

Isleham Neighbourhood Plan

Basic Conditions Statement



November 2021

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1. Introduction

1.1. The Localism Act 2011 requires neighbourhood plans to meet certain ‘basic conditions’ before the plan can proceed to referendum and come into force. Following submission, the Isleham Neighbourhood Plan (INP) will be independently examined. The purpose of the independent examination is to test if the neighbourhood plan satisfies certain basic conditions. In summary, 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 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;
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations *which have been incorporated into UK law*;
- prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the neighbourhood plan.

1.2. Following the United Kingdom’s withdrawal from the European Union (i.e. *Brexit*), EU law no longer has supremacy over British laws. However, a number of EU obligations have been transposed into UK law and remain relevant for the purposes of neighbourhood planning. The governments *Planning Practice Guidance* (PPG) identifies the following relevant EU obligations¹:

- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive);
- Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive);
- Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively); and
- Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) which may apply in particular circumstances.

1.3. A further relevant EU obligation is the *European Convention on Human Rights*, which was incorporated into UK law by the Human Rights Act 1998. The *Town and County Planning Act 1990 (as amended)* states that a neighbourhood plan cannot be formally made (i.e. adopted by the local planning authority) where it is incompatible with human rights legislation².

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#EU-obligations-neighbourhood-planning>

² At 61E(8) <https://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

- 1.4. Regulations 32 and 33 of the *Neighbourhood Planning (General) Regulations 2012 (as amended)* prescribe two 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; and
 - having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made where the development described in an order proposal is Environmental Impact Assessment development.
- 1.5. When a neighbourhood plan is submitted to the local planning authority it must be accompanied by a basic conditions statement. The main purpose of the basic conditions statement is to demonstrate how a neighbourhood plan meets each of the basic conditions.
- 1.6. In addition, the basic conditions statement needs to confirm that the neighbourhood plan meets other legal requirements. The other legal requirements that a neighbourhood plan must satisfy are that:
- the qualifying body is authorised for the purpose of acting on behalf of the neighbourhood area;
 - the proposal meets the definition of a Neighbourhood Plan (as defined in the *Planning and Compulsory Purchase Act 2004 (as amended)*);
 - the proposed plan states the period which it is to have effect;
 - the policies in the proposed plan do not relate to 'excluded development';
 - the proposed plan does not relate to more than one neighbourhood area; and
 - there are no other neighbourhood plans in place within the neighbourhood area.
- 1.7. This Basic Conditions Statement has been prepared to accompany the INP and sets out how the INP meets the basic conditions and other legal requirements through an assessment of the plan against each of the basic conditions.

2. Legal Requirements

2.1. This section demonstrates that the INP has been prepared in a manner which satisfies its legal obligations.

Qualifying body

2.2. The INP has been prepared by Isleham Parish Council. The parish of Isleham was designated as a Neighbourhood Area for the purposes of neighbourhood planning by *East Cambridgeshire District Council* on 21 February 2019.

2.3. Isleham Parish Council is the *qualifying body* for the Isleham Neighbourhood Area³ and therefore has the right to prepare a neighbourhood plan for Isleham.

Definition of a Neighbourhood Plan

2.4. The *Planning and Compulsory Purchase Act 2004 (as amended)* defines a neighbourhood plan as:

...a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan.

S38A Planning and Compulsory Purchase Act 2004

2.5. The Isleham Neighbourhood Plan sets out 11 policies which address a wide range of themes and issues. All policies relate to the development of and use of land within the Isleham Neighbourhood Area only. The INP therefore satisfies the definition of a neighbourhood plan.

Plan period

2.6. The INP clearly states the period in which the plan is to have effect on its front cover and in the introductory chapter. The INP's plan period is 2021 to 2041.

Excluded development

2.7. Certain forms of development are outside the scope of neighbourhood planning and are defined as *excluded development*⁴. Examples of excluded development mineral extraction, waste development and Nationally Significant Infrastructure Projects.

2.8. The proposed policies in the INP do not relate to 'excluded development'.

Geographic scope

2.9. The INP relates only to the designated Isleham Neighbourhood Area, which is coterminous with Isleham parish. The INP does not relate to more than one neighbourhood area.

