



When formally submitting the draft plan proposal to the local Planning Authority, the document will need to be accompanied by a basic conditions statement to demonstrate how the plan meets certain legal requirements. This guidance note provides you with information to help you write the statement for your draft neighbourhood plan and explains the legal requirements the plan must meet in order to progress to a Referendum.

We would encourage you to start preparing this document as early as you can. This is not a tick box exercise and will help the steering group understand how their draft plan fits in with existing policy documents and enhance their knowledge on the subject. A basic conditions statement checklist guidance note has been produced to help you when drafting the statement.

What is a Basic Conditions Statement?

The statement explains how the proposed draft neighbourhood development plan meets the Basic Conditions (paragraph 8 schedule 4B) of the Town and Country Planning Act 1990. A draft neighbourhood plan proposal must meet each of the basic conditions before it can be put to a referendum and be made and adopted as part of the development plan for the area.

What are the basic conditions?

The basic conditions and other legal requirements that a draft neighbourhood plan needs to meet are:

1. Must have appropriate regard for national policies and guidance; issued by Secretary of State
2. The policies must contribute to the achievement of sustainable development;
3. Must be in general conformity with the strategic policies contained in the Cornwall Local Plan for the area;
4. Does not breach, and is otherwise compatible with EU Obligations;
5. The prescribed conditions are met and have been complied with in relation to the Neighbourhood Plan Proposal

You will find further information about each basic condition listed below.

1. and 3 National and Local Planning Policies and Guidance

You will need to demonstrate how the draft plan proposal policies are in general conformity with national and local planning policies. In Cornwall the main policy document is the [emerging Cornwall Local Plan](#), which aims to control and influence the use of land in the public interest by identifying areas where development can and cannot take place.

Many of the planning policies that were used by the [former districts](#) have been saved until such time that a Cornwall wide Local Plan is adopted.

To show how the policies in the draft plan are in general conformity with the national and local planning policies listed below, this can be evidenced by using a table format as shown in appendix 1, table 1. This will help supplement the steering group's knowledge and enhance their understanding how the draft plan policies fit in with the higher level planning policies.

Below is a list of the existing local plans:

- National Planning Policy Framework;
- Emerging Cornwall Local Plan;
- Cornwall County Council (Minerals Plan, Waste Plan)
- Carrick District Wide Local Area Plan;
- Restormel Borough Council Local Plan;
- Caradon District Local Plan First Alteration;
- North Cornwall District Council;
- Penwith District Council.

2. Sustainable Development

The National Planning Policy Framework requires Local Plans to be prepared with the objective of contributing to the achievement of sustainable development. A parish or town council must demonstrate how their draft neighbourhood plan contributes to the social, environmental and economic themes. You need to show that you have sufficient evidence of how any issues raised during the development of the plan has been addressed and what measures have been put in place to reduce any impact identified. You can use the template shown in appendix 1, table 1 to demonstrate how you have met this legal requirement. You will find a definition of sustainable development on page 2 of the [National Planning Policy Framework](#).

4. EU Obligations

The [Localism Act 2011](#) requires neighbourhood plans to be compatible with EU and Human Rights Legislation. Depending on the content of a neighbourhood plan, you may be required to produce a Strategic Environmental Assessment (SEA) or a Habitat Regulations Assessment (HRA) as part of the plan.

The **Sustainability Appraisal** process is governed by National and European and legislation, which is supported by national policy. The sustainability appraisal process incorporates the requirements of the EU SEA Environmental Assessment (SEA) Directive 2001/42/EC, but also assesses wider economic and social effects of plans. Sustainability appraisals have a key role in establishing a sound evidence base for Neighbourhood Plans. It forms an integrated part of the plan process, providing regular checks of social, economic and environmental impacts of a plan, leading to informed choices between alternatives.

There is no legal requirement to complete a sustainability appraisal but groups may find this useful to ensure their plan meets the basic conditions. There is an example of a sustainability appraisal on the My Community website www.mycommunity.org.uk and a [sustainability appraisal guidance note](#) on the Council's Neighbourhood Planning Toolkit. You will need to develop a sustainability appraisal if your neighbourhood plan allocates sites for development.

A **screening opinion** will need to be obtained from Cornwall Council to determine whether or not the content of a neighbourhood plan requires a Strategic Environment Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated

Environmental Assessment of Plans and Programmes Regulations 2004. The screening will also consider whether a Habitat Regulations Assessment (HRA) is required under Article 6 or 7 of the Habitat Directive. As part of the screening process, Cornwall Council consults the Environment Agency, Historic England and Natural England and produces a report which is sent to the Neighbourhood Planning Steering Group. Please refer to the [Strategic Environment Assessment guidance note](#) for further information.

Strategic Environment Assessment is required if your plan is likely to have a significant effect on the environment, particularly where it affects a sensitive area and the features for which it was designated. The Environmental Impact Regulations (2011) define sensitive areas as:

- Sites of Special Scientific Interest and European sites (Special Areas of Conservation and Special Protection Areas);
- Areas of Outstanding Natural Beauty; and
- World Heritage Sites and Scheduled Monuments.

Habitats Regulations Assessment is required under the EU Habitats Directive (92/43/EEC) for any proposed plan or project which may have a significant effect on one or more European Sites - Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). The purpose of the HRA is to determine whether or not significant effects are likely and to suggest ways in which they could be avoided.

