

# Basic Conditions and Legal Compliance Check – ‘Referendum’ Neighbourhood Plan

## South Newnham Neighbourhood Plan – November 2024



**GREATER CAMBRIDGE**  
SHARED PLANNING

### Basic Conditions Check

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 (2023) have been embodied in the Neighbourhood Plan. Specifically, the Neighbourhood Plan seeks:</p> <ul style="list-style-type: none"> <li>to protect and enhance biodiversity, deliver Biodiversity Net Gain, and reduce and maintain low levels of light pollution (Policies SNNP1 and SNPP2, SNPP3) - see paragraph 180 of the NPPF which seeks to contribute to and enhance the natural local environment, and paragraph 185 which seeks to protect and enhance biodiversity and geodiversity.</li> </ul>	<p>Yes</p>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<ul style="list-style-type: none"> <li>• to protect and enhance Local Green Spaces (Policy SNNP4) – see paragraph 180 of the NPPF which seeks to contribute to and enhance the natural and local environment, and paragraph 185 which seeks to protect and enhance biodiversity and geodiversity.</li> <li>• to protect and maintain the connectivity network (Policy SNNP5) - see Chapter 9 of the NPPF which seeks to promote sustainable transport.</li> <li>• to improve and enhance neighbourhood community assets (Policy SNNP6) - see Paragraph 97 of the NPPF which seeks to plan positively for the provision of community facilities and retain shops and services for the benefit of the community.</li> <li>• to protect and support homes and facilities for older people (Policy SNNP7) - see chapter 5 of the NPPF which considers the delivery of a sufficient supply of homes.</li> </ul>	

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	<ul style="list-style-type: none"> <li>• to conserve additionally identified Local Heritage Assets (Policy SNNP8) - see Chapter 16 of the NPPF which seeks to conserve and enhance the historic environment.</li>   <li>• to achieve sustainable and well-designed development in Character Areas through improving the energy and water efficiency of existing and new buildings (Policy SNNP9), and responding to climate change and the risk of local flooding (Policy SNNP10) – see Chapter 14 of the NPPF which sets out how to plan for climate change.</li>   <li>• to protect and enhance the local character through design-led development (Policy SNNP11), protect residential amenity in South Newnham (Policy SNNP12), convert existing houses into more than one separate housing unit (Policy SNNP13), protect and enhance the character of neighbourhood garden boundaries (Policy SNNP14) and conserve and enhance existing views and street scenes (Policy SNNP15) - see</li> </ul>	

Requirements	Local Planning Authority Comments	Basic Condition met?
	<p>Chapter 12 of the NPPF which seeks to achieve well designed and beautiful places.</p> <p>This conclusion is consistent with the Examiner’s conclusions that the Neighbourhood Plan has had regard to national planning policies and guidance, in that it sets out a clear vision and suite of policies and proposals for the neighbourhood area. 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. Cambridge City Council and the South Newnham Neighbourhood Forum have agreed each of the recommended modifications and the modifications are included in the ‘Referendum’ version of the Neighbourhood Plan.</p>	
<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"> <li>• Contributing to the economic aspects by having policies to meet local housing needs (Policy SNNP7) and promotes a successful economy through improving and enhancing neighbourhood community assets (Policy SNNP6).</li> </ul>	<p>Yes</p>

Requirements	Local Planning Authority Comments	Basic Condition met?
	<ul style="list-style-type: none"> <li>• Contributing to the social aspects by seeking to provide a vibrant community by promoting and safeguarding community uses and spaces (Policy SNNP6).</li> <li>• Contributing to the environmental aspect by having a range of policies which include ones which seek to conserve the character of the area (Policies SNNP8, SNNP11, SNNP14 and SNNP15); safeguard natural habitats (Policies SNNP1, SNNP2 and SNNP3); ensure high quality design (Policies SNNP9 and SNNP11); and encourage means of transport other than cars (Policy SNNP5).</li> </ul> <p>This conclusion is consistent with the Examiner’s conclusion that the Neighbourhood Plan has set out to achieve sustainable development in the neighbourhood area (see paragraph 6.10 on pages 11 -12 of the Examiner’s Report).</p>	
<p>The Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area.</p>	<p>The development plan for Cambridge City Council consists of the adopted Cambridge Local Plan 2011-2031 and Appendix M, Section 2 of the Appendices. The Basic Conditions Statement, submitted by South Newnham Neighbourhood Forum, considers whether the</p>	<p>Yes</p>

