

Appendix 3

Basic Conditions and Legal Compliance Check – ‘Referendum’ Neighbourhood Plan

Waterbeach Neighbourhood Plan – January 2022

Basic Conditions Check

| 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 (2021) have been embodied in the Neighbourhood Plan. Specifically, the Neighbourhood Plan seeks:</p> <ul style="list-style-type: none"> • to ensure high quality design (Policies WAT 14 and WAT 15) see Chapter 12 of NPPF which seeks to achieve well designed places. • to conserve and enhance the historic character of the village (Policy WAT 11) see Chapter 16 of NPPF which seeks to achieve well designed places. • To support the delivery of new homes and that they meet the needs for the different groups in the | <p>Yes</p> |



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|--------------|---|----------------------|
| | <p>community (Policies WAT21 , WAT 22, WAT 23 and WAT 24) see chapter 5 of the NPPF which considers the delivery of a sufficient supply of homes.</p> <ul style="list-style-type: none"> • to provide for a successful economy (Policy WAT13) see paragraph 82 of NPPF which seeks to enable the growth and expansion of all types of business in rural areas. • to safeguard community uses (Policies WAT10 and WAT 18) see Paragraph 93 in NPPF which seeks to retain and develop accessible local services and community facilities and paragraphs 101-103 in NPPF which allows for the designation of Local Green Space • to safeguard important natural habitats (Policy WAT 20) see paragraph 174 of NPPF which seeks to protect and enhance biodiversity. • to protect and enhance walking and cycling routes (Policies WAT 1, WAT 2, WAT 3, WAT 4 and WAT 9) see Chapter 9 of NPPF which seeks to promote sustainable transport. • to take the opportunity for environmental enhancement of the village (Policy WAT10) see | |



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|--|---|----------------------|
| | <p>chapter 11 of NPPF about making effective use of land.</p> <ul style="list-style-type: none"> To promote sustainable transport around the parish linking the new settlement to the main Waterbeach village (Policies WAT 5, WAT 6 WAT 7, WAT 8 see chapter 9 of NPPF which considers promoting sustainable transport and chapter 8 promoting healthy and safe communities. <p>This conclusion is consistent with the examiner's conclusions that the Neighbourhood Plan has had regard to national planning policies and guidance, in that it sets out a clear vision and suite of policies and proposals for the neighbourhood area. 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 Waterbeach Parish Council have agreed each of the recommended modifications and the modifications are included in the 'Referendum' version of the Neighbourhood Plan.</p> | |
| <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> | <p>Yes</p> |



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| | <ul style="list-style-type: none"> • Contributing to the economic aspects by having policies to meet local housing needs (Policies WAT21, WAT 22 and WAT 23) and promotes a successful economy (Policy WAT 13) • Contributing to the social aspects by seeking to provide a vibrant community by promoting and safeguarding community uses and spaces (Policies WAT 10, WAT 11, WAT 17 and WAT 18) • Contributing to the environmental aspect by having a range of polices which include ones which seek to conserve the character of the area (Policy WAT 11); safeguard natural habitats (Policy WAT 20) and ensure high quality design (Policies WAT 14 and WAT 15) and encourage means of transport other than cars (Policies WAT 2, WAT 3, WAT 4, WAT 5, WAT 7 and WAT 9) <p>This conclusion is consistent with the examiner’s conclusion that the Neighbourhood Plan has set out to achieve sustainable development in the neighbourhood area. (See paragraph 5.6 – 5.8 on pages13 - 14 of his report)</p> | |



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|--|--|----------------------|
| <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 Waterbeach Parish Council, considers whether the Neighbourhood Plan is in general conformity with these strategic policies.</p> <p>The Council considers that the Neighbourhood Plan policies are in general conformity with the strategic policies in the adopted South Cambridgeshire Local Plan.</p> <p>This conclusion is consistent with the examiner's conclusion that the Neighbourhood Plan is in general conformity with the strategic policies in the development plan. He considers the extent to which the policies and proposal are in general conformity in detail in chapter 6 of his report. (See pages 17 – 50 of his report)</p> | <p>Yes</p> |
| <p>The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.</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</p> | <p>Yes</p> |