5. The prescribed conditions are met and have been complied with in relation to the Neighbourhood Plan Proposal

The neighbourhood plan must have regard to all material considerations and the prescribed conditions must be met in relation to the plan, to be submitted to referendum and adopted as a made plan. You need to clearly set out how the neighbourhood plan meets each of the prescribed conditions.

Legal Requirements

The legal requirements that draft plan proposals need to meet (paragraph 8 schedule 4B) are set out in the Town and Country Planning Act 1990 and consist of :

- **The policies must relate to the development and use of land**

A neighbourhood plan must include land use planning policies that can be used in the determination of planning applications and relate to the designated neighbourhood area.

- **The period the neighbourhood development plan covers should clearly be set out in the basic conditions statement and on the front cover of the plan.**

You need to carefully consider the plan period that the draft neighbourhood plan will cover. You might want to align the plan period with the emerging Cornwall Local Plan 2010 - 2030. You need to set out in the statement the period that the neighbourhood plan covers and ensure it is clearly stated on the front cover of the plan proposal.

- **The policies set out in the neighbourhood plan can not relate to excluded development.**

The neighbourhood plan cannot be used as a way to stop or exclude development. It can not cover Mineral extractions and waste developments.

- **A neighbourhood plan must relate to a designated neighbourhood area.**

A plan proposal must cover the neighbourhood area designated by the parish or town council. Where there is a cluster of parishes undertaking a joint plan, each parish or town council will be required to submit individual designation applications and a map to Cornwall Council. The map must identify all parishes covered by the plan proposal that form the designated neighbourhood area.

Drafting the basic conditions statement

When you draft the basic conditions statement you should:

- Be clear and concise; Clearly set out the contents of the document on a contents page and have each page clearly numbered;
- Look at relevant national and local policies to make sure they do not conflict with your draft neighbourhood plan;
- Look at basic condition statements completed by other town and parish councils. There are some examples on the Council's Neighbourhood Planning Toolkit;
- Set out why the policies in the draft plan meet the basic conditions.
- Deal with any issues or concerns raised during the consultation to ensure that they don't conflict with the basic conditions.

We would also advise you to seek advice from Cornwall Council and receive feedback on the draft document.

The table below sets out some suggested headings when drafting the statement and the documents.

Basic Conditions	Evidence to meet the basic conditions
Have appropriate regard to National Policy	Please see the table 1 template in the appendices. A template to record how you can demonstrate that the draft plan is in conformity with the NPPF
Contribute to the achievement of sustainable development (social, economic and environmental)	Please refer to the Sustainability Appraisal guidance notes.
Be in General conformity with the existing strategic policies and the emerging Cornwall Local Plan	Set out how the neighbourhood plan policies relates to the emerging Cornwall Local Plan and saved policies from the district/borough Councils Please see the table 1 template in the appendices
Be compatible with EU Obligations and Human Rights Act	Strategic Environment Assessment and Habitat Regulations Assessment (if required)

	Screening Report produced by Cornwall Council for the draft plan proposal
The prescribed conditions are met.	A statement confirming that the prescribed conditions have been met.
Legal Requirements	Evidence to meet the legal requirements
The policies in relation to the development and use of land	A statement in the basic conditions document stating that the planning policies relate to the development and use of land in the neighbourhood area.
The period the neighbourhood development plan covers should clearly be set out in the basic conditions statement and on the front cover of the plan.	A statement stating the plan period and clearly state the information on the front cover of the plan proposal.
The policies set out in the neighbourhood plan can not relate to excluded development.	A statement confirming that the policies in your neighbourhood plan do not relate to excluded development.
A neighbourhood plan must relate to a designated neighbourhood area.	A statement confirming that the neighbourhood plan relates to a designated neighbourhood area. You can include the area designation application and map, designation officer report and decision notice as appendices.
Suggested appendices	Area Designation application and map Area Designation Officer Report Area Designation Decision Notice Sustainability Appraisal SEA/HRA Screening report

When the parish or town council is ready to formally submit the **draft plan proposal** to Cornwall Council, the following documents need to be included:

- the draft Neighbourhood Plan Proposal;
- a map to a recognised scale and statement identifying the Neighbourhood Plan Area;
- a statement that explains how the community has been consulted and how their views have been taken into account in forming the Plan (Consultation Statement);
- a statement explaining how the Plan satisfies relevant legislation (Basic Conditions Statement);
- Strategic Environment Assessment or Habitat Regulations Assessment (if required)
- Associated documents (as required) e.g Evidence base, Sustainability Appraisal

Next Steps

When the draft neighbourhood development plan meets the conditions set out in the legislation, the local Planning Authority can publicise the draft plan proposal. A consultation is undertaken by Cornwall Council for a minimum of six weeks inviting representations from local residents, community groups, businesses, statutory consultation bodies and other organisation before the plan is submitted for examination by an independent examiner.

Please refer to the formal submission checklist guidance note on the [Neighbourhood Planning Toolkit](#) for further information. If you have any queries or feedback about the guidance note please contact the Neighbourhood Planning Team e-mail neighbourhoodplanning@cornwall.gov.uk

Table 1. This template will help you record how the policies in the draft plan proposal are in general conformity with the existing national and local planning policies for the area.

Policy Number	(Parish) draft Neighbourhood Plan Policy	Regard to the (NPPF) National Planning Policing Framework	Sustainable Development e.g Social, Environmental or Economic	General conformity with the Emerging Cornwall Local Plan Policies and the former District or Borough Local Plan Policies (if applicable)