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	<p>Neighbourhood Plan is in general conformity with these strategic policies.</p> <p>The Council considers that the Neighbourhood Plan policies are in general conformity with the strategic policies in the adopted Cambridge Local Plan (2018).</p> <p>This conclusion is consistent with the Examiner’s conclusion that the Neighbourhood Plan is in general conformity with the strategic policies in the development plan (see paragraphs 6.11 – 6.12). The Examiner considers the extent to which the policies and proposals are in general conformity in detail in Chapter 7 of his Report (see pages 14 – 42 of the Examiner’s Report).</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,</p>	<p>The Council considers that the Neighbourhood Plan does not breach and is compatible with EU Obligations.</p> <p><b>Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA):</b> a SEA screening has been undertaken that determines that the Neighbourhood Plan is unlikely</p>	Yes

Requirements	Local Planning Authority Comments	Basic Condition met?
<p>including that the making of the neighbourhood plan is not likely to have a significant effect on a European wildlife site or a European offshore marine site either alone or in combination with other plans or projects.</p>	<p>to result in significant environmental impacts and therefore does not require a SEA. A HRA 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>As the modifications made to the South Newnham Neighbourhood Plan following its examination do not change the essence of its planning policies, the SEA and HRA screening undertaken on a draft version of the Neighbourhood Plan in March 2023, the screening determination published in April 2023 remain valid.</p> <p>This conclusion is consistent with the Examiner’s conclusion that a proportionate process has been undertaken in accordance with the various regulations and the Neighbourhood Plan is compatible with European obligations (see paragraphs 6.13 – 6.19 on pages 12 – 13 of his Report).</p>	

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	<p><b>Human Rights:</b> an assessment has been undertaken to examine the impact of the Neighbourhood Plan policies on persons who have a 'protected characteristic' and the results of this assessment are included in the Basic Conditions Statement. The Council is supportive of the assessment which concludes that the Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. No sectors of the community would be discriminated against, and the policies in the plan would generally have public benefits and encourage the social sustainability of the plan area.</p> <p>This conclusion is consistent with the Examiner's conclusion that he is satisfied across the Plan as a whole, no sectors of the community are likely to be discriminated against. The policies together would generally have public benefits and encourage the social sustainability of the neighbourhood (see paragraph 6.18 on page 13 of his Report).</p>	



## Legal Compliance Check

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p>The body submitting the neighbourhood plan is authorised to act (Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 s38A(1,2), S38C(2)(a) and 1990 Act schedule 4B, 6(2), as it applies 61F).</p> <p>In a designated neighbourhood area which contains all or part of the administrative area of a town or parish council, the town or parish council is responsible for neighbourhood planning. The relationship between any steering group and the town or parish council should be transparent to the wider public. For example, it should be clear whether a steering group or</p>	<p>The qualifying body is South Newnham Neighbourhood Forum.</p> <p>The formation of South Newnham Neighbourhood Forum was initiated by a group of local residents who attended the Prince's Foundation briefing on BIMBY "Beauty in my back yard" in 2015 and were encouraged to form an organisation 'designated' by the Local Authority to develop a Neighbourhood Plan (NP).</p> <p>South Newnham Neighbourhood Forum first started exploring the opportunity to create a neighbourhood plan through workshops with residents in 2016. The neighbourhood forum was designated on the 22 of March 2017 as the 'South Newnham Neighbourhood'. The designation covers the south part of the ward Newnham. This designation was to last five years. At the end of its five-year designation, the Forum applied to Cambridge City Council in March 2022 for re designation. Following a six-week consultation process, the Forum was redesignated on the 21 of July, by the Executive</p>	<p>Yes</p>