2.10. There are no other neighbourhood plans in place within the Isleham Neighbourhood Area.

³ See Appendix 1 for map of Isleham Neighbourhood Area

⁴ 61K, Town and Country Planning Act 1990 (as amended) <https://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted#p00794>

3. How the INP satisfies the Basic Conditions

3.1. This section evaluates the INP in the context of each relevant *basic condition*.

Basic Condition Assessment 1: Has the INP had regard to National Policy and Advice?

3.2. The basic conditions require neighbourhood plans to have regard to national policies and advice contained in guidance issued by the Secretary of State.

3.3. The government's latest national planning policies for England are set out in the National Planning Policy Framework (July 2021) (NPPF). Guidance is typically set out by government in the *Planning Practice Guidance* (and in some instances in circulars, ministerial letters, and other relevant documents such as the *National Model Design Code*).

3.4. Table 1 provides assessment of the INP's policies against relevant national policy, to explore their relationship, drawing on national guidance where appropriate.

Table 1: Assessment of INP's relationship to National Policy

Proposed INP policy	Relevant NPPF policy	Assessment of relationship between INP policy and national policy
Policy 1a: Housing Growth; Policy 1b: Housing Types; Policy 1c: Site Allocation ISL7 - Land off Fordham Road	Paras. 60, 62, 67, 78, and 79.	<p>Para. 67 requires the local planning authority to provide an <i>indicative figure</i>, where requested to do so by the neighbourhood planning body, taking into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority. Policy 1a identifies the indicative housing requirement for Isleham as 0 dwellings, as confirmed by East Cambridgeshire District Council. This figure reflects high levels of growth in East Cambridgeshire's rural area, relative to the Local Plan's target. Recent approved developments will see the number of dwellings in Isleham increase by 20%. This is considered to accord with paragraph 60 of the NPPF which seeks 'to boost significantly the supply of housing'.</p> <p>Policy 1a is supportive of Rural Exceptions Sites being delivered for affordable housing, consistent with paragraph 78. Policy 1 seeks to focus development within the Development Envelope for Isleham and it is considered that this is where housing will enhance the vitality of our rural community, in common with the requirements of paragraph 79.</p> <p>Policy 1b requires development proposals to provide a mix of house types and sizes, and favours proposals which provide two bedroomed dwellings, meet the needs of an ageing population, and are suitable for lifetime occupation. This accords with the requirement of NPPF para. 62 which requires the housing needs of different groups in the community to be met through planning policies.</p> <p>Policy 1c allocates a site for the development of approximately 45 dwellings. This reflects NPPF para. 78 which supports housing developments that reflect local needs and circumstances in rural areas, such as Isleham.</p>
Policy 2: Character & Design	Paras. 126 to 130.	<p>Policy 2 encourages good design in development in Isleham, by setting out a number of criteria that will guide development to ensure that it takes proper account of its context and contributes positively to the local character. It is also supportive of innovative design in the village. It is not overly prescriptive, but allows for the consideration of a scheme proposed against the criteria as a means for its assessment. This policy is consistent with national policy, particularly that contained within "Achieving well-designed places" at section 12 of the NPPF, and allows for the local application of national policy.</p>

Proposed INP policy	Relevant NPPF policy	Assessment of relationship between INP policy and national policy
Policy 3: Local Green Spaces	Paras. 101 to 103.	<p>Policy 3 designates thirteen spaces as Local Green Space in the village, providing protection against inappropriate development in accordance with national policy. The INP's Appendix 2 assesses open spaces in the Neighbourhood Area against the criteria in national policy and makes recommendations regarding each open spaces suitability for designation as Local Green Space.</p>
Policy 4: Maintaining Separation	Paras. 174, 80, 130.	<p>Policy 4 seeks to maintain adequate separation between Isleham and its neighbouring settlements as this is vital for the sense of place and maintaining separate village identities – a feature that is important to the community. The direction of development away from specific areas is consistent with national policy.</p>
Policy 5: Locally Important Views	Paras. 174, 130.	<p>Policy 5 seeks to protect a number of valued views and landscapes around Isleham by encouraging development not to obstruct or detract from them. It does not restrict development within these areas entirely, but instead seeks to preserve the integrity of the views which can potentially be accommodated through the design process. These views are all locally distinctive and many contain local landmarks of importance to the community. This is consistent with national policy.</p>
Policy 6: Locally Important Buildings & Structures	Paras. 130, 190, 199, 200, 204.	<p>Policy 6 seeks to preserve a number of buildings that are of local importance either in terms of their appearance from publicly accessible areas or their local historic importance. This policy seeks for any planning applications for these buildings to be accompanied by information detailing the impact of the proposal. This is commensurate with their non-designated status and is consistent with national policy.</p>

