

# Alresford Neighbourhood Plan 2018-2033

## Basic Conditions Statement

### Alresford Parish Council

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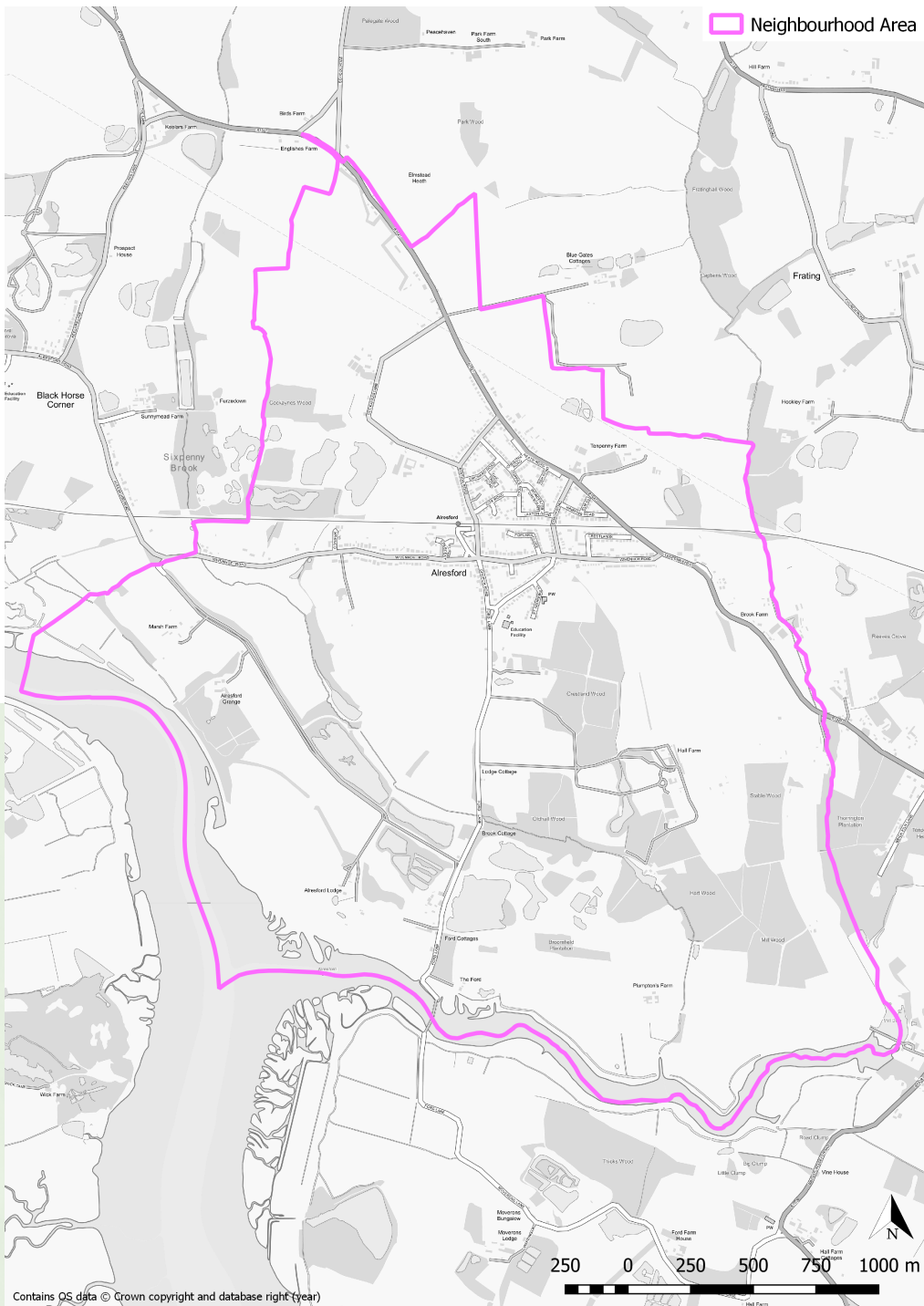
## 1. Introduction

- 1.1. This Basic Conditions Statement has been produced to accompany Alresford Neighbourhood Plan.
- 1.2. The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
  - Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
  - Planning and Compulsory Purchase Act 2004: ss 38A-C
  - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended)
- 1.3. Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five basic conditions before it can proceed to a referendum. These are:
  - I. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - II. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
  - III. The making of the neighbourhood development 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);
  - IV. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
  - V. 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 does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.4. This document sets out how the Plan meets the Basic Conditions.

