

Appendix 2

Basic Conditions and Legal Compliance Check – made (adopted) Neighbourhood Plan

West Wickham Neighbourhood Plan – August 2022

Basic Conditions Check

Requirements	Local Planning Authority Comments	Basic Condition met?
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>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 	Yes



Requirements	Local Planning Authority Comments	Basic Condition met?
	<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 which 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 the neighbourhood area. The examiner has recommended a series of modifications to provide clarity and precision to the policies to ensure that the</p>	



Requirements	Local Planning Authority Comments	Basic Condition met?
	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.	
The making of the Neighbourhood Plan contributes to the achievement of sustainable development.	<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 policies 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 quality design (Policy WWK/2) and encourage means of transport other than cars (Policy WWK/8) <p>This conclusion is consistent with the examiner's overall conclusion that the Neighbourhood Plan meets the Basic</p>	Yes



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Requirements	Local Planning Authority Comments	Basic Condition met?
	Conditions including that to achieve sustainable development in the neighbourhood area. (See paragraphs 5.1 -5.2 of his report on pages 14-15.)	
The Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area.	<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>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>	Yes
The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.	<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>	Yes



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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>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 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</p>	



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	<p>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 that the Plan does not breach Human Rights. (See paragraph 3.11 on page 9 of his report).</p>	

CONCLUSION: South Cambridgeshire District Council has confirmed that the 'Made' version of the West Wickham Neighbourhood Plan meets the Basic Conditions.

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