Proposed INP policy	Relevant NPPF policy	Assessment of relationship between INP policy and national policy
Policy 7: Wildlife & Habitats	Paras. 174, 179, 180.	Policy 7 promotes the enhancement of green networks and seeks to protect natural features that provide an important habitat for wildlife and promotes the achievement of biodiversity gains. It is considered to be consistent with national policy.
Policy 8: Services & Facilities	Paras. 92, 93.	Policy 8 supports the delivery of new community facilities or extensions to existing facilities, and resists the loss of a number of key facilities. The retention of these facilities are important for facilitating social interaction and creating a healthy, inclusive community. This policy also helps support the rural economy. This is consistent with national policy.
Policy 9: Pedestrian Access & Public Rights of Way	Paras. 92, 100,	Policy 9: seeks to protect the existing public rights of way and promotes proposals to improve or extend them, or to deliver new public rights of way. These rights of way are an important facility for the community. It also seeks to ensure that new developments include safe and suitable access for all pedestrians to access the wider footpath network. This is considered to be consistent with national policy.
Policy 10: Car Parking	Paras. 107,	Policy 10 builds on Local Plan car parking policy, providing some specific requirements for this rural community. It promotes the provision of on-plot, off-street development but it allows flexibility for under provision or alternative forms of parking where it is most appropriate for the scheme. It also promotes the incorporation of facilities for electric plug-in vehicles. It is considered that this policy is consistent with national policy.

Proposed INP policy	Relevant NPPF policy	Assessment of relationship between INP policy and national policy
<div>Policy 11: Cycle Parking & Storage</div> <div>Whole Plan</div>	<div>Paras. 106.</div> <div>Para. 28</div>	<p>Policy 11 seeks for adequate cycle storage to be incorporated within development proposals. It promotes the use of bicycles as a sustainable mode of transport through the safe and secure storage being provided in schemes. It is considered to be consistent with national policy.</p> <p>Para. 28 states:</p> <p><i>“Non-strategic policies should be used by ... communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.”</i></p> <p>The policies in the Isleham Neighbourhood Plan seeks to shape and direct what development can be considered ‘sustainable’ in the neighbourhood area. The policies within the plan offer a clear framework, alongside other policies in the development plan, for decision makers to react to a specific development proposal. Overall the Isleham Neighbourhood Plan is consistent with the Neighbourhood Planning section in the NPPF.</p>

3.5. The assessment at Table 1 illustrates that each proposed INP policy is broadly aligned with national policies. This demonstrates that the INP has had regard to national policy and guidance and satisfies the basic condition.

Basic Condition Assessment 2: Will making of the neighbourhood plan contribute to the achievement of sustainable development?

3.6. The NPPF indicates that:

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

Para. 7, National Planning Policy Framework

3.7. At paragraph 8, the NPPF identifies three overarching objectives for the achievement of sustainable development:

- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.8. In addition, the presumption in favour of sustainable development at NPPF para. 11 requires all plans to promote a sustainable pattern of development that seeks to meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.

3.9. Table 2 indicates which sustainable development objective(s) each proposed INP contributes to and provides commentary to justify how the objective is supported.

