

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

## Fulbourn Neighbourhood Plan – December 2022



**GREATER CAMBRIDGE**  
SHARED PLANNING

### 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"> <li>to address housing needs and deliver affordable homes and an appropriate housing mix (Policy FUL/09) – see Chapter 5 of the NPPF which considers the delivery of a sufficient supply of homes to meet the needs for the different groups in the community.</li> </ul>	<p>Yes</p>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<ul style="list-style-type: none"> <li>• to protect existing community facilities, secure the re-provision of community facilities in an accessible location within the village, and secure the expansion of existing facilities (see Policies FUL/11 and FUL/12) – see Chapter 7 of the NPPF which seeks to support the role that town centres play within their communities.</li> <li>• to promote sustainable transport use within the parish (see Policy FUL/13) – see Chapter 9 of NPPF which seeks to promote opportunities for walking, cycling and public transport use and to actively manage growth to support this.</li> <li>• to achieve well-integrated and inclusive communities, including sustainable and well-designed homes and developments that contribute positively to the character of Fulbourn (see Policies FUL/02, FUL/06, FUL/07, FUL/08, FUL/09 and FUL/10) – see Chapter 12 of the NPPF which seeks to achieve the creation of high</li> </ul>	

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>quality and sustainable buildings and places through good design.</p> <ul style="list-style-type: none"> <li>• to protect green spaces and safeguard against the loss of existing services and facilities (see Policies FUL/05, FUL/11 and FUL/12) – see Chapter 8 of the NPPF which seeks to deliver healthy and safe communities by retaining and securing accessible local services and community facilities, and protecting green spaces.</li> <li>• to conserve and enhance the natural and historic environment of Fulbourn, including by consolidating and extending the existing green infrastructure in the area (see Policies FUL/01, FUL/03 and FUL/04) – see Chapters 15 and 16 of the NPPF which seek to protect and enhance the natural environment, safeguard and restore wildlife rich habitats and ecological networks, recognise the character of the countryside and the</li> </ul>	

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>role that it plays, and sustain and enhance heritage assets.</p> <ul style="list-style-type: none"> <li>• to secure developments that respect and enhance the landscape setting of Fulbourn and its location within the Green Belt (see Policies FUL/01 and FUL/02) – see Chapter 13 of the NPPF which attaches great importance to Green Belts.</li> </ul> <p>This conclusion is consistent with the examiner’s conclusions (see paragraphs 6.8 and 6.10 of the <a href="#">Examiner’s Report</a>) that, subject to his recommended modifications, the Neighbourhood Plan has had regard to national planning policies and guidance. The examiner states that the Neighbourhood Plan sets out a positive vision for the future of the neighbourhood area and that the Basic Conditions Statement maps the policies in the plan against the appropriate sections of the NPPF. The examiner has recommended a series of modifications to provide clarity and precision to the policies to ensure that</p>	

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>the Neighbourhood Plan fully accords with national policy. SCDC and Fulbourn 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"> <li>• contributing to the economic aspect by having policies that seek to provide the necessary infrastructure to support growth (see Policies FUL/11 and FUL/12).</li> <li>• contributing to the social aspect by having a range of policies that will deliver well-integrated and inclusive communities, including sustainable and well-designed homes (see Policies FUL/09 and FUL/10) and by protecting green spaces (see Policy FUL/05).</li> </ul>	<p>Yes</p>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<ul style="list-style-type: none"> <li>contributing to the environmental aspect by having a range of policies that seek to protect and enhance the natural, built and historic environment (see Policies FUL/01, FUL/02, FUL/03, FUL/04, FUL/06, FUL/07 and FUL/08).</li> </ul> <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 6.11 of the <a href="#">Examiner's Report</a>).</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 <a href="#">Basic Conditions Statement</a>, submitted by Fulbourn Parish Council, considers whether the Neighbourhood Plan is in general conformity with these strategic policies.</p>	<p>Yes</p>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<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 (see paragraph 6.13 of the <a href="#">Examiner's Report</a>). He considers the extent to which the policies and proposals are in general conformity in detail in Chapter 7 of his report.</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</p>	<p>The Council considers that the Neighbourhood Plan does not breach and is compatible with EU Obligations.</p> <p><b>Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA):</b> a SEA screening has been undertaken that determines that the Neighbourhood Plan is unlikely to result in significant</p>	Yes

Requirements	Local Planning Authority Comments	Basic Condition met?
<p>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>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 Fulbourn 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 October 2020 and the screening determination published in November 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</p>	



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	<p>European obligations (see paragraphs 6.14 – 6.18 in the <a href="#">Examiner's Report</a>).</p> <p><b>Human Rights:</b> 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 <a href="#">Basic Conditions Statement</a>. The Council is supportive of the Equalities Impact Assessment which concludes that: a number of policies in the Neighbourhood Plan will have positive benefits for specific protected characteristics; there are no negative equality impacts that arise from the policies or proposals contained within the Neighbourhood Plan; and the Neighbourhood Plan does not raise any issues in relation to any of the convention rights in the Human Rights Act 1998.</p> <p>This conclusion is consistent with the examiner's conclusion that he is satisfied that the Neighbourhood</p>	