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|--|--|-----------------------------|
| <p>Prescribed conditions are met in relation to the Neighbourhood Plan, including that the making of the neighbourhood plan is not likely to have a significant effect on a European wildlife site or a European offshore marine site either alone or in combination with other plans or projects.</p> | <p>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 not predicted to have significant effects on any European site, either alone or in conjunction with other plans and projects. These conclusions are supported by the responses from the statutory bodies.</p> <p>As the modifications made to the Waterbeach Neighbourhood Plan following its examination do not change the essence of its planning policies, the SEA and HRA screening undertaken on a draft version of the Neighbourhood Plan in February 2020, and the screening determination published in March 2020 remain valid.</p> <p>This conclusion is consistent with the examiner's conclusion that a proportionate process has been undertaken in accordance with the various regulations and the Neighbourhood Plan is compatible with European obligations. (See paragraph 5.13 – 5.19 on pages 15 -16 of his report)</p> | |



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| | <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 has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. No sectors of the community would be discriminated against, would generally have public benefits and encourage the social sustainability of the plan area</p> <p>This conclusion is consistent with the examiner's conclusion that he is satisfied across the Plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood. (See paragraph 5.27 on page 17 of his report).</p> | |



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Legal Compliance Check

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| <p>The body submitting the neighbourhood plan is authorised to act (Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 s38A(1,2), S38C(2)(a) and 1990 Act schedule 4B, 6(2), as it applies 61F).</p> <p>In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning. The relationship between any steering group and the town or parish council should be transparent to the wider public. For example, it should be clear whether a steering group or other body is a formal sub-committee of the parish or town council. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public.</p> | <p>The qualifying body is Waterbeach Parish Council.</p> <p>Waterbeach Parish Council first decided to develop a neighbourhood plan in Spring 2015 and discussed with South Cambridgeshire District Council the relationship this would have with the proposed strategic housing site identified within their parish in the emerging Local Plan for the district. (This site has subsequently been allocated in the adopted South Cambridgeshire Local Plan.)</p> <p>The neighbourhood area was designated on 10 August 2015 which follows the parish boundary. At a meeting of the Parish Council on 18 August 2015 a joint working agreement was agreed between Waterbeach Parish Council and South Cambridgeshire District Council setting out how the two councils would work together.</p> <p>A working group for the neighbourhood plan was set up during 2015 initially drawn from volunteers of the Parish,</p> | <p>Yes</p> |



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| | <p>each main habitation area of the parish was represented on the steering group and several residents with specific skills were co-opted to help on occasion throughout the preparation of the plan. The core team consisted of villagers who hold dear the best interest of Waterbeach, along with a technical expert / consultant who guided them through the process. The Vice Chair of the parish council also chaired the NP steering group to provide a link between the NP and the parish council. The group reported back regularly to the full council.</p> | |
| <p>Section 38A of the Town and Country Planning Act 1990 as amended (by the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) defines a neighbourhood development plan as “a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.”</p> | <p>The ‘Referendum’ version of the Waterbeach Neighbourhood Plan meets this definition of a neighbourhood plan.</p> | <p>Yes</p> |
| <p>SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation 15 – A qualifying body is required to submit:</p> | <p>The designated neighbourhood area is shown in Map 3.2 of the ‘Referendum’ version the Waterbeach Neighbourhood Plan.</p> | <p>Yes</p> |



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| <p><i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates.</i></p> | | |
| <p><i>(b) A consultation statement.</i></p> <p>The statement should contain 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.</p> | <p>A Consultation Statement accompanied the submission Neighbourhood Plan. The Consultation Statement includes:</p> <ul style="list-style-type: none"> • information on how the community have been kept informed throughout the production of the neighbourhood plan. • the details of those consulted and how they were consulted. • a summary of the issues and concerns raised; and • details on how the issues and concerns have been considered and where relevant, addressed. | <p>Yes</p> |
| <p><i>(c) The proposed neighbourhood development plan.</i></p> | <p>The Local Planning Authority received the submission Neighbourhood Plan on 2 February 2021.</p> <p>The independent examiner appointed to examine the Neighbourhood Plan has concluded that subject to a series of recommended modifications set out in his report that the submitted Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum. A 'referendum' version of the Neighbourhood Plan has been prepared taking account</p> | <p>Yes</p> |