Table 2: INP Contribution to Sustainable Development

INP Policy	Contributes to ... objective			Justification
	Economic	Social	Environmental	
Policy 1a: Housing Growth; Policy 1b: Housing Types; Policy 1c: Site Allocation ISL7 - Land off Fordham Road	✓	✓	✓	<p>The policy supports additional sustainable development where this contribute to the needs of the village, such as</p> <ul style="list-style-type: none"> • small-scale infill and windfall developments within the Development Envelope; • development of approximately 45 dwellings at the INP's site allocation 'Land off Fordham Rd'; and • rural affordable housing exception site development. <p>Policy 1a updates the Development Envelope to reflect recent completed developments and sites with planning permission. Land outside the Development Envelope is defined as open countryside. Opportunities for development in the open countryside are limited to types of development with a genuine need to be located in the countryside or to meet local needs which cannot be met within the Development Envelope, such as affordable housing, the operation of existing rural businesses, provision of new or replacement community facilities or essential infrastructure, etc.</p> <p>The policy includes design principles to ensure development proposals are of an appropriate scale and avoid adverse impacts on amenity, character and setting of Isleham village and its surrounding landscapes, the historic and natural environment, and services, facilities and infrastructure.</p> <p>The policy requires development proposals to provide a mix of house types and sizes, and favours proposals which provide two bedroomed dwellings, meet the needs of an ageing population, and are suitable for lifetime occupation. To protect the character of the built form of the village, seeks to limit building heights by resisting proposals for flats or apartments of three storeys or more.</p> <p>The policy requires on-site provision of affordable housing, and supports the development of Rural Exception Sites where the majority of homes are affordable, meets local needs and prioritises households with a local connection.</p> <p>The policy requires there to be sufficient infrastructure capacity to meet the needs of the development, prior to granting planning permission.</p> <p>In summary, the policy provides economic benefit through creating opportunities for development, supports the social objective through delivering a mix of house types and tenures and requiring infrastructure provision, and includes design principles and sets a development envelope to avoid harm to the built and natural environment.</p>

INP Policy	Contributes to ... objective			Justification
	Economic	Social	Environmental	
Policy 2: Character & Design	✓	✓	✓	<p>The policy sets out a range of design principles to ensure that development proposals deliver high quality design, such as ensuring development is of an appropriate size and scale for the site; responding to key features and important characteristics on the site; introducing visual interest from the surrounding areas; providing a mix of dwelling styles and sizes; protecting character by limiting building heights to two storeys or fewer; providing robust green landscaping schemes; providing adequate amenity space for occupants and limit impacts on amenity of neighbours; ensuring buildings and spaces that are accessible, inclusive and safe; and using high quality materials.</p> <p>The policy makes clear that proposals that exhibit substandard design quality will not be supported, and those of outstanding or innovative design will be supported.</p> <p>In addition to conserving the built environment, delivery of this policy will make development more attractive to the market and will help ensure that local community values are maintained.</p>
Policy 3: Local Green Spaces		✓	✓	<p>Policy 3 designates 13 areas as Local Green Space. The retention of these open spaces will deliver significant benefits to the community who use and enjoy these areas and to wildlife whose inhabit these spaces.</p>
Policy 4: Maintaining Separation		✓	✓	<p>The policy resists development proposals located in areas between Isleham and any neighbouring settlement which would visually or physically reduce separation or sense of separation. The policy will help to maintain distinctive communities which is important for the local identity, and will help to preserve open areas which likely include a range of habitat types.</p>

INP Policy	Contributes to ... objective			Justification
	Economic	Social	Environmental	
Policy 5: Locally Important Views		✓	✓	Policy 5 seeks to preserve a number of varied views in and around the village. These views are valued and enjoyed by the community and are important in both landscape and built character locally, and their preservation will deliver positive effects.
Policy 6: Locally Important Buildings & Structures		✓	✓	Policy 6 seeks to preserve a number of locally valued buildings which are of importance to the built character of the village and for village heritage. This will have a positive effect on the built environment and the community as a whole who value the built character.
Policy 7: Wildlife & Habitats		✓	✓	Policy 7 seeks to preserve wildlife and habitats, including on nationally and internationally protected sites. This policy would have a very positive effect on the natural environment and will also deliver social benefits to the community's enjoyment of local wildlife and the natural environment.
Policy 8: Services & Facilities	✓	✓		Policy 8 will deliver significant social and economic benefits through protection of existing community facilities and its support of the provision of new facilities.

