

What are the Basic Conditions, how to meet them, and how to write a Basic Conditions Statement?

1. Introduction

- 1.1. To be successful at examination national policy requires that a neighbourhood plan must meet a number of tests, known as Basic Conditions.

2. What are the Basic Conditions?

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

(a) Must have appropriate regard for national policies and advice contained in guidance issued by the Secretary of State

- 2.2. A neighbourhood plan must not constrain the delivery of important national policy objectives. The National Planning Policy Framework (NPPF) is the main document setting out the government's planning policies for England and how these are expected to be applied: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>.

Which national policies are relevant?

- 2.3. The NPPF makes it clear that a neighbourhood plans should support the strategic development needs set out in the Local Plan for their area including policies for housing and economic development (NPPF paragraph 13). The NPPF states that a plan should not promote less development than set out in the Local Plan or undermine the strategic policies (NPPF paragraph 29).
- 2.4. How a neighbourhood planning group will consider which policies are relevant is set out in the Planning Practice Guidance (PPG): <https://www.gov.uk/government/collections/planning-practice-guidance>. Groups will need to show how they have had regard to national policy and consider whether a particular policy is or is not relevant. This will need to be set out in the basic conditions report that you will submit with your plan to West Berkshire Council.

Key national policies to be aware of:

- A plan should not promote less development than set out in the Local Plan or undermine its strategic policies (see paragraphs 13 and 29 of the NPPF);
- A neighbourhood plan must address the development and use of land (NPPG paragraph 004 Reference ID: 41-004-20190509);
- Neighbourhood plans must be deliverable. Strategic policies in the local plan should set out the contributions expected from development. This should include the levels and types of affordable housing required, along with other infrastructure. Neighbourhood plans may also contain policies on the contributions expected from development, but these and any other requirements placed on development should accord with relevant strategic policies and not undermine the deliverability of the neighbourhood plan, local plan or spatial development strategy (NPPG paragraph 005. Reference ID: 41-005-20190509).
- The NPPF states that neighbourhood plans have an important role in identifying special qualities of each area and explaining how this should be reflected in development (NPPF paragraph 125).

- The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period (NPPF paragraph 99).
- Plans should take a proactive approach to mitigating and adapting to climate change, taking into account long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures (NPPF paragraph 149).
- Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere (NPPF paragraph 155);
- Planning policies should contribute to and enhance the natural environment (NPPF paragraph 170).

2.5. Planning Practice Guidance (NPPG) to be aware of:

- PPG states that policies in a neighbourhood plan should be:
 - clear and unambiguous;
 - drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications;
 - concise, precise and supported by appropriate evidence; and
 - distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared (PPG paragraph 041 Reference ID: 41-041-20140306).
- A neighbourhood plan can allocate sites for development. Those preparing the plan will need to have carried out an appraisal of options and assessment of individual sites against clearly identified criteria (PPG paragraph 042 Reference ID: 41-042-20170728).
- A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan (PPG paragraph 043 Reference ID: 41-043-20140306).
- A neighbourhood plan should not be used to constrain the delivery of a strategic site allocated for development in the Local Plan (PPG paragraph 044 Reference ID: 41-044-20190509).
- Neighbourhood plans are not obliged to contain policies addressing all types of development. Housing policies must take account of the latest and up to date evidence on housing need (PPG paragraph 040 Reference ID: 41-040-20160211).
- The plan should consider what infrastructure needs to be provided in their neighbourhood area alongside development, such as homes or shops. Infrastructure is needed to support development and ensure that a neighbourhood can grow in a sustainable way (PPG paragraph 045 Reference ID: 41-045-20190509).
- Those preparing a plan should set out in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan (PPG paragraph 046 Reference ID: 41-046-20140306).

(b) The policies must contribute to the achievement of sustainable development

- 2.6. This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development.

How can a parish council demonstrate that their plan contributes to sustainable development?

