



5. Basic Conditions

Introducing Mile Markers

Planning Aid England Mile Markers are practical guides that split the process of making a Neighbourhood Plan into manageable chunks.

They help groups preparing plans to see the different stages they will become involved in during the making of their neighbourhood plans.

The Mile Markers focus on practical advice, how to do things, tips for success and signposting to other information.

They aim to enable groups to begin activities themselves or check that activities are progressing in the right direction.

Take the Mile Markers with you along your Neighbourhood Planning journey to help you achieve success for your neighbourhood!

**Planning Aid England offers free planning advice
and support to individuals and communities.
www.rtpi.org.uk/planning-aid**





What are they?

The Basic Conditions are listed in the Localism Act and state that Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders must:

1. Have appropriate regard to national policy
2. Be in general conformity with the strategic elements of the Local Plan
3. Contribute to sustainable development
4. Be compatible with EU obligations

In addition, Neighbourhood Development Orders (NDOs) and Community Right to Build Orders (CRBOs) must also:

5. Have special regard to the protection and enhancement of listed buildings and conservation areas

Why are they important?

Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders must meet the Basic Conditions before they can come into force. This will be tested through the independent examination.

If the independent examiner concludes the Basic Conditions have not been met then the Plan or Order will fail and not go forward to referendum.

When you submit your neighbourhood plan to your Local Planning Authority (LPA) you will need to include a Basic Conditions Statement explaining how your neighbourhood plan meets the Basic Conditions.

Each Basic Condition explained:

1. Have appropriate regard to national policy

- Neighbourhood policies or proposals should be developed with reference to national policy, and they should not conflict with national policy.
- National policy is set out in the National Planning Policy Framework (NPPF). The NPPF contains core planning principles which underpin all plan-making.
- Not all of the NPPF will be relevant - this will be dependant on your neighbourhood plan policies / proposals.
- There's also national guidance, which explains how national policy should be applied. The guidance is contained in a series of documents which is currently being reviewed.

2. Be in general conformity with the strategic policies of the Development Plan for the area

- The Independent examiner will consider conformity to the strategic policies of the adopted Development Plan. There is no legal requirement to test neighbourhood plans against emerging strategic policies.
- The Development Plan is the overarching term for a series of documents that can form the Local Plan for an area. They can include a Core Strategy, Adopted Proposals Map, Site Specific Allocations and other planning documents sometimes produced for specific areas called Area Action Plans. If the Local Plan is not up-to-date your LPA may be using 'saved policies' from an older Local Plan. In London, the Mayor's London Plan also forms part of the Development Plan.
- If your neighbourhood plan crosses LPA boundaries, it will need to be in general conformity with the relevant strategic policies in both Local Plans.
- Neighbourhood policies/proposals need to be in general conformity with the Local Plan, this allows a degree of flexibility although any divergence from the Local Plan will need to be justified.

3. Contribute to sustainable development

- The NPPF sets out the government's approach to sustainable development which essentially is about enabling development to cater for the needs of current generations, but ensuring that development doesn't mean worse lives for future generations.

4. Be compatible with EU obligations

The following EU obligations are relevant to neighbourhood planning:

Strategic Environmental Assessment (for Neighbourhood Plans) / **Environmental Impact Assessment** (for Neighbourhood Development Orders or Community Right to Build Orders)

- Not all Neighbourhood Plans/ Orders will require these assessments - only if the policies/development will give rise to significant environmental effects
- Good practice is for policies/development to be screened by your LPA to confirm whether or not a SEA/EIA is needed

Habitats Regulations

If your plan or proposals could have a significant impact on a network of specially protected conservation areas such as Special Areas of Conservation, Special Protection Areas or RAMSAR Sites (which are all designated for their plants, wildlife or birds) you will need to complete a Habitats Regulations Assessment. You should undertake an initial screening (with your LPA) to establish whether there are potential impacts on these protected areas.

Human Rights Act compatibility

The Human Rights Act contains a number of articles which are relevant to neighbourhood planning; the right to respect for private and family life, freedom of expression and prohibition of discrimination. All sections of your community should be given opportunity to get involved in making the plan and express their views on it.

5. Have special regard to the protection and enhancement of listed buildings and conservation areas

- Only applies to Neighbourhood Development Orders and Community Right to Build Orders
- If an Order (which effectively grants planning permission for a particular form of development) is being considered, its impact on a Listed Building (and its setting) or Conservation Area will need to be assessed
- Different tests for Listed buildings / Conservation areas



Work through the following tasks to help you make sure your neighbourhood plan or order meets the Basic Conditions:

- Make a list of what parts of the NPPF are relevant to your Neighbourhood Plan
- Write a short statement for each of your policies/proposals explaining how it fits with relevant national policy
- Find out what the strategic policies in the Local Plan are (ask your LPA to confirm)
- Write a short statement for each of your policies/proposals explaining how it helps to achieve the aims of the Local Plan strategic policies
- Are you allocating sites for development (e.g. housing or other use)? Make sure the sites have been objectively assessed (including whether they are viable and deliverable) and you keep an audit trail for selecting the sites
- For each policy/proposal list the evidence which supports the policy or proposal and write a short statement summarising how the evidence supports the policy or proposal
- Make a list of the ways in which your policies/proposals contribute to sustainable development
- Do an assessment of the environmental, social and economic impacts of your policies/proposals

- Find out whether there are any special protected conservation areas nearby (for example, you could look at the [Natural England website](#))
- Request a screening opinion from your LPA to establish whether a Strategic Environmental Assessment or Habitat Regulations Assessment is needed

Top Tips !

Trial run your policies! The NPPF (paragraph 154) makes important points about plans:

- they should be aspirational but realistic,
- they should include policies on what will or will not be permitted and where,
- they should provide a clear indication of how a decision maker should react to a development proposal.

Ask your LPA Development Management Team to test run your policies to check whether they provide a clear indication of how to assess a development proposal.

Where can we learn more ?

[National Planning Policy Framework](#) (pdf)

[What is the National Planning Policy Framework?](#) (pdf) Planning Aid England one-page briefing

Examples of Basic Condition Statements:

Thame:

<http://www.southoxon.gov.uk/sites/default/files/Basic%20Condition%20Statement.pdf>

The Lyn Plan:

<http://www.exmoor-nationalpark.gov.uk/planning/planning-policy/neighbourhood-plans/?a=335371>

Broughton Astley:

<http://broughtonastley.leicestershireparishcouncils.org/uploads/1752863b165b515543564602.pdf>

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