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| | of the Examiner’s recommended modifications. The ‘referendum’ version of the plan also includes some additional minor modifications to update parts of the plan. | |
| <p><i>(d) A Statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act as revised by s38C of the Planning and Compulsory Purchase Act 2004, (as amended).</i></p> <p>The local planning authority has to be satisfied that a basic condition statement has been submitted.</p> | <p>A Basic Conditions Statement accompanied the submission Neighbourhood Plan.</p> <p>The statement clearly demonstrates how Waterbeach Parish Council considers that each of the Basic Conditions have been met. The legislation and planning policies referred to in the statement are correct at the time of submission.</p> <p>The ‘referendum’ version of the Neighbourhood Plan includes some minor modifications to update the Plan.</p> | Yes |
| <p><i>(e) The Plan needs to be submitted with one of the following i) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR ii) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment</i></p> | <p>In March 2020, South Cambridgeshire District Council and Waterbeach Parish Council published a Strategic Environmental Assessment (SEA) Screening Determination Statement. This statement sets out the reasons for the determination that the draft Waterbeach Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a Strategic Environmental Assessment. This Screening Determination Statement was underpinned by a SEA</p> | Yes |



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| <p><i>of Plans and Programmes Regulations 2004 (as set out in the Neighbourhood Planning (General Amendment) Regulations 2015, (which amends Regulation 15 of the Neighbourhood Planning (General) Regulations 2012)).</i></p> <p>If an Environmental Report is required, then this needs to have been subject to the required level of consultation, and should comply with the government's SEA guidance. In terms of consultation, the 'consultation bodies' (Environment Agency, Natural England and Historic England) must have been consulted at scoping stage (for 5 weeks). There is no requirement for public consultation on the scoping report. The draft Environmental Report on the pre-submission neighbourhood plan will need to be subject to public consultation for 6 weeks. The draft Environmental Report must be made available at the same time as the draft plan, as an integral part of the consultation process, and the relationship between the two documents clearly indicated.</p> | <p>Screening Report undertaken by Essex Place Services on behalf of SCDC and Waterbeach Parish Council, and the opinions of the three statutory bodies. Consultation with the three statutory bodies (Environment Agency, Natural England and Historic England) on the draft screening report for the Neighbourhood Plan took place in February 2020. The consultation responses received are included in Appendix 2 of the Screening Determination Statement. The statutory bodies agreed with the conclusion reached.</p> <p>The SEA Screening Determination Statement (including the SEA and HRA screening reports) is available on both the South Cambridgeshire District Council website and the Waterbeach Parish Council website alongside the submitted Waterbeach Neighbourhood Plan.</p> | |



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| <p>The Neighbourhood Plan and accompanying documents meet the scope of neighbourhood plan provisions i.e. specifies the period for which it covers, does not include provision about development that is 'excluded development' (as set out in section 61K of the 1990 Act - s38B(6) Planning and Compulsory Purchase Act) and does not relate to more than one neighbourhood area (2004 Acts 38B (1 & 2) (4)).</p> | <p>The 'Referendum' version of the Neighbourhood Plan covers the period 2020-2031, mirroring the adopted South Cambridgeshire Local Plan.</p> <p>The 'referendum' version of the Neighbourhood Plan does not contain policies relating to 'excluded development'.</p> <p>The Neighbourhood Plan does not relate to more than one neighbourhood area.</p> <p>There is not more than one Neighbourhood Plan in existence in Waterbeach parish.</p> | <p>Yes</p> |
| <p>The Qualifying Body has undertaken the correct procedures in relation to consultation and publicity.</p> | <p>The Parish Council submitted a Consultation Statement, alongside the submission version of the Neighbourhood Plan, that demonstrates compliance with SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation s15(2).</p> <p>The Examiner in his report has stated that he is satisfied that the communication and consultation which took place provided sufficient opportunity for the community's participation (See paragraph 3.13 on page 11 of his report.)</p> | <p>Yes</p> |



