood Plan policies on persons who have a 'protected characteristic' and the results of this assessment are included in the Basic Conditions Statement. The Council is supportive of the assessment which concludes that the Neighbourhood Plan will not result in negative effects on persons who have a 'protected characteristic' and that there may be positive impacts on</p>	

⁶ Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraphs 2.6-2.11): <https://www.scams.gov.uk/GreatAbingtonFormerLSAEstateNP>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>persons with a 'protected characteristic'.</p> <p>This conclusion is consistent with the examiner's conclusion⁷ that the Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it complies with the Human Rights Act.</p>	

CONCLUSION: South Cambridgeshire District Council has confirmed that the made Great Abington Former LSA Estate Neighbourhood Plan meets all the Basic Conditions.

* Please note that all references to primary and secondary legislation are to those enactments as amended.

⁷ Examiner's Report on the Great Abington Former LSA Estate Neighbourhood Plan (see paragraph 2.12): <https://www.scambs.gov.uk/GreatAbingtonFormerLSAEstateNP>