

### **Basic Conditions Evaluation Statement**

The basic conditions a Neighbourhood Plan should meet to proceed to a referendum are contained within **Paragraph 8(2) of Schedule 4b to the Town and Country Planning Act 1990 (as amended)**. A basic conditions statement / report should accompany a draft plan when it is submitted to the Local Planning Authority (LPAs) (see [regulation 15\(1\)\(d\)](#) and [regulation 22\(1\)\(e\)](#) of the Neighbourhood Planning (General) Regulations 2012 (as amended)).

This is a basic condition evaluation statement based on the work Stephenson Halliday (SH) were instructed to complete: *an update of the draft Neighbourhood Plan*, based on its review by AECOM (Evidence Base and Policy Document Final Report, February 2022).

The scope of SH's work in relation to the basic condition tests includes:

*“Updated draft Neighbourhood Plan to be evaluated against the basic conditions, considered by the Independent Examiner”.*

The Neighbourhood Plan Steering Group (NPSG) are aware of the requirement to have regard to the basic conditions throughout the process of developing the draft Neighbourhood Plan.

A qualifying body is strongly encouraged to consider the environmental implications of its proposals at an early stage, and to seek the advice of the Local Planning Authority on whether the Environmental Assessment of Plans and Programmes Regulations 2004 are likely to apply. Advice was sought from the relevant Local Planning Authorities on 21 September 2022, no response has been received to date.

The draft Neighbourhood Plan does not propose to allocate any sites for employment or housing development; therefore, a Strategic Environmental Assessment (SEA) is not usually required. Further, the Neighbourhood Plan is unlikely to have a significant effect on the environment.

The Neighbourhood Plan does seek to designate Local Green Spaces; the aim is to protect these sites as they are of particular importance to the local community, by providing access to them and managing any appropriate development proposed. These spaces are considered to make a significance positive contribution to the designated Neighbourhood Plan Area and aims of sustainable development.

AECOM's final report (February 2022) considers the conformity and effectiveness of the draft Neighbourhood Plan policies proposed in the June 2021 version of the draft Neighbourhood Plan. The draft Neighbourhood Plan has been updated taking into account these comments; policies have been revised and some deleted where policies repeated existing local policy, for example, or covered non planning matters. The draft Neighbourhood Plan includes several Community Aspirations / Actions.

A qualifying body, in this case the NPSG, is advised to discuss and share early drafts of its basic conditions statement with the relevant LPA.

The following table is a summary of the basic conditions' tests and a commentary regarding the updated Neighbourhood Plan (October 2022):

Basic Conditions:	Clapham cum Newby updated NP meets basic condition:	SH Comment:	Info for Neighbourhood Plan Steering Group (NPSG):
<p>a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).</p>	<p>YES</p>	<p>The Neighbourhood Plan has been prepared regarding the NPPF (July 2021) and taken into account of the National Planning Practice Guidance (NPPG), in respect of formulating Neighbourhood Plans.</p> <p>The relevant national policies are referred to within the supporting text of the draft Neighbourhood Plan and under relevant evidence for each planning policy theme.</p> <p>The draft Neighbourhood Plan takes account of national policy and advice, it does not repeat national policy within proposed policies and draft policies do not undermine strategic policies for the area, nor does the plan promote less development than set out in the Local Plans, or constrain the objectives of the National Framework.</p> <p>No Neighbourhood Development Orders (NDO's) are proposed.</p> <p>Based on the conformity assessment it is considered appropriate to make the Neighbourhood Plan.</p>	<p>A qualifying body is encouraged to set out the national policies that it has considered, and how the policies in a draft Neighbourhood Plan or the development proposals in an Order take account of national policy and advice in a basic condition statement.</p> <p>A summary table should be produced listing all relevant NPPF (not exhaustive) policies listed in the Neighbourhood Plan, related to the proposed NP policy with a comment on general conformity of the draft policy with the NPPF.</p> <p>Table 1 Conformity of NP policies to the NPPF</p> <p><i>NP Policy Ref and Title</i> <i>NPPF Para</i> <i>Comment on conformity</i></p>
<p><i>b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders</i></p>	<p>N/a Draft Neighbourhood Plan</p>	<p>-</p>	<p>-</p>

<p><i>c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders</i></p>	<p>N/a Draft Neighbourhood Plan</p>	<p>-</p>	<p>-</p>
<p><b>d.</b> the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.</p>	<p>YES</p>	<p>The Neighbourhood Plan Area’s demographics and rural character are a challenge. The draft Neighbourhood Plan policies address planning matters / need, specific to the Neighbourhood Plan Area to achieve the outcome of sustainable development. The Neighbourhood Plan supports new development to meet the need of the area, shaping it to enhance the sustainability of communities within the Neighbourhood Plan area, whilst maintaining its heritage, environmental and social assets. The Neighbourhood Plan supports windfall housing developing, seeks to protect local services / community facilities, and Local Green Spaces. There are no potential negative effects anticipated from the Neighbourhood Plan policies, therefore no requirement for mitigation measures to off-set any potential negative impact.</p>	<p>There is no legal requirement for a Neighbourhood Plan to undertake a Sustainability Appraisal (SA). A SA framework would need to be developed to assess objectives, site allocations and policies against. A qualifying body should demonstrate how its plan or Order will contribute to improvements in environmental, economic and social conditions. Sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions. Include a copy of the presumption in favour of sustainable development from the NPPF.</p>