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| <p>The draft Neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (Town and Country Planning Act 1990 Act Schedule 4B s5 and s18 as varied by s38C of the Planning and Compulsory Purchase Act 2004).</p> | <p>The 'referendum' version of the Waterbeach Neighbourhood Plan is not a repeat proposal.</p> | <p>Yes</p> |
| <p>The pre-submission consultation requirements need to have been satisfied. Before submission to the LPA the qualifying body should:</p> <ol style="list-style-type: none"> 1. publicise (but this does not have to be on a web site) in a way that is likely to bring to the attention of people who live work or carry on business in the area details of: <ol style="list-style-type: none"> a. the proposals b. when and where they can be inspected c. how to make representations, and d. the deadline for making representations – not less than 6 weeks from first publicised. 2. consult any consultation body whose interests they consider may be affected by the proposals for a Neighbourhood Plan. 3. send a copy of the Neighbourhood Plan to | <p>Waterbeach Parish Council has complied with the requirements of the regulations in respect of the scope of their pre-submission consultation and this is evidenced within Chapter 7 of their submitted Consultation Statement.</p> <p>The consultation period for the pre-submission Neighbourhood Plan was 13 January to 24 February 2020. The statutory consultation bodies consulted are listed in Table 7.1 on page 22 of the Consultation Statement.</p> <p>A copy of the pre-submission Neighbourhood Plan was provided to the LPA.</p> | <p>Yes</p> |



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| the LPA. (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012. | | |
| Are there any conflicts in the Neighbourhood Plan between policies and other statements or information? (s38B(3) Planning and Compulsory Purchase Act 2004.) | No, there are no conflicts. | Yes |
| <p>The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General Regulations) 2012, i.e. Regulations 102 and 102A, Assessment of implications for European site: <i>A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.</i></p> | <p>In March 2020, South Cambridgeshire District Council and Waterbeach Parish Council published a Strategic Environmental Assessment (SEA) Screening Determination Statement. This statement sets out the reasons for the determination that the draft Waterbeach Neighbourhood Plan is unlikely to result in significant environmental effects and therefore does not require a Strategic Environmental Assessment. In addition, this statement determines that the making of the Waterbeach Neighbourhood Plan is not likely to have a significant effect on a European site.</p> <p>This Screening Determination Statement was underpinned by a SEA Screening Report undertaken by Essex Place Services on behalf of SCDC and Waterbeach Parish Council, and the opinions of the three statutory bodies. Consultation with the three</p> | Yes |



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|--|---|--------------------|
| | <p>statutory bodies (Environment Agency, Natural England and Historic England) on the draft screening report for the Neighbourhood Plan took place in February 2020. The consultation responses received are included in Appendix 2 of the Screening Determination Statement. The statutory bodies agreed with the conclusion reached.</p> <p>The SEA Screening Determination Statement (including the SEA and HRA screening reports) is available on both the South Cambridgeshire District Council website and the Waterbeach Parish Council website alongside the submitted Waterbeach Neighbourhood Plan.</p> <p>As the modifications made to the Waterbeach Neighbourhood Plan following its examination do not change the essence of its planning policies, the HRA screening undertaken on a draft version of the Neighbourhood Plan in February 2020, and the screening determination published in March 2020 remain valid.</p> | |

CONCLUSION: South Cambridgeshire District Council has confirmed that the ‘Referendum’ version of the Waterbeach Neighbourhood Plan meets the legislative requirements.



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The draft Waterbeach Neighbourhood Plan submitted to SCDC met the requirements in the legislation, and SCDC publicised the neighbourhood plan for a minimum of 6 weeks, invited comments, notified any consultation body referred to in the consultation statement and sent the draft neighbourhood plan to independent examination. Following examination, SCDC has determined that the 'Referendum' version of the Waterbeach Neighbourhood Plan is ready for a public referendum (Schedule 4B of the Town and Country Planning Act 1990 (as varied by s38A & 38C of the Town and Country Planning Act)).

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