### Key statements

- 1.5. Tendring District Council, as the local planning authority, has designated the Plan area, which covers the parish area of Alresford. This was designated in 2015.
- 1.6. The Plan sets out policies that relate to the development and use of land within only the Alresford Neighbourhood Area. This is shown in Figure 1 below.
- 1.7. The Plan refers only to the administrative boundary of the parish of Alresford. There are no other adopted Neighbourhood Development Plans that cover the Alresford Neighbourhood Area.
- 1.8. The Alresford Neighbourhood Plan Group has prepared the Plan to establish a vision for the future of the parish. The community has set out how that vision will be realised through planning and controlling land use and development change over the plan period 2018 to 2033.

**Figure 1: Alresford Neighbourhood Plan Area**



## 2. Basic Condition (i) – Conformity with National Planning Policy

2.1. To meet this condition, the Plan must be shown to have regard to national policies and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework (‘NPPF’) and the Planning Practice Guidance (‘PPG’).



ing Policy Framework

as 13 key objectives which are:

1. Delivering a sufficient supply of homes
2. Building a strong, competitive economy
3. Ensuring the quality of town centres
4. Achieving well-designed places
5. Protecting Green Belt land
6. Meeting the challenge of climate change,
7. Protecting and enhancing the natural environment
8. Achieving well-designed places
9. Protecting Green Belt land
10. Meeting the challenge of climate change,
11. Protecting and enhancing the natural environment
12. Meeting the challenge of climate change,
13. Protecting and enhancing the natural environment



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4. Promoting healthy and safe communities 11. Conserving and enhancing the natural environment
5. Promoting sustainable transport 12. Conserving and enhancing the historic environment
6. Supporting high quality communications 13. Facilitating the sustainable use of minerals
7. Making effective use of land

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2.3. This statement explains how the Plan contributes to meeting these objectives and also notes the specific national policies that the Plan is intended to support and supplement.

2.4. The Plan has four objectives. These are identified in Table 2.1 alongside the NPPF goals that each objective seeks to address.

**Table 2.1: Assessment of the TNP objectives against NPPF goals**

Plan objective	Relevant NPPF goal
<b>Objective 1:</b> Housing – meet the particular needs of the community of Alresford for housing and facilities as they arise over time, including serving the needs of an ageing population.	<ul style="list-style-type: none"> <li>• Delivering a sufficient supply of homes</li> <li>• Promoting healthy and safe communities</li> </ul>
<b>Objective 2:</b> Movement – Increase safe walking and cycling for local journeys through the village.	<ul style="list-style-type: none"> <li>• Promoting sustainable transport</li> <li>• Promoting healthy and safe communities</li> </ul>
<b>Objective 3:</b> Community infrastructure and public realm – Protect and enhance the assets in the village, including green spaces, community buildings and facilities and the local shopping area.	<ul style="list-style-type: none"> <li>• Achieving well-designed places</li> <li>• Conserving and enhancing the natural environment</li> <li>• Ensuring the vitality of town centres</li> <li>• Promoting healthy and safe communities</li> </ul>
<b>Objective 4:</b> Environment and heritage – Preserve and enhance the environment and heritage of Alresford, including its local wildlife and historic assets.	<ul style="list-style-type: none"> <li>• Conserving and enhancing the natural environment</li> <li>• Conserving and enhancing the historic environment</li> </ul>

2.5. Table 2.2 sets out each policy of the Plan alongside the policies in the NPPF that it has had regard to and analyses how each Plan policy contributes to achieving the key objectives of the NPPF.

**Table 2.2: Assessment of how each policy in the TNP conforms to the NPPF**

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
POLICY ALRES1: ALRESFORD SPATIAL STRATEGY	16, 17, 28	A core principle of national policy is the need for the planning system to contribute to sustainable development. The NPPF states that plans should be developed that support the strategic development needs set out in the Local Plan and actively manage patterns of growth. The policy takes a positive approach to development by defining the settlement boundary to enable a balanced approach to address housing need and supporting infrastructure.
POLICY ALRES2: PROVISION FOR THE AGEING POPULATION	61, 64, 91	In ensuring delivery of a sufficient supply of homes, the NPPF requires that the mix of housing to address the needs of differing groups is provided for. A specific need for housing to meet the requirements of older people – including aspects of care provision – has been identified as being in need in the wider area and this policy provides a positive framework for its provision.
POLICY ALRES3: ENHANCING WALKING AND CYCLING IN AND	91, 102, 104, 108	The NPPF encourages Neighbourhood Plan to exploit opportunities for the use of sustainable transport modes in a safe layout that minimises conflicts between traffic and cyclists or pedestrians. Priority is given to proposal that encourage cycling and walking as an alternative

