

APPENDIX 2

Summary of the 'Basic Conditions' for Neighbourhood Plans

Only a draft neighbourhood plan or Order that meets each of a set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990¹ as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

The basic conditions are:

- 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).
- the making of the neighbourhood plan contributes to the achievement of sustainable development.
- the making of the 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).
- the making of the order neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Other basic conditions

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012² prescribe 2 basic conditions in addition to those set out in the primary legislation. These are:

- 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.
- having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

² <http://www.legislation.gov.uk/uksi/2012/637/part/9/made> as amended by <http://www.legislation.gov.uk/uksi/2013/235/made>