- 2.7. A parish council must demonstrate how its plan will contribute to sustainable development using sufficient and proportionate evidence.
- 2.8. There is no legal requirement for a neighbourhood plan to have a sustainability appraisal, but the PPG indicates that the approach used in preparing such an appraisal may be useful in order for a parish council to demonstrate how its plan will contribute to achieving sustainable development.
- 2.9. A sustainability appraisal is a systematic process which can help you select the most sustainable options in your neighbourhood plan policies. It assesses the extent to which your emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

(c) Must be in general conformity with the strategic policies of the development plan

- 2.10. The development plan for West Berkshire at June 2024 comprises of the:

- Local Plan:
 - West Berkshire Core Strategy (2006-2026) – adopted July 2012.
 - West Berkshire Housing Site Allocations Development Plan Document – adopted May 2017.
 - West Berkshire Local Plan 1991-2006 (Saved Policies) – policies were saved in 2007 and then amended in July 2012 and May 2017.
- West Berkshire Minerals and Waste Local Plan – adopted December 2022.
- Stratfield Mortimer NDP – adopted June 2017.
- Compton NDP – adopted February 2022.
- Cold Ash NDP – adopted May 2024.
- Hermitage NDP – adopted May 2024.

- 2.11. **The [Core Strategy](#) comprises of strategic policies. The only strategic policy in the [HSA DPD](#) is P1 (Parking). The policies in the other plans are non-strategic.**

- 2.12. The Local Plan sets our planning policies up to 2026, and a review of the Local Plan to cover the period up to 2041 (termed the Local Plan Review) is in progress and currently undergoing independent examination.

- 2.13. Adoption of the Local Plan Review is anticipated for March 2025, and upon adoption it will supersede the Core Strategy, Housing Site Allocations DPD, and the saved policies of the West Berkshire Local Plan 1991-2006.

- 2.14. **The strategic policies in the emerging Local Plan Review have the prefix SP. Because the Local Plan review is at examination, the strategic policies must be considered too. The submission version of the Local Plan Review can be viewed [here](#).**

What is meant by general conformity?

- 2.15. The PPG provides a definition of this term in relation to neighbourhood planning: *“When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*
- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
 - *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
 - *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
 - *the rationale for the approach taken in the draft neighbourhood plan or order and the evidence to justify that approach.”*

(d) Does not breach, and is otherwise compatible with EU Obligations

- 2.16. Your neighbourhood plan must be compatible with EU obligations in order to be legally compliant. The main relevant obligations relate to the environmental impacts of your plan and ensuring it is compatible with human rights considerations.

What is a Strategic Environmental Assessment?

- 2.17. Strategic Environmental Assessment (SEA) integrates consideration of environmental impacts into the process of preparing a plan. **You will need to explicitly screen your draft plan** to check whether or not it will have certain impacts that trigger the need for a full SEA.
- 2.18. EU obligations may also be triggered, depending on:
- the presence of protected species or habitats in or close to your area; and
 - what your neighbourhood plan contains.
- 2.19. EU obligations are complex, and if triggered, could require a substantial amount of work in order to address them.

(e) Other Basic Conditions

- 2.20. There are other basic conditions that apply which include:
- The need to consider whether the neighbourhood plan may have a significant impact on a European wildlife site – Habitat Regulation Assessment (HRA). The aim of this is to protect and improve Europe’s most important habitats and species.
 - The need to comply with the public sector equality duty – Equality Impact Assessment (EqIA). The aim of this is to eliminate discrimination against protected equality groups.

The need to comply with the Public Sector Equality Duty

- 2.21. The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality

of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not.

- 2.22. “Protected characteristics” are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.
- 2.23. Carrying out an Equality Impact Assessment (EqIA) helps to ensure that neighbourhood planning policies and objectives do not disadvantage or discriminate against potentially vulnerable groups and that, where possible, they promote equality. An EqIA also provides documentary evidence that the parish council has complied with the Public Sector Equality Duty. In order to confirm that the neighbourhood plan does not have any unintended consequences, an equality impact assessment (EqIA) will need to be carried out to ensure the policies and objectives within the plan will not disadvantage or discriminate against potentially vulnerable groups and that, where possible, they promote equality.
- 2.24. A parish council is strongly encouraged to consider the equality implications of its plan at an early stage. Appendix 2 includes a template that the neighbourhood planning groups can use.

