

Appendix 2

Basic Conditions Check – made (adopted) Neighbourhood Plan

Cottenham Neighbourhood Plan – March 2020



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 (NPPF, 2012)¹ have been embodied in the Neighbourhood Plan.</p> <p>The examiner for Cottenham Neighbourhood Plan in his report² states that the Neighbourhood Plan has had regard to national planning policies and guidance, in that it sets out a positive vision for the future of the neighbourhood area within the context of its status within the development strategy in the Local Plan. In particular it seeks to respond positively to changing circumstances with regard to recent planning permissions for residential development. The Basic Conditions Statement maps the</p>	<p>Yes</p>

¹ Paragraph 214 of the National Planning Policy Framework (2018) confirms that for the purposes of examining a Neighbourhood Plan, the policies in the previous NPPF (2012) will apply where the Neighbourhood Plan was submitted to the local planning authority before 24 January 2019. The Cottenham Neighbourhood Plan was submitted to SCDC on 15 January 2019, and therefore references to the NPPF refer to the NPPF 2012 and not the NPPF 2018.

² Examiner’s Report on the Cottenham Neighbourhood Plan ([see paragraphs 6.4-6.10](#))

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>policies in the Plan against the appropriate sections of the National Planning Policy Framework.</p> <p>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 Cottenham Parish Council have agreed each of the recommended modifications and the modifications are included in the made version of the Neighbourhood Plan.</p>	

Requirements	Local Planning Authority Comments	Basic Condition met?
<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"> • including policies for both housing and employment within the Plan; • seeking to secure new community facilities through the Plan with policies for a new village hall, nursery and sports facilities and • including policies for the protection of the natural, built and historic environment of the parish. <p>This conclusion is consistent with the examiner's conclusion³ that the Neighbourhood Plan has set out to achieve sustainable development in the neighbourhood area.</p> <ul style="list-style-type: none"> • in the economic dimension through policies for housing and employment development (Policies COH/2-1 to 2-3 and COH/5.1 to 5.2 respectively) • in the social role it includes a policy on a village hall (Policy COH/4-2, a nursery (COH/4.3) and sports facilities (COH/4-4). • in the environmental dimension the Plan seeks to protect its natural, built and historic environment. It has a specific batch of policies in the village character part of the Plan (Policies COH/1-1 to 1-8). 	<p>Yes</p>
<p>The Neighbourhood Plan is in general conformity with the strategic policies contained in the</p>	<p>The development plan for South Cambridgeshire consists of the adopted South Cambridgeshire Local Plan 2011-</p>	<p>Yes</p>

³ Examiner's Report on the Cottenham Neighbourhood Plan ([see paragraph 6.11](#))

Requirements	Local Planning Authority Comments	Basic Condition met?
development plan for the area.	<p>2031, and a list of strategic policies is included in Appendix E of the Local Plan. The Basic Conditions Statement, submitted by Cottenham Parish Council, considers whether the Neighbourhood Plan is in general conformity with these strategic policies.</p> <p>The Council considers that policies in the Neighbourhood Plan 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 conclusion⁴ that the Neighbourhood Plan delivers a local dimension and supplements the detail already included in the adopted Local Plan, and on that basis is satisfied that the Neighbourhood Plan is in general conformity with the strategic policies in the development plan.</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 does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.</p>	<p>The Council considers that the Neighbourhood Plan does not breach and is compatible with European Union Obligations.</p> <p><u>Strategic Environmental Assessment and Habitats Regulations Assessment:</u> a Strategic Environmental Assessment screening has been undertaken that determines that the Neighbourhood Plan is likely to result in significant environmental impacts and therefore does require a Strategic Environmental Assessment. A Strategic Environmental Assessment was carried out in</p>	Yes

⁴ Examiner's Report on the Cottenham Neighbourhood Plan ([see paragraph 6.12-6.13](#)):

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>October 2018 to accompany the submission version of the Neighbourhood Plan. This was consulted upon from 7 December 2018 until 11 January 2019.</p> <p>A Habitat Regulations Assessment 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>During the course of the preparation of the Neighbourhood Plan, a case in the European Court (People Over Wind and Peter Sweetman, April 2018) changed the basis on which competent authorities are required to undertake Habitats Regulations Assessments. In September 2018, Essex Place Services, on behalf of South Cambridgeshire District Council, undertook a review of the screening determination from March 2018. The review concluded that the earlier Habitats Regulations Assessment screening determination was properly reached without regard to measures intended to avoid or reduce harmful effects on any European protected site either alone or in combination. The review also concluded that there was no need to progress to an Appropriate Assessment.</p> <p>As the modifications made to the Cottenham Neighbourhood Plan following its examination do not change the essence of its planning policies, the Strategic</p>	

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>Environmental Assessment and Habitats Regulations Assessment screening undertaken on a draft version of the Neighbourhood Plan in March and September 2018, and the screening determination published in September 2018 remain valid. As does the Strategic Environmental Assessment carried out in October 2018.</p> <p>The Cottenham Neighbourhood Plan therefore meets the new Basic Condition as it has been determined that the making of the Cottenham Neighbourhood Plan is unlikely to have any significant effects on any European site, either alone or in combination with other plans and projects, and therefore the amendments to the Basic Condition do not affect the validity of the Council's previous HRA screening, screening determination, and review of the screening determination.</p> <p>This conclusion is consistent with the examiner's conclusion⁵ that a proportionate process has been undertaken in accordance with the various regulations and the Neighbourhood Plan is compatible with European obligations.</p> <p><u>Human Rights</u>: these issues have been considered in the preparation of the Neighbourhood Plan, as to meet the Basic Conditions a Neighbourhood Plan must not breach, and is otherwise compatible with, European Union</p>	

⁵ Examiner's Report on the Cottenham Neighbourhood Plan ([see paragraphs 6.14 -6.22](#))

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>obligations, including Human Rights. The Examiner in his report is satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it complies with the Human Rights Act. There is no evidence that has been submitted to suggest otherwise. (see paragraph 6.22 of the Examiners Report)</p> <p>This conclusion is consistent with the examiner's conclusion⁶ that the Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that it complies with the Human Rights Act.</p>	

CONCLUSION: South Cambridgeshire District Council has confirmed that the made Cottenham Neighbourhood Plan meets all the Basic Conditions.

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

⁶ Examiner's Report on the Cottenham Neighbourhood Plan ([see paragraph 6.22](#))