

Appendix 3

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

West Wickham Neighbourhood Plan – June 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 maintain and enhance the local distinctiveness and unique character of the village (Policies WWK/1, WWK/2, WWK/3 and WWK/5) see Chapter 16 of NPPF which seeks to conserve and enhance the historic environment • To support the delivery of new homes and that they meet the needs for the different groups in the community (Policies WWK/9 and WWK/10) see 	<p>Yes</p>



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	<p>chapter 5 of the NPPF which considers the delivery of a sufficient supply of homes.</p> <ul style="list-style-type: none"> • to safeguard community uses (Policies WWK/11 and WWK/4) 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 WWK/7) see paragraphs 174 and 179 of NPPF which seeks to protect and enhance biodiversity. • to protect and enhance walking routes (Policies WWK/8) see Chapter 9 of NPPF which seeks to promote sustainable transport and chapter 8 promoting healthy and safe communities. • to protect the dark sky with low levels of light pollution (Policy WWK/6) see Chapter 15 of NPPF paragraph 185c with seeks to limit the impact of light pollution on intrinsically dark landscapes. <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</p>	



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	<p>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 West Wickham 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> <ul style="list-style-type: none"> • Contributing to the economic aspects by having policies to meet local housing needs (Policies WWK/9 and WWK/10) • Contributing to the social aspects by seeking to provide a vibrant community by promoting and safeguarding community uses and spaces (Policies WWK/4 and WWK/11) • Contributing to the environmental aspect by having a range of polices which include ones which seek to conserve the character of the area (Policies WWK/2; WWK/4; and WWK/5); prevents light pollution (Policy WWK/6) safeguard natural habitats (Policy WWK/7) and ensure high 	<p>Yes</p>



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	<p>quality design (Policy WWK/2) and encourage means of transport other than cars (Policy WWK/8)</p> <p>This conclusion is consistent with the examiner’s overall conclusion that the Neighbourhood Plan meets the Basic Conditions including that to achieve sustainable development in the neighbourhood area. (See paragraphs 5.1 -5.2 of his report on pages 14-15.)</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 West Wickham 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>Yes</p>



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	<p>This conclusion is consistent with the examiner’s overall conclusion that the Neighbourhood Plan meets the Basic Conditions including that of being in general conformity with the strategic policies in the development plan. (See paragraphs 5.1-5.2 on pages 14-15)</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 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>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 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 West Wickham 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</p>	<p>Yes</p>



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	<p>Neighbourhood Plan and the screening determination published in May 2021 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 paragraphs 4.1-4.2 on page 10 of his report)</p> <p><u>Human Rights:</u> 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>	



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	This conclusion is consistent with the examiner's conclusion that he is satisfied that the Plan does not breach Human Rights. (See paragraph 3.11 on page 9 of his report).	



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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 West Wickham Parish Council.</p> <p>West Wickham Parish Council first started work on its neighbourhood plan in 2014. A neighbourhood steering groups was set up made up of a cross section of the community from all areas.</p> <p>The neighbourhood area was designated on 17 November 2015 which follows the parish boundary</p>	<p>Yes</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</p>	<p>The 'Referendum' version of the West Wickham Neighbourhood Plan meets this definition of a neighbourhood plan.</p>	<p>Yes</p>



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<p>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>SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation 15 – A qualifying body is required to submit:</p> <p><i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates.</i></p>	<p>The designated neighbourhood area is shown in Figure 2 in the ‘Referendum’ version the West Wickham Neighbourhood Plan.</p>	<p>Yes</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 3 December 2021</p>	<p>Yes</p>



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	<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 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>	
<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 West Wickham 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>	<p>Yes</p>



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<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 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</p>	<p>In May 2021, South Cambridgeshire District Council and west Wickham Parish Council published a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment Screening Determination Statement. This Statement was underpinned by a SEA/HRA Screening Report undertaken by Essex Place Services on behalf of SCDC and West Wickham 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 April 2021. The consultation responses received are included in Appendix 2 of the Screening Determination Statement. The statutory bodies agreed with the conclusion reached in the Screening Report – that the draft West Wickham Neighbourhood Plan:</p> <ul style="list-style-type: none"> • is not likely to require a Strategic Environmental Assessment • is not predicted to have a significant effect on any European site so no further Habitat Regulation Assessment was required. 	<p>Yes</p>



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<p>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>The SEA Screening Determination Statement (including the SEA and HRA screening reports) is available on both the South Cambridgeshire District Council website and the West Wickham Parish Council website alongside the submitted West Wickham Neighbourhood Plan.</p>	
<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 West Wickham 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</p>	<p>Yes</p>



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	<p>The Neighbourhood Planning (General) Regulations 2012, Regulation s15(2). 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>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 West Wickham 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 	<p>West Wickham Parish Council has complied with the requirements of the regulations in respect of the scope of their pre-submission consultation and this is evidenced in their submitted Consultation Statement.</p> <p>The consultation period for the pre-submission Neighbourhood Plan was 1 May 2021 – 30 June 2021. The statutory consultation bodies consulted are listed in Appendix 2 of the Consultation Statement.</p>	<p>Yes</p>



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<p>d. the deadline for making representations – not less than 6 weeks from first publicised.</p> <p>2. consult any consultation body whose interests they consider may be affected by the proposals for a Neighbourhood Plan.</p> <p>3. send a copy of the Neighbourhood Plan to the LPA. (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.</p>	<p>A copy of the pre-submission Neighbourhood Plan was provided to the LPA.</p>	
<p>Are there any conflicts in the Neighbourhood Plan between policies and other statements or information? (s38B(3) Planning and Compulsory Purchase Act 2004.)</p>	<p>No, there are no conflicts.</p>	<p>Yes</p>
<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</i></p>	<p>In May 2021, South Cambridgeshire District Council and West Wickham Parish Council published a Strategic Environmental Assessment (SEA)/Habitat Regulations Assessment Screening Determination Statement. Alongside the determination about not requiring a full SEA this statement determined that the making of the West Wickham Neighbourhood Plan is not likely to have a significant effect on a European site and therefore further Habitats Regulations Assessment work is not required.</p>	<p>Yes</p>



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<p><i>102 or to enable them to determine whether that assessment is required.</i></p>	<p>This Screening Determination Statement was underpinned by a SEA Screening Report undertaken by Essex Place Services on behalf of SCDC and West Wickham 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 April 2021. The consultation responses received are included in Appendix 2 of the Screening Determination Statement. The statutory bodies agreed with the conclusion reached regarding the HRA.</p> <p>The SEA/HRA Screening Determination Statement (including the SEA and HRA screening reports) is available on both the South Cambridgeshire District Council website and the West Wickham Parish Council website alongside the submitted West Wickham Neighbourhood Plan</p> <p>As the modifications made to the West Wickham Neighbourhood Plan following its examination do not change the essence of its planning policies, the HRA</p>	



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	screening undertaken on a draft version of the Neighbourhood Plan and the screening determination published in May 2021 remain valid.	

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

The draft West Wickham 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 West Wickham 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.