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act, and therefore that the Neighbourhood Plan does not breach, nor is in any way incompatible with the ECHR (see paragraph 6.19 of the <a href="#">Examiner's Report</a>).</p>	

## Legal Compliance Check

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<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>The qualifying body is Fulbourn Parish Council. Fulbourn Parish Council first started work on its neighbourhood plan in 2018.</p> <p>The neighbourhood area was designated on 13 August 2018 which follows the parish boundary. A</p>	<p>Yes</p>

<b>Requirements and relevant legislation* and/or guidance</b>	<b>Local Planning Authority Comments</b>	<b>Legally compliant?</b>
<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>neighbourhood plan group had been established earlier that year drawn from the village community.</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</p>	<p>The ‘Referendum’ version of the Fulbourn Neighbourhood Plan meets this definition of a neighbourhood plan.</p>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
of land in the whole or any part of a particular neighbourhood area specified in the plan.”		
<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 Fig 1 on page 10 of the ‘Referendum’ version the Fulbourn 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 <a href="#">Consultation Statement</a> accompanied the submission Neighbourhood Plan. The Consultation Statement includes:</p> <ul style="list-style-type: none"> <li>• information on how the community have been kept informed throughout the production of the neighbourhood plan;</li> <li>• the details of those consulted and how they were consulted;</li> <li>• a summary of the issues and concerns raised; and</li> </ul>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
	<ul style="list-style-type: none"> <li>• details on how the issues and concerns have been considered and where relevant, addressed.</li> </ul>	
<i>(c) The proposed neighbourhood development plan.</i>	<p>The Local Planning Authority received the submission Neighbourhood Plan on 18 October 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, the 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>	Yes
<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</i>	A <a href="#">Basic Conditions Statement</a> accompanied the submission Neighbourhood Plan.	Yes

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p><i>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>The statement clearly demonstrates how Fulbourn 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><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</i></p>	<p>In November 2020, South Cambridgeshire District Council and Fulbourn 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 Fulbourn 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</p>	Yes

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<p><i>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</p>	<p>Neighbourhood Plan took place in October 2020. 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 Fulbourn Neighbourhood Plan:</p> <ul style="list-style-type: none"> <li>• is not likely to require a Strategic Environmental Assessment</li> <li>• is not predicted to have a significant effect on any European site so no further Habitat Regulation Assessment is required.</li> </ul> <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 Fulbourn Parish Council website alongside the Referendum version Fulbourn Neighbourhood Plan.</p>	

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process, and the relationship between the two documents clearly indicated.		
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>The 'Referendum' version of the Neighbourhood Plan covers the period 2019-2031.</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 Fulbourn parish.</p>	Yes
The Qualifying Body has undertaken the correct procedures in relation to consultation and publicity.	<p>The Parish Council submitted a <a href="#">Consultation Statement</a>, 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>	Yes



Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
	<p>The examiner in his report has stated that he is satisfied that the engagement process has been both proportionate and robust. He also comments that in many instances, the ways in which the Parish Council engaged the community and statutory bodies was extremely thorough and detailed, and that he can see that throughout the process an inclusive approach to seeking the opinions of all concerned has been taken (see Chapter 4 of the <a href="#">Examiner's Report</a>).</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 Fulbourn Neighbourhood Plan is not a repeat proposal.</p>	<p>Yes</p>
<p>The pre-submission consultation requirements need to have been satisfied. Before submission</p>	<p>Fulbourn Parish Council has complied with the requirements of the regulations in respect of the scope</p>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p>to the LPA the qualifying body should:</p> <ol style="list-style-type: none"> <li>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"> <li>a. the proposals</li> <li>b. when and where they can be inspected</li> <li>c. how to make representations, and</li> <li>d. the deadline for making representations – not less than 6 weeks from first publicised.</li> </ol> </li> <li>2. consult any consultation body whose interests they consider may be affected by the proposals for a Neighbourhood Plan.</li> <li>3. send a copy of the Neighbourhood Plan to the LPA. (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.</li> </ol>	<p>of their pre-submission consultation and this is evidenced within their submitted <a href="#">Consultation Statement</a>.</p> <p>The consultation period for the pre-submission Neighbourhood Plan was 1 January to 28 February 2021. The statutory consultation bodies consulted are listed in Appendix 2 of the Consultation Statement.</p> <p>A copy of the pre-submission Neighbourhood Plan was provided to the LPA.</p>	
<p>Are there any conflicts in the Neighbourhood</p>	<p>No, there are no conflicts.</p>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
Plan between policies and other statements or information? (s38B(3) Planning and Compulsory Purchase Act 2004.)		
<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 November 2020, South Cambridgeshire District Council and Fulbourn 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 Fulbourn 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 October 2020. 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 making of the</p>	Yes

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
	<p>Fulbourn Neighbourhood Plan is not predicted to have a significant effect on any European site so no further Habitat Regulation Assessment is required.</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 Fulbourn Parish Council website alongside the Referendum version Fulbourn Neighbourhood Plan.</p> <p>As the modifications made to the Fulbourn 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 October 2020 and the screening determination published in November 2020 remain valid.</p>	

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

The draft Fulbourn Neighbourhood Plan submitted to SCDC met the requirements in the legislation, and SCDC publicised the neighbourhood plan for more than 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 Fulbourn 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.