INP Policy	Contributes to ... objective			Justification
	Economic	Social	Environmental	
Policy 9: Pedestrian Access & Public Rights of Way		✓	✓	The policy includes measures to protect public rights of way from obstruction, adverse visual impacts, and loss of tranquillity, which could potentially arise from new development. Proposals which increase pedestrian access and extend the public rights of way network are supported. This will have benefits to the community by maintaining the quality of and expanding the network of rights of way, and avoid adverse impacts on the environment.
Policy 10: Car Parking		✓	✓	Policy 10 seeks to ensure there is adequate parking delivered in new residential development and to provide a high-quality built environment and, ensure a good standard of amenity for new and existing residents.
Policy 11: Cycle Parking & Storage		✓	✓	Policy 11 seeks to ensure there is adequate cycle parking in new residential development. This will help to ensure that future occupants can safely and securely store bicycles allowing them the option to travel by bicycle, resulting in benefits for the resident and potentially for the environment.

3.10. As indicated in Table 2, all proposed INP policies contribute to achieving economic, social and/or environmental objectives. It is therefore concluded that the INP contributes to the achievement of sustainable development.

3.11. In addition, East Cambridgeshire District Council undertook a *Strategic Environmental Assessment* (SEA) of the INP. The SEA Environmental Report concluded that the district council, as responsible authority for the purposes of SEA is satisfied that the INP (where modified to reflect the recommendations of the Environmental Report), is not expected to give rise to significant effects on the environment.

Basic Condition Assessment 3: Is the neighbourhood plan in general conformity with the strategic policies contained in the development plan for the area of the authority?

- 3.12. The basic conditions require that a NP must be in general conformity with strategic policies of the Development Plan for the area. At present, the Development Plan for the Isleham area includes:
- The East Cambridgeshire Local Plan (2015); and
 - The Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021.
- 3.13. It is important to note that East Cambridgeshire District Council are undertaking a Single Issue Review of the Local Plan, which is currently at an early stage of its preparation and is not expected to be adopted in advance of the INP being examined.
- 3.14. The NPPF defines what are considered to be strategic policies in paragraph 20, these are:
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 3.15. Using these criteria as a basis, it is possible to review the Development Plan for East Cambridgeshire to identify which policies are strategic and are relevant to Isleham.
- 3.16. The assessment in Table 3 below, considers the conformity of the INP with all policies that are considered to be strategic in the Development Plan.

Table 3: Assessment of conformity of the INP with the Strategic Policies in the adopted Local Plan & Minerals & Waste Local Plan

INP Policy	Local Plan Policy	Assessment of conformity with Local Plan policies
<p>Policy 1a: Housing Growth;</p> <p>Policy 1b: Housing Types;</p> <p>Policy 1c: Site Allocation ISL7 - Land off Fordham Road</p>	<ul style="list-style-type: none"> • GROWTH 1: Levels of housing, employment and retail growth • GROWTH 2: Locational strategy • GROWTH 3: Infrastructure requirements • GROWTH 4: Delivery of growth • GROWTH 6: Community-led development • HOU 1: Housing mix • HOU 3: Affordable housing provision • HOU 4: Affordable housing exception sites 	<p>Policy 1 seeks to achieve a number of goals, it: sets the housing requirement for Isleham; allocates a site for new major housing development; updates the Development Envelope; requires a mix of housing types and/or sizes and delivery of affordable housing, supports the development of rural exception sites; and stipulates that adequate infrastructure capacity is needed to support the growth arising from a development.</p> <p>The adopted Local Plan directs the majority of growth to main settlements (such as Ely, Littleport and Soham), with a relatively modest amount of growth distributed across the rural area. Policy GROWTH 2 provides a locational strategy for the distribution of growth.</p> <p>The Local Plan allocates 5 sites in Isleham two of which have been completed. The Local Plan allocates one employment site at the south of the neighbourhood area adjacent to existing designated employment sites.</p> <p>By making an additional site allocation, the amount of growth being proposed is greater than that envisaged in the Local Plan. However, the scale of this additional growth is not likely to undermine the strategic policies of the Local Plan.</p> <p>Isleham village and surrounding land, including the proposed site allocation, is located in a Mineral Safeguarding Area (Chalk) designated by the Cambridgeshire and Peterborough Minerals and Waste Local Plan 2021. Cambridgeshire County Council, as minerals and waste planning authority, were consulted during preparation of the INP and did not object to inclusion of the proposed site allocation. The M&W Local Plan indicates that there is no requirement to consult the M&W planning authority where a site is allocated in the Development Plan.</p>
<p>Policy 2: Character & Design</p>	<ul style="list-style-type: none"> • ENV 1: Landscape and settlement character • ENV 2: Design 	<p>Policy 2 sets out design principles which proposals for new development should satisfy. It builds on the requirements of the Local Plan policies and is considered to be in general conformity with it.</p>