<p>e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)</p>	<p>YES The relevant Local Planning Authorities and plans are: Craven District Council (CDC) Local Plan 2012-2032 and Yorkshire Dales National Park Authority (YDNPA) Local Plan 2015-2030, the latter is the lead LPA, the majority of Clapham Village is within the National Park.</p>	<p>The Neighbourhood Plan has been prepared to have general conformity for the development plans which cover the Neighbourhood Plan area designated. The amount of development and location of it follows the spatial vision of the development plans. Both LPA's provided comments on the draft Neighbourhood Plan (V1 June 2021) in early 2022. The comments were prior to the AECOM review. No concerns were raised by the LPA's regarding the draft Neighbourhood Plan. The LPA's comments included questions for clarity, suggestions of where the Neighbourhood Plan could be more specific with appropriate evidence. It is stated where policy would not add to existing adopted policy such as Rural Workers Dwellings for example or where some policy areas were not related to the function of a Neighbourhood Plan or development / use of land, and the use of more definite wording in policies. The CDC response states: <i>"It is a clear and concise statement regarding the intent to protect and enhance the distinctive character and exceptional countryside of the parish of Clapham cum Newby"</i>. The YDNPA states: <i>"Overall impression is of a professional readable and concise document. It has good coverage of the development issues and is well rooted in conservation and sustainability. The Plan fits well with local and national policy but is cautious around spatial detail"</i>.</p>	<p>Recommend NPSG develop a further summary table to provide this evidence in full. The LPA are required to support the qualifying body by explaining the relevant strategic policies in the local plan. Table 2 Conformity of Neighbourhood Plan Policies with the Strategic Development Plan Policies</p> <table border="1" data-bbox="1532 478 2078 606"> <thead> <tr> <th data-bbox="1532 478 1814 558">NP Policy Ref and Title</th> <th data-bbox="1814 478 2078 558">Relevant Local Plan Policy</th> </tr> </thead> <tbody> <tr> <td data-bbox="1532 558 1612 606">CDC</td> <td data-bbox="1612 558 2078 606">YDNPA</td> </tr> </tbody> </table>	NP Policy Ref and Title	Relevant Local Plan Policy	CDC	YDNPA
NP Policy Ref and Title	Relevant Local Plan Policy						
CDC	YDNPA						

		<p>The NPSG has remained in dialogue with the LPAs throughout the neighbourhood plan making process. The Neighbourhood Plan has been updated. It is recommended that the updated draft Neighbourhood Plan is provided to the LPAs for their further comment prior to the formal (pre-submission Reg 14) consultation.</p> <p>In applying basic condition 'e,' 'general conformity' relates to the adopted, not emerging Local Plan (see PPG, Paragraph: 065 Reference ID: 41-065-20140306). However, the evidence behind any emerging Local Plan is part of the evidence base for the Neighbourhood Development Plan (NDP) and it is important the NDP takes account of policy development within it given that, once adopted the new Local Plan polices will supersede those in the NDP.</p>	
--	--	---	--

<p><b>f.</b> the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.</p> <p>Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).</p> <p>Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).</p> <p>Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders.</p> <p>Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order</p>	<p>YES</p> <p>The Neighbourhood Plan does not breach and is otherwise compatible with EU obligations.</p>	<p>A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law.</p> <p>There are 4 directives that can be relevant.</p> <p>A SEA has not been undertaken for the Neighbourhood Plan.</p> <p>No site allocations / site specific policies are proposed.</p> <p>The scale and location of development (spatial vision) reflects that of existing policy.</p> <p>No 'screening' advice has been issued from the relevant LPAs on this.</p> <p>The Neighbourhood Plan is unlikely to have significant environmental effects, the scale of development proposed is not greater than the Local Plan(s) and the Neighbourhood Plan seeks to protect and enhance its environment without precluding development.</p> <p>The updated draft Neighbourhood Plan is based mainly on the comments by AECOM and the LPA's. The content is not significantly different to version 1 (June 2021) which the LPA's commented on and raised no concerns. No new topics have been introduced.</p> <p>No allocations are proposed, policies have been refined to ensure they are concise and robust and only address development / planning matters. Community aspirations and actions have been made clear.</p>	<p>The NPSG should undertake further dialogue with the LPAs on the amended draft Neighbourhood Plan, to clarify any requirements to meet basic condition f) and the LPA's relevant screening procedures (Appropriate Assessment). The lead LPA (the responsible Authority) should screen the Neighbourhood Plan. The LPA may request a screening report from the NPSG and undertaken relevant consultation with the identified consultation bodies.</p> <p>It is likely that the LPA's will conclude that a full AA is not required under the EU habitat regulations.</p> <p>The responsible authority shall determine if a plan is likely to have significant environmental effects (Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004). Consultation with the environmental assessment consultation bodies is required.</p> <p>The NPSG should consider the Human Rights Act 1998 incorporated into UK law (European convention on Human Rights).</p>
---	---	--	---

		<p>This can also relate to the requirement of a Habitat Regulations Assessment (HRA), which can depend on the screening provisions of the local authorities.</p> <p>There are European designated Sites within the designated Neighbourhood Plan Area, the Neighbourhood Plan policies are unlikely to impact either directly or indirectly on any.</p>	
<p>g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).</p>	<p>Are there any other basic conditions that apply besides those set out in the primary legislation?</p>	<p>The draft Neighbourhood Plan as updated (October 2022), has had regard to all relevant material considerations and is therefore appropriate to me made.</p> <p>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, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites. (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)</p>	<p>This section is not generally included in the basic condition report, unless relevant. The statements report under the four sections:</p> <ul style="list-style-type: none"> <li>- Conformity with the NPPF (a).</li> <li>- How the Neighbourhood Plan will contribute to sustainable development (d).</li> <li>- Conformity with local strategic policy (e).</li> <li>- Compliance with relevant EU obligations (f).</li> </ul>