3. What should the Basic Conditions Statement include?

- 3.1. Alongside their neighbourhood plan, a parish council will need to prepare a statement about how their neighbourhood plan meets the ‘Basic Conditions’ and submit this to West Berkshire Council. This is discussed in further detail later.
- 3.2. 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.
 - 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.
- 3.3. 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	See Appendix 1 which shows 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)	Refer to the SEA, SA and HRA advice note.
Be in General conformity with the existing strategic policies and the	Set out how the neighbourhood plan policies relates to the Local Plan and emerging West Berkshire Local Plan Review to 2036. Refer to Appendix 1.

Basic Conditions	Evidence to meet the Basic Conditions
emerging West Berkshire Local Plan Review to 2036	
Be compatible with EU Obligations and Human Rights Act	Strategic Environment Assessment and Habitat Regulations Assessment (if required) Screening Report produced by West Berkshire 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 cannot 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 Decision Notice Sustainability Appraisal SEA/HRA Screening report

3.4. When the parish or town council is ready to formally submit the draft plan proposal to West Berkshire 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) eg. evidence base, Sustainability Appraisal

4. Next Steps

4.1. 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 West Berkshire 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.

Appendix 1

Table 1: template to 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	(Parish / town) draft neighbourhood plan policy	Regard to the National Planning Policy Framework	Sustainable development	General conformity with the West Berkshire Local Plan and the emerging West Berkshire Local Plan Review to 2041

Appendix 2: Equalities Impact Assessment Form

Section 1: Research and Analysis

Evidence based decision making is key to the success of any policy, strategy, service or function. Understanding the people that the proposed neighbourhood plan policies and objectives will impact and how they will be impacted will help you to maximise their effectiveness and minimise any potential negative impacts on individuals or groups with “protected characteristics”.

Please use this section to outline what research, data analysis and consultation you have carried out in order to understand the extent to which people with “protected characteristics” (see list in Section 2) will be affected by the proposed policies. You will be asked in Section 2 to describe the results of this research.

Describe the research / analysis have you undertaken in order to understand how the “protected characteristic” groups are likely to be affected by the proposed neighbourhood plan policies and objectives.

You will be asked to describe the results of this research in Section 2.

Have you consulted or involved those groups that are likely to be affected by the proposed policies or objectives? If so, describe the consultations.

You will be asked to describe the views of each equality community and their views have influenced your proposal in Section 2.

If you have not consulted or engaged with communities that are likely to be affected by the proposed policies or objectives, give details about when you intend to carry out consultation or provide reasons for why you feel this is not necessary.

Section 2: Impact of Policies

Consider the impact of your plan on each “protected characteristic” group listed below:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion and Belief
- Sex
- Sexual Orientation

For more information on each go to: <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>.

Use the table below to summarise the findings of the information and evidence you have gathered to identify whether each proposed neighbourhood plan policy or objective could affect some groups of people differently (a ‘differential impact’) – positively or negatively.

It is particularly important to consider whether people with different “protected characteristics” have different needs or experiences in relation to each policy or objective, and whether it would directly or indirectly discriminate against or disadvantage people on the grounds of any of the “protected characteristics”, or whether there are any opportunities to better promote equality or foster good relations between different groups of people through modifying any of the policies or objectives.

If there is no information available about the impact (or potential impact) of a policy or objective on people with a particular “protected characteristic”, you should note this in the table.

If you have identified a negative potential impact, the next step is to identify whether the policy should be amended or removed in order to eliminate discrimination, disadvantage or unfair impact, or to make changes to more effectively promote equality, diversity or good relations.

Policy / Objective	Assessment of impact on persons with protected characteristics	If a negative impact was identified, how was this addressed?