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<p>other body is a formal sub-committee of the parish or town council. The terms of reference for a steering group or other body should be published and the minutes of meetings made available to the public.</p>	<p>Councillor of for Planning and Infrastructure at Cambridge City Council.</p> <p>A working group was set up made up from residents volunteering to prepare the neighbourhood plan along with a technical expert / consultant who guided them through the process. The Neighbourhood Forum currently has 97 members with some of the working group forming part of the Committee. They regularly reported back to the Forum on the neighbourhood plan process for member consideration and approval.</p>	
<p>Section 38A of the Town and Country Planning Act 1990 as amended (by the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) defines a neighbourhood development plan as “a plan which sets out policies (however expressed) in relation to the development and use of land in the</p>	<p>The ‘Referendum’ version of the South Newnham Neighbourhood Plan meets this definition of a neighbourhood plan.</p>	<p>Yes</p>

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whole or any part of a particular neighbourhood area specified in the plan.”		
<p>SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation 15 – A qualifying body is required to submit:</p> <p><i>(a) A map or statement which identifies the area to which the proposed neighbourhood development plan relates.</i></p>	<p>The designated neighbourhood area is shown in Map 1 on page 7 of the ‘Referendum’ version the South Newnham Neighbourhood Plan.</p>	<p>Yes</p>
<p><i>(b) A consultation statement.</i></p> <p>The statement should contain details of those consulted, how they were consulted, summarises the main issues and concerns raised and how these have been considered, and</p>	<p>A Consultation Statement accompanied the submission Neighbourhood Plan. The Consultation Statement includes:</p> <ul style="list-style-type: none"> <li>• information on how the community have been kept informed throughout the production of the neighbourhood plan.</li> <li>• the details of those consulted and how they were consulted.</li> <li>• a summary of the issues and concerns raised; and</li> </ul>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
where relevant, addressed in the proposed Neighbourhood Plan.	<ul style="list-style-type: none"> <li>• details on how the issues and concerns have been considered and where relevant, addressed.</li> </ul>	
<i>(c) The proposed neighbourhood development plan.</i>	<p>The Local Planning Authority received the submission version of the South Newnham Neighbourhood Plan on 15 April 2024.</p> <p>The independent Examiner appointed to examine the Neighbourhood Plan has concluded that subject to a series of recommended modifications set out in his report that the submitted Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum. A 'referendum' version of the Neighbourhood Plan has been prepared taking account of the Examiner's recommended modifications. The 'referendum' version of the plan also includes some additional minor modifications to update parts of the plan.</p>	Yes
<i>(d) A Statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act as revised by s38C of the</i>	<p>A Basic Conditions Statement accompanied the submission Neighbourhood Plan.</p> <p>The statement clearly demonstrates how the South Newnham Neighbourhood Forum considers that each of the Basic Conditions</p>	Yes

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p><i>Planning and Compulsory Purchase Act 2004, (as amended).</i></p> <p>The local planning authority has to be satisfied that a basic condition statement has been submitted.</p>	<p>have been met. The legislation and planning policies referred to in the statement are correct at the time of submission.</p> <p>The 'referendum' version of the Neighbourhood Plan includes some minor modifications to update the Plan.</p>	
<p><i>(e) The Plan needs to be submitted with one of the following i) a statement of reasons for a determination under regulation 9(1) of the Environmental Assessment of Plans and Programmes Regulations 2004 that the proposal is unlikely to have significant environmental effects OR ii) an environmental report in accordance with paragraphs (2) and (3) of regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004</i></p>	<p>In April 2023, Cambridge City Council and South Newnham Neighbourhood Forum published a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Determination Statement. This Statement was underpinned by a SEA/HRA screening report carried out by Essex Place Services on behalf of Cambridge City Council for the South Newnham Neighbourhood Plan. The Cambridge City Council had consulted the statutory bodies (Historic England/Natural England/Environmental Agency) on the Screening Report prepared by the Essex Place Services and asked for their views on whether a SEA is required. Consultation with the three Statutory bodies took place in April 2023. The consultation response received are included in Appendix 2 of the Screening Determination Report. The</p>	<p>Yes</p>