AROUND ALRESFORD		sustainable transport mode to driving.
POLICY ALRES4: LOCAL GREEN SPACES	99, 100	The NPPF states that Neighbourhood Plans have the opportunity to designate Local Green Spaces. This policy designates a number of spaces that are important to the local community as Local Green Spaces.
POLICY ALRES5: IMPROVING THE PUBLIC REALM	124, 125, 127	This policy contributes to the NPPF requirement of good design in the built environment. National policy encourages neighbourhood plans to develop design policies and this policy identifies specific areas where good design is needed to improve the public realm. It also seeks to ensure the design of streets and the public realm maximises the potential to enhance health and wellbeing.
POLICY ALRES6: HEALTH AND SOCIAL CARE	91, 92	This policy contributes to the NPPF requirement of promoting healthy and safe communities. The policy supports expanded medical provision to serve the needs of a growing community.
POLICY ALRES7: PROVISION FOR WILDLIFE IN NEW DEVELOPMENT	170, 174	A key objective of the NPPF is to conserve and enhance the natural environment and this policy ensures that development proposals meet this objective by having the provision for local wildlife to thrive.
POLICY ALRES8: NON-DESIGNATED HERITAGE ASSETS	185	This policy contributes to the NPPF objective of conserving and enhancing the historic environment. It identifies heritage assets of local importance and ensures that development protects them and their setting.
POLICY ALRES9: RECREATIONAL DISTURBANCE AND MITIGATION	170, 171, 174	This policy requires contributions where development is within the zone of influence of coastal habitats, thereby meeting the NPPF objective of conserving and enhancing the natural environment.
POLICY ALRES10: SURFACE WATER MANAGEMENT	149, 150, 170, 174	This policy contributes to the NPPF objectives of conserving and enhancing the natural environment and meeting the challenge of climate change, flooding and coastal change. The policy seeks to ensure that SuDS provision is appropriate or that the best alternative solutions are provided.

### 3. Basic Condition (iv) – Contribution to Sustainable Development

- 3.1. The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and ‘should be seen as a golden thread running through both plan-making and decision-taking’.
- 3.2. For the Plan, sustainable development has been the fundamental basis of each of its policies. The National Planning Practice Guidance advises that ‘sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions’. The Forum has prepared a Sustainability Report, which, along with the wider evidence base, demonstrates how the Plan guides development towards sustainable solutions. The Sustainability Report has been submitted at Regulation 16 stage as part of the evidence base supporting the Plan and should be read alongside this Basic Conditions Statement.
- 3.3. Table 3.1 below summarises how the objectives and policies in the Plan contribute towards sustainable development, as defined in the NPPF. Many of the objectives of the Plan overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

#### **Table 3.1: Assessment of TNP objectives and policies against**

## sustainable development

### 3.4. Deliver economic sustainability

#### 3.5. NPPF definition – ‘Contribute to building a strong, responsive economy’ and support growth, innovation and improved productivity; and ‘identifying and coordinating the provision of infrastructure’.

<b>TNP Objectives</b>	Objective 1: Housing – meet the particular needs of the community of Alresford for housing and facilities as they arise over time, including serving the needs of an ageing population. Objective 3: Community infrastructure and public realm – Protect and enhance the assets in the village, including green spaces, community buildings and facilities and the local shopping area.
<b>TNP Policies</b>	POLICY ALRES2: PROVISION FOR THE AGEING POPULATION POLICY ALRES5: IMPROVING THE PUBLIC REALM POLICY ALRES6: HEALTH AND SOCIAL CARE
<b>Commentary</b>	There is a recognition of the need to support Alresford’s local economy by sustaining the vitality of the village centre. Alongside this, provision of care facilities and expanded medical facilities will provide jobs locally as well as address the needs of older people.

### Deliver social sustainability

#### NPPF definition – ‘Support strong, vibrant and healthy communities’

<b>TNP Objectives</b>	Objective 1: Housing – meet the particular needs of the community of Alresford for housing and facilities as they arise over time, including serving the needs of an ageing population. Objective 2: Movement – Increase safe walking and cycling for local journeys through the village. Objective 3: Community infrastructure and public realm – Protect and enhance the assets in the village, including green spaces, community buildings and facilities and the local shopping area.
<b>TNP Policies</b>	POLICY ALRES2: PROVISION FOR THE AGEING POPULATION POLICY ALRES3: ENHANCING WALKING AND CYCLING IN AND AROUND ALRESFORD POLICY ALRES6: HEALTH AND SOCIAL CARE POLICY ALRES8: NON-DESIGNATED HERITAGE ASSETS
<b>Commentary</b>	With the growing population of Alresford, it is important that the provision of community infrastructure keeps pace with this and, in particular, addresses gaps in provision. Alongside this, new development needs to be accessible to local shops and services by means other than the private car. Providing genuine alternatives, particularly walking and cycling, could help to alleviate some short distance trips that are currently undertaken by car. This will also help to improve the health and wellbeing of the community.