INP Policy	Local Plan Policy	Assessment of conformity with Local Plan policies
Policy 3: Local Green Spaces	<ul style="list-style-type: none"> • GROWTH 3: Infrastructure requirements • ENV 7: Biodiversity and geology • COM 3: Retaining community facilities 	Policy 3 designates 13 areas as Local Green Spaces including some allotments, a playing field and a woodland. The designation of greenspaces for protection from development supports the provisions of the Local Plan policies and is in general conformity with them.
Policy 4: Maintaining Separation	<ul style="list-style-type: none"> • GROWTH 2: Locational strategy • ENV 1: Landscape and settlement character 	Policy 4 seeks to retain adequate separation of Isleham from neighbouring settlements, both physically and visually. This directly supports the aims of Local Plan policies ENV 1 and GROWTH 2 and can be viewed as being in general conformity with the Local Plan.
Policy 5: Locally Important Views	<ul style="list-style-type: none"> • ENV 1: Landscape and settlement character • ENV 11: Conservation areas • ENV 12: Listed buildings 	Policy 5 seeks to protect a number of local views both within and outside of the village. A number of the views are directly related to the historic environment, particularly the Conservation Area and Listed Buildings. This policy will help to preserve these heritage assets and their setting and the wider landscape, in support of Local Plan policies, and is in general conformity with the Local Plan.
Policy 6: Locally Important Buildings & Structures	<ul style="list-style-type: none"> • ENV 13: Local register of buildings and structures 	Policy 6 seeks to protect the visual and historic value of a number of non-listed buildings in Isleham, some of which are currently included on the Local Register of Buildings and Structures held by East Cambridgeshire. This policy is considered to be in general conformity with the Local Plan.

INP Policy	Local Plan Policy	Assessment of conformity with Local Plan policies
Policy 7: Wildlife & Habitats	<ul style="list-style-type: none"> ENV 7: Biodiversity and geology 	Policy 7: seeks to protect and enhance local wildlife and habitats, including at the nearby nationally and internationally protected sites. This adds some local specificity to the Local Plan policy and is considered to be in general conformity with it.
Policy 8: Services & Facilities	<ul style="list-style-type: none"> GROWTH 3: Infrastructure requirements COM 3: Retaining community facilities COM 4: New community facilities 	Policy 8 offers in principle support for development of new community facilities and it seeks to protect a number of existing Valued Community Facilities. This is directly in support of Local Plan policies GROWTH 3, COM 3, and COM 4, and adds the local list of which facilities are considered to be of particular importance locally. This policy is in general conformity with the Local Plan.
Policy 9: Pedestrian Access & Public Rights of Way	<ul style="list-style-type: none"> ENV 2: Design COM 7: Transport impact 	Policy 9 seeks to protect and enhance public rights of way in Isleham and to ensure that safe pedestrian links are included in all developments. This helps underpin Local Plan policies ENV 2 and COM 7 and is in general conformity with the Local Plan.
Policy 10: Car Parking	<ul style="list-style-type: none"> ENV 2: Design COM 8: Parking provision 	Policy 10 builds upon Local Plan policies ENV 2 and COM 8 by seeking to ensure that car parking is designed into schemes appropriately and to ensure that the parking standards are suitable for Isleham's rural context. This is in general conformity with the Local Plan.
Policy 11: Cycle Parking & Storage	<ul style="list-style-type: none"> COM 8: Parking provision 	Policy 11 supports Local Plan policy COM 8 by setting out details of how cycle parking and storage should be incorporated in new residential development in a number of scenarios. It is in general conformity with the Local Plan.

- 3.17. As indicated in Table 3, all INP policies are considered to be in general conformity with strategic policies contained within the Development Plan.

Basic Conditions Assessment 4: Is the neighbourhood plan compatible with EU obligations which have been incorporated into UK law and does the neighbourhood plan comply with prescribed conditions/matters?

- 3.18. Section 1 identifies the following EU obligations and prescribed conditions which are considered relevant to the basic conditions:
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive);
 - Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive);
 - Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively);
 - Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) which may apply in particular circumstances;
 - the European Convention on Human Rights, which was incorporated into UK law by the Human Rights Act 1998;
 - 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; and
 - compatibility with legislation relating to Environmental Impact Assessment development.

Strategic Environmental Assessment (SEA) & Habitats Regulation Assessment (HRA)

- 3.19. East Cambridgeshire District Council has undertaken a Strategic Environmental Assessment of the INP. This included an initial screening assessment and preparation of a *Scoping Report* and *Environmental Report*.
- 3.20. The initial screening assessment explored the potential for likely significant environmental effects to arise through implementation of the INP in respect of a wide range of environmental issues and constraints.
- 3.21. Crucially, this screening assessment considered likely effects on internationally designated habitats sites (i.e. "European Sites"). The screening assessment concluded that significant effects on European sites are not likely to arise from implementation of the INP. Consequently, a full *Habitats Regulation Assessment* was not required. The INP is therefore compliant with relevant legislation relating to the conservation of habitats and species.
- 3.22. Through the initial screening assessment a number of likely significant effects were identified in respect of the development of proposed site allocation ISL7 (Policy 1c), namely:

- Potential effects on County Wildlife Sites within, or in proximity of, the Neighbourhood Area;
- The proposed site allocation intersects a Source Protection Zone, and therefore has the potential to impact upon groundwater resources; and
- The effects of development on the setting of Isleham's Conservation Area.

3.23. Following consultation on the *Scoping Report*, ECDC prepared an *Environmental Report* which included assessment of a range of *reasonable alternatives*. The Environmental Report recommended a series of mitigation measures which have been incorporated into the INP.

3.24. The SEA Environmental Report concluded that East Cambridgeshire District Council, as responsible authority for the purposes of SEA is satisfied that the INP (where modified to reflect the recommendations of the Environmental Report), is not expected to give rise to significant effects on the environment.

3.25. During its preparation, the INP has met its requirements under relevant legislation for assessing potential effects on the environment. Implementation of the INP is not likely to conflict with relevant legislation for the protection of the environment.

Environmental Impact Assessment (EIA)

3.26. The INP does not make provision for development which constitutes EIA development. Therefore, the INP is not expected to breach EIA legislation.

Human Rights

3.27. In the context of neighbourhood planning, relevant human rights issues include

- Right to respect for private and family life (Article 8) and
- Prohibition of discrimination (Article 14).

3.28. Other articles of the Human Rights Act are not considered relevant for the purposes of this assessment as they relate to other aspects of public life (e.g. justice, religious freedoms, freedom of expression, etc.) and are not likely to be directly affected by the INP.

3.29. The INP supports the *right to respect for family and private life* through a number of ways.

3.30. Notably, *Policy 1a: Housing Growth*, *Policy 1b: Housing Types*; and *Policy 1c: Site Allocation ISL7 - Land off Fordham Road* are conducive to family life by creating opportunities for the development of new homes, which meet the needs of different groups.

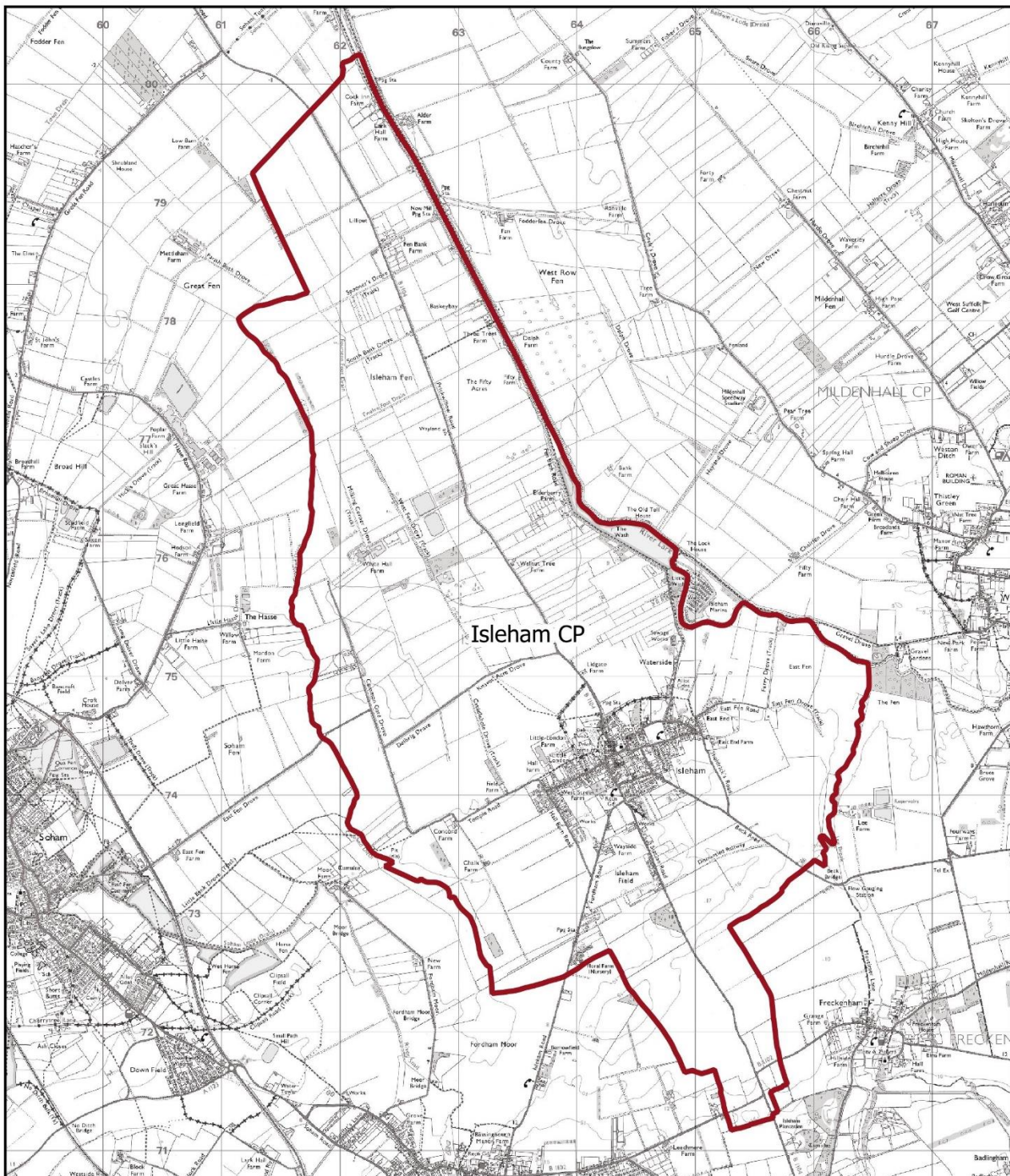
3.31. *Policy 2: Character & Design* includes a number of design principles to ensure new development is high quality and does not adversely impact on the character of the area, or the amenity of existing households. In addition, *Policy 8: Services and Facilities* supports proposals for new community facilities and services and protects against the loss of existing facilities. These measures will ensure that new development maintains the standard of quality life for the existing community, and creates a high standard of living for new occupants, and that family life is enhanced through good access to services and facilities.

- 3.32. These policies are likely to address the causes and effects of discrimination. By delivering new housing development, including affordable housing development through on-site provision and rural exception sites, and requiring a mix of house types and tenures, policies 1a, 1b and 1c increase opportunities for disadvantaged groups to access housing which meets their needs.
- 3.33. Increasing the provision of services and facilities will ensure that disadvantaged groups can meet their day-to-day needs within the parish. For example, this may include groups with protected characteristics who may have limited travel choices, such as the young, elderly or people with disabilities.
- 3.34. No adverse impacts in respect of human rights are expected to arise from implementation of the INP. The INP is therefore considered compliant with the Human Rights Act.

4. Conclusion

- 4.1. The preceding sections of Basic Conditions Statements assess the INP against each relevant *Basic Condition* and other legal requirements. Through this assessment this Basic Conditions Statement demonstrates that the Isleham Neighbourhood Plan satisfies all relevant *basic conditions* and other necessary legal requirements.

Appendix 1: Map of Isleham Neighbourhood Area



Isleham Neighbourhood Area

Legend

 Neighbourhood Area

Date: February 2019

Scale: 1:45,000

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East Cambridgeshire
District Council