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<p><i>(as set out in the Neighbourhood Planning (General Amendment) Regulations 2015, (which amends Regulation 15 of the Neighbourhood Planning (General) Regulations 2012)).</i></p> <p>If an Environmental Report is required, then this needs to have been subject to the required level of consultation, and should comply with the government's SEA guidance. In terms of consultation, the 'consultation bodies' (Environment Agency, Natural England and Historic England) must have been consulted at scoping stage (for 5 weeks). There is no requirement for public consultation on the scoping report.</p>	<p>Statutory bodies agreed with the conclusion reached in the Screening Report that the draft South Newnham Neighbourhood Plan:</p> <ul style="list-style-type: none"> <li>• Can be screened out of for its requirement to produce a Strategic Environmental Assessment.</li> <li>• Is not predicted to have likely significant effects on any habitat site, either alone or in combination with other plans and projects. So, no further habitat regulation is required.</li> </ul> <p>The SEA Screening Determination Statement (including the SEA and HRA screening reports) is available on both the Cambridge City Council website and the South Newnham Neighbourhood Forum website alongside the submitted South Newnham Neighbourhood Plan.</p>	

<b>Requirements and relevant legislation* and/or guidance</b>	<b>Local Planning Authority Comments</b>	<b>Legally compliant?</b>
<p>The draft Environmental Report on the pre-submission neighbourhood plan will need to be subject to public consultation for 6 weeks. The draft Environmental Report must be made available at the same time as the draft plan, as an integral part of the consultation process, and the relationship between the two documents clearly indicated.</p>		
<p>The Neighbourhood Plan and accompanying documents meet the scope of neighbourhood plan provisions i.e. specifies the period for which it covers, does not include provision about development that is 'excluded development' (as set out in section 61K of the 1990 Act - s38B(6) Planning and Compulsory Purchase</p>	<p>The 'Referendum' version of the Neighbourhood Plan covers the period 2024-2041.</p> <p>The 'referendum' version of the Neighbourhood Plan does not contain policies relating to 'excluded development'.</p> <p>The Neighbourhood Plan does not relate to more than one neighbourhood area.</p>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
Act) and does not relate to more than one neighbourhood area (2004 Acts 38B (1 & 2) (4)).	There is not more than one Neighbourhood Plan in existence in South Newnham.	
The Qualifying Body has undertaken the correct procedures in relation to consultation and publicity.	<p>The Neighbourhood Forum has submitted a Consultation Statement, alongside the submission version of the Neighbourhood Plan, that demonstrates compliance with SI 2012/637 The Neighbourhood Planning (General) Regulations 2012, Regulation s15(2).</p> <p>The Examiner in his Report has stated that he is satisfied that the communication and consultation which took place provided sufficient opportunity for the community's participation (see Chapter 4 on pages 5- 6 of his Report).</p>	Yes
The draft Neighbourhood Plan should be checked to ensure it is not a 'repeat' proposal. If so, the LPA can decline to consider the plan (Town and Country Planning Act 1990 Act Schedule 4B s5 and s18 as varied by	The 'referendum' version of the South Newnham Neighbourhood Plan is not a repeat proposal.	Yes



Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
s38C of the Planning and Compulsory Purchase Act 2004).		
<p>The pre-submission consultation requirements need to have been satisfied. Before submission to the LPA the qualifying body should:</p> <ol style="list-style-type: none"> <li>1. publicise (but this does not have to be on a web site) in a way that is likely to bring to the attention of people who live work or carry on business in the area details of: <ol style="list-style-type: none"> <li>a. the proposals</li> <li>b. when and where they can be inspected</li> <li>c. how to make representations, and</li> <li>d. the deadline for making representations – not less than 6 weeks from first publicised.</li> </ol> </li> </ol>	<p>South Newnham Neighbourhood Forum has complied with the requirements of the regulations in respect of the scope of their pre-submission consultation and this is evidenced within Chapter 4 of their submitted Consultation Statement.</p> <p>The consultation period for the pre-submission Neighbourhood Plan was 12 June to 23 July 2023. The statutory consultation bodies consulted are listed on page 11 – 14 of the Consultation Statement.</p> <p>A copy of the pre-submission Neighbourhood Plan was provided to the LPA.</p>	Yes

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p>2. consult any consultation body whose interests they consider may be affected by the proposals for a Neighbourhood Plan.</p> <p>3. send a copy of the Neighbourhood Plan to the LPA. (Regulation 14 of the Neighbourhood Planning (General) Regulations 2012.</p>		
<p>Are there any conflicts in the Neighbourhood Plan between policies and other statements or information? (s38B(3) Planning and Compulsory Purchase Act 2004.)</p>	<p>No, there are no conflicts.</p>	<p>Yes</p>
<p>The Conservation of Habitats and Species Regulations 2010 as amended by Schedule 2 of the Neighbourhood Planning (General Regulations) 2012, i.e. Regulations</p>	<p>In April 2023, Cambridge City Council and South Newnham Neighbourhood Forum published a Strategic Environmental Assessment (SEA) / Habitat Regulations Assessment (HRA) Screening Determination Statement. Alongside the determination about not requiring a full SEA this statement determined that the</p>	<p>Yes</p>

Requirements and relevant legislation* and/or guidance	Local Planning Authority Comments	Legally compliant?
<p>102 and 102A, Assessment of implications for European site: <i>A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 102 or to enable them to determine whether that assessment is required.</i></p>	<p>making of the South Newnham Neighbourhood Plan is not likely to have a significant effect on a European site and therefore further Habitats Regulations Assessment work is not required.</p> <p>This Screening Determination Statement was underpinned by a SEA Screening Report undertaken by Essex Place Services on behalf of Cambridge City Council and South Newnham Neighbourhood Forum, and the opinions of the three statutory bodies. Consultation with the three statutory bodies (Environment Agency, Natural England and Historic England) on the draft screening report for the Neighbourhood Plan took place in April 2023. The consultation responses received are included in Appendix 2 of the Screening Determination Statement. The statutory bodies agreed with the conclusion reached regarding the HRA.</p> <p>The SEA/HRA Screening Determination Statement (including the SEA and HRA screening reports) is available on both the Cambridge City Council website and the South Newnham</p>	

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	<p>Neighbourhood Forum website alongside the submitted South Newnham Neighbourhood Plan.</p> <p>As the modifications made to the South Newnham Neighbourhood Plan following its examination do not change the essence of its planning policies, the SEA and HRA screening undertaken on a draft version of the Neighbourhood Plan in March 2023 and the screening determination published in March 2024 remain valid.</p>	

**CONCLUSION: Cambridge City Council has confirmed that the ‘Referendum’ version of the South Newnham Neighbourhood Plan meets the legislative requirements.**

The draft South Newnham Neighbourhood Plan submitted to Cambridge City Council met the requirements in the legislation, and Cambridge City Council publicised the neighbourhood plan for more than 6 weeks, invited comments, notified any consultation body referred to in the consultation statement and sent the draft neighbourhood plan to independent Examination. Following the Examination, Cambridge City Council has determined that the ‘Referendum’ version of the South Newnham Neighbourhood Plan is ready for a public referendum (Schedule 4B of the Town and Country Planning Act 1990 (as varied by s38A & 38C of the Town and Country Planning Act)).

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