

# How to write a basic conditions statement

Putting the pieces together



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# 1 Introduction

This resource focuses on how to write a basic conditions statement. It will answer:

- what is a basic conditions statement?
- what needs to be included in a basic conditions statement?
- how do you write a basic conditions statement?

If you are new to neighbourhood planning you are encouraged to read the [Locality Roadmap](#) which explains the process of preparing a neighbourhood plan. It will provide useful context to this resource which focuses on the 'how'.

## 2 What is a basic conditions statement?

When submitting your draft neighbourhood plan to your local planning authority the legislation requires you to submit a number of other documents with it. One of these is commonly known as a 'basic conditions statement.' Only a neighbourhood plan that meets each of the '[basic conditions](#)' can be put to a referendum and, if successful, be used to assist in the determination of planning applications.

The basic conditions statement must set out how your neighbourhood plan meets the requirements of each basic condition and other legal tests. It is your opportunity to clearly set out how your plan meets the legal tests and should therefore proceed to referendum. It will be used by both the independent examiner and your local planning authority to help them decide whether or not your plan meets the basic conditions.

## 3 What are the basic conditions and other legal requirements?

There are five basic conditions that are relevant to a neighbourhood plan. These 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 (or any part of that area)
- the 'making' of the neighbourhood plan does not breach, and is otherwise [compatible with EU obligations](#)
- [prescribed conditions are met](#) in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan



The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

The legal requirements are as follows:

- **The plan is being submitted by a qualifying body.** In a neighbourhood area that covers the whole or any part of the area of a [parish / town council](#) only a parish / town council can submit the neighbourhood plan. If the plan is for an area that includes the whole or part of the area of another parish or town council (a [multi-parish plan](#)), consent must be obtained from all of the parish / town councils whose area is included. This could take the form of a written consent form. Elsewhere the plan must be submitted by a designated [neighbourhood forum](#).
- The draft neighbourhood plan **sets out policies in relation to the development and use of land** in the whole or any part of a neighbourhood area. A neighbourhood plan must include land use planning policies that can be used in the determination of planning applications. It must also relate to a designated neighbourhood area. The statement needs to confirm these two matters, clearly stating which designated neighbourhood area the draft plan relates to.
- The proposed neighbourhood plan **states the period in which it is to have effect**. This should be clearly shown on the front of the plan and confirmation of the period should also be included within the basic conditions statement.
- The **policies do not relate to excluded development**. For example [county matters](#) (mineral extraction and waste development) and [Nationally Significant Infrastructure Projects](#)
- The proposed neighbourhood plan **does not relate to more than one neighbourhood area**. You cannot submit a neighbourhood plan that relates to more than one neighbourhood area and there can only be one neighbourhood plan in force for each neighbourhood area.

## 4 How should your basic conditions statement be structured?

Your basic conditions statement needs to clearly explain how your neighbourhood plan taken as a whole and the policies (including any policies that allocate site/s for development) meet the requirements of each of the basic conditions and other legal tests.

There is no set structure for a basic conditions statement but it is recommended that it is written in a logical and concise manner. We have produced a [resource](#) that sets out approaches used by neighbourhood planning groups. This resource provides ideas on how you may wish to structure your statement.



## 5 How should you write a basic conditions statement?

This section offers advice on how to prepare a basic conditions statement for [submission to your local planning authority](#).

- **Consider the basic conditions as you produce your plan** rather than waiting until the end of the process. This will not only help you to develop a plan that meets the basic conditions, but it will mean that by the time you reach the end of the process the basis of your basic conditions statement will already be written. As each policy is developed test it against each of the basic conditions and keep a record of why you consider the policy meets each of the basic conditions.
- When looking at **national policy and advice** only consider those elements that are **relevant to your neighbourhood plan**. For example if your neighbourhood plan is not dealing with housing then the section of the National Planning Policy Framework on *delivering a wide choice of high quality homes* will not be relevant, but if your plan has policies that relate to listed buildings and conservation areas then the section on *conserving and enhancing the historic environment* will be relevant.
- **Get advice from your local planning authority**. Your local planning authority should [clearly identify](#) the **strategic policies in its development plan** so that you understand the context that you need to work within.

Whether a strategic policy in the development plan is relevant to your plan will depend on what your neighbourhood plan is seeking to achieve. Do not make assumptions about what the strategic policies are or whether they are relevant. Confirm these with your local planning authority and understand what the implications of those policies are for the content of your plan.

- **Remember the test is [general conformity](#)** rather than absolute conformity with the strategic policies in the development plan. The Government's [planning guidance](#) sets out some points to consider when applying this test.

If any of your policies take a different approach to the strategic policies in the adopted development plan then your basic conditions statement will need to explain:

- the differing approach,
- the specific circumstances (and associated evidence) that supports the approach taken
- how the policy still meets the test of 'general conformity.'

An example of a basic condition statement that does this is the one prepared for the Upper Eden Neighbourhood Plan. The neighbourhood plan sets out how the rural exception housing policy of the Local Plan should be delivered in Upper Eden. The neighbourhood plan policy is intended to allow more affordable housing to be delivered on exception sites, but does not relax the policy to the extent that it allows unacceptable development in the countryside. The [independent examiner](#) concluded that "*it is clear*



*that this draft policy stretches the bounds of general conformity but in my view not beyond what is reasonable".* The intention and reasons for the policy were set out in the [neighbourhood plan](#) but also explained in the [basic conditions statement](#).

- **Outline why your plan meets the basic conditions** rather than simply stating that it does. You need to reference the specific policies in your neighbourhood plan, the rationale for these policies and the evidence on which they are based.
- **Discuss and share early drafts with your local planning authority.** You should [engage and work constructively with your local planning authority](#) as you produce your neighbourhood plan. The [Government's planning guidance](#) advises that your local planning authority should provide constructive comments on the emerging neighbourhood plan prior to submission and discuss the contents of any supporting documents, including the basic conditions statement with you.
- **Use any responses to consultation** to identify possible conflicts with a basic condition. Your local planning authority, members of the community and others are likely to provide comments on the emerging neighbourhood plan (for example during pre-submission publicity and consultation period). The comments may identify concerns that could be relevant to the basic conditions.
- **Take the opportunity to explain any potential areas of concern.** The basic conditions statement is your opportunity to demonstrate that your neighbourhood plan meets the requirements of each of the basic conditions and other legal tests and should proceed, without modification, to referendum. It provides an opportunity for you to defend and justify your policies. This may be particularly important if others have raised concerns.
- **Clearly structure your basic conditions statement** in a logical and consistent manner. You should address each legal requirement and basic condition in turn. Many groups have presented information and their analysis in the form of a table. Also clearly identify which national policies and strategic policies you consider are relevant to your neighbourhood plan and why. Further advice is provided in our resource [Approaches to writing your basic conditions statement](#).
- **Ensure that you include all of the required information.** You need to demonstrate that your neighbourhood plan meets the requirements of each basic condition and other legal tests.
- Clearly **cross reference to any background evidence, studies or technical reports that** you consider support your statement that the neighbourhood plan meets the legal requirements. This can be done within an appendix that lists each of the policies in your plan and identifies the relevant pieces of evidence for each. Do not leave it for the examiner to try and find the information themselves.
- **Have a look at examples** as there are various approaches you can use to structure your basic conditions statement. The number of groups that have produced a neighbourhood plan is ever increasing and you may find it useful to look at how others have structured theirs. There are a number of websites dedicated to neighbourhood planning including the [Community Knowledge Hub](#) and the [Forum for Neighbourhood Planning](#) where you can find a wealth of information and resources and links to 'made' plans.

We have produced a [resource](#) that documents approaches used by neighbourhood planning groups to date and this will provide a steer on how you may wish to structure your basic conditions statement.





## 6 Conclusions

The preparation of your basic conditions statement is an important task. It is your opportunity to clearly set out how your neighbourhood plan meets the legal tests and why it should progress to referendum. Preparing the statement should not be the first time you consider the basic conditions; this should be a thread that runs throughout your plan preparation. Documenting how you have considered the basic conditions as you go along will make it much easier to prepare the statement at the end of the process.

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