### Deliver environmental sustainability

#### NPPF definition – ‘Contribute to protecting and enhancing our natural, built and historic environment’ and ‘mitigate and adapt to climate change’

<b>TNP Objectives</b>	Objective 4: Environment and heritage – Preserve and enhance the environment and heritage of Alresford, including its local wildlife and historic assets.
<b>TNP Policies</b>	POLICY ALRES4: LOCAL GREEN SPACES POLICY ALRES7: PROVISION FOR WILDLIFE IN NEW DEVELOPMENT POLICY ALRES8: NON-DESIGNATED HERITAGE ASSETS POLICY ALRES9: RECREATIONAL DISTURBANCE AND MITIGATION POLICY ALRES10: SURFACE WATER MANAGEMENT
<b>Commentary</b>	Alresford has a number of local green spaces and local heritage assets which should be protected from the impacts of development. Also though, it is important to ensure that new development mitigates the impacts of the recreation activities of the new residents.  More generally, well-designed new developments will help to protect biodiversity assets and also to improve the relationship that the community has with the environment and particularly the surrounding countryside.

3.4 As demonstrated in Table 3.1, the strategic objectives of the Plan are considered to comprise a balance of social, economic and environmental goals. The policies in the Plan demonstrably contribute to sustainable development in respect of building a strong, responsive economy, supporting a strong, vibrant and healthy community and protecting and enhancing the natural and historic environment.

#### 4. Basic Condition (v) – General Conformity with the Strategic Policies of the Development Plan

4.1. The development plan currently consists of the following:

- The Tendring District Local Plan 2001-2011 (adopted in 2007)
- Essex Minerals Local Plan (adopted 2014)
- Essex and Southend-on-Sea Waste Local Plan (adopted 2017)

4.2. Table 4.1 details the Alresford Neighbourhood Plan (ANP) policies alongside a consideration of how they are in general conformity with the policies in the Tendring District Local Plan. It is recognised that, due to the age of this Local Plan, a number of its policies are considered to be out of date and not in accordance with national planning policy.

4.3. In addition, the ANP policies have been assessed against the policies in the Publication Draft of the Tendring Local Plan 2013-2033 (published in June 2017) in order to understand whether there are any fundamental conflicts with the strategic direction of emerging policy.

4.4. Where a policy is not identified in Table 4.1, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.

**Table 4.1: Assessment of conformity with strategic policies in the development plan**

TNP Policy	Tendring District Local Plan	Tendring Local Plan, Publication Draft	Commentary
POLICY ALRES1:	QL1: Spatial Strategy QL7: Rural Regeneration	SP1: Presumption in Favour of Sustainable Development.	The policy focuses development within the settlement boundaries of Alresford, to help sustain its character and vitality. It



ALRESFORD SPATIAL STRATEGY	HG3: Residential Development within Defined Settlements. RA4: Housing Development within Defined Villages	SP2: Spatial Strategy for North Essex. SPL1: Managing Growth. SPL2: Settlement Development Boundaries.	redefines the settlement boundary to account for the required levels of growth, reflecting Alresford's role as a rural settlement. It also has a flexible approach to ensuring that the needs of older people and care facilities can be provided if there are no sites within the settlement boundary.
POLICY ALRES2: PROVISION FOR THE AGEING POPULATION	QL7: Rural Regeneration HG1: Housing Provision HG3a: Mixed Communities HG6: Dwelling Size and Type COM5: Residential Institutional Uses	SP3: Meeting Housing Needs. LP1: Housing Choice. LP10: Care, Independent Assisted Living.	This policy seeks to ensure that the most pressing housing and care needs are met and is in line with the requirements for mixed communities and the locations for residential institutional uses.
POLICY ALRES3: ENHANCING WALKING AND CYCLING IN AND AROUND ALRESFORD	QL2: Promoting Transport Choice COM1: Access for All TR3a: Provision for Walking TR4: Safeguarding and Improving Public Rights of Way TR5: Provision for Cycling	SP5: Infrastructure and Connectivity. HP1: Improving Health and Wellbeing. CP1: Sustainable Transport and Accessibility. PPL3: The Rural Landscape.	This policy seeks to enhance walking and cycling routes, including through good design of new development. This helps to improve access for all people and to help protect walking routes.
POLICY ALRES4: LOCAL GREEN SPACES	COM7: Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities	HP3: Green Infrastructure.	This policy seeks to protect green spaces of value to the community, one of which is the local recreation ground.
POLICY ALRES5: IMPROVING THE PUBLIC REALM	COM1: Access for All	PP3: Village and Neighbourhood Centres.	This policy seeks to increase the attractiveness of the neighbourhood centre.
POLICY ALRES6: HEALTH AND SOCIAL CARE	COM3: Protection of Existing Local Services and Facilities COM24: Health Care Provision	HP2