

# Basic Conditions Guidance

The 'Basic Conditions' (legal requirements) are set out in legislation<sup>1</sup> and are used by the independent Examiner to assess the proposed Neighbourhood Plan against the following:

- is appropriate having regard to national policy and advice contained in guidance
- contributes to the achievement of sustainable development
- would not have the effect of preventing development from taking place which:
  - is proposed in the development plan for the area of the authority (or any part of that area), and
  - if it took place, would provide housing
- does not breach and is compatible with retained EU obligations
- has complied with any environmental outcomes report requirements, where those apply; and
- meets and complies with prescribed conditions e.g. whether or not it has a significant effect on habitats sites.

Further background to these Basic Conditions is provided below.

## Regard to National Policy

A neighbourhood plan must have regard to the [National Planning Policy Framework](#) (NPPF) and associated guidance. At the point the Sandhurst Neighbourhood Plan was submitted, the NPPF December 2024 was current and so the neighbourhood plan will be assessed in this policy context.

The National Planning Practice Guidance states that 'regard to national policy' means that a neighbourhood plan must not constrain the delivery of important national policy objectives"<sup>2</sup>.

Paragraph 18 of the NPPF (2024) makes it clear that neighbourhood plans should only contain non-strategic policies. Strategic policies are explained in paragraph 20 of the NPPF (2024). In Bracknell Forest, strategic policies are set out in Part 1 'Strategic Issues' of the [Bracknell Forest Local Plan](#) (BFLP).

The NPPF (2024) is clear in paragraph 13 that neighbourhood plans should support the delivery of strategic policies in Local Plans. Paragraph 29 the NPPF (2024) states that neighbourhood plans should be in general conformity with the strategic policies of the Development Plan and should not promote less development than set out in the strategic policies for the area. This may include consideration of:

- whether the Sandhurst Neighbourhood Plan supports and upholds the general principle that the strategic policy is concerned with,
- the degree, if any, of conflict between Sandhurst Neighbourhood Plan and the strategic policy,
- whether the Sandhurst Neighbourhood Plan provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy, and

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<sup>1</sup> [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) (as amended) and [Section 99 of the Levelling-up and Regeneration Act 2023](#)

<sup>2</sup> Paragraph: 069 Reference ID: 41-069-20140306: <https://www.gov.uk/guidance/neighbourhood-planning--2#EU-obligations-neighbourhood-planning>

- the rationale for the approach taken and the evidence to justify the approach.

### **Contribution to the achievement of sustainable development**

All plan-making should help contribute to and achieve sustainable development.

Sustainable development encompasses three main objectives:

- environmental
- economic
- social.

These are all linked and need to be considered together. The neighbourhood plan should show how it will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).

National Planning Practice Guidance states that evidence should be presented on how the neighbourhood plan guides development to sustainable solutions. There is no legal requirement for a neighbourhood plan to have a sustainability appraisal, but it can be a way of demonstrating this Basic Condition is met.

### **Does not have the effect of preventing development taking place or result in less housing**

Neighbourhood plans should not promote less development than provided for in other parts of the development plan for Bracknell Forest i.e. the Bracknell Forest Local Plan (BFLP). This is because the Neighbourhood Plan will form part of the development plan once it is 'made'.

In considering if the neighbourhood plan meets this basic condition, the following may be considered:

- Does any policy block, reduce or make it difficult to deliver the level of housing set out in the BFLP?
- Does it introduce policies that contradict BFLP housing allocations?
- Would the plan make an allocated site undeliverable i.e. through imposing restrictive designations or policy wording?
- Does the plan introduce policy that directly or indirectly blocks the delivery of housing set out in the development plan?

BFLP Policy LP5 'Sites allocated for residential/mixed use development' does not include any allocation in Sandhurst. It also sets out the housing requirement for each designated Neighbourhood Area in Table 9. This shows the suggested dwelling capacity for Sandhurst as zero. This is since the Council has not placed any reliance upon additional sites over and above those allocated in the BFLP, so the total relied upon by each designated Neighbourhood Area is zero.

Please note: this replaces the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area.

## **Compatibility with EU obligations and prescribed conditions**

Neighbourhood plans must not breach and must be compatible with EU obligations<sup>3</sup>, in order to be legally compliant. This includes Strategic Environment Assessment (SEA) Directive. SEA is a procedure<sup>4</sup> which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Neighbourhood plans should be screened at an early stage to see whether they are likely to trigger significant environmental effects and whether an SEA needs to be carried out.

Neighbourhood plan areas that are located close to, or that may lead to adverse effects on, a wildlife site<sup>5</sup> may have to undertake a Habitats Regulation Assessment (HRA)<sup>6</sup>. A HRA is required to determine whether a plan or project would have 'likely significant effects' upon the integrity of these internationally designated sites of nature conservation importance.

Bracknell Forest Council provided an SEA and HRA screening opinion on the Sandhurst Neighbourhood Plan scope in 2025. The screening decision concluded that a HRA and SEA are not required.

## **Compliance with requirements in environmental outcomes report**

This is related to the new environmental assessment framework<sup>7</sup>. However, this new system is not yet fully in force. Until such time as a completed framework for the implementation of Environmental Outcomes Reports and secondary legislation is in place, compliance with this Basic Condition cannot be assessed.

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<sup>3</sup> as incorporated into UK law

<sup>4</sup> set out in [The Environmental Assessment of Plans and Programmes Regulations 2004](#)

<sup>5</sup> that has been designated under the EU Habitats Directive or the EU Wild Birds Directive

<sup>6</sup> in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended)

<sup>7</sup> The Environmental Outcomes Report system is intended to replace the current SEA and EIA regimes with a clearer, outcomes-focused model. The purpose is to help ensure that plans and development support defined environmental outcomes such as biodiversity recovery, air quality improvements, or climate resilience.

<https://www.legislation.gov.uk/ukpga/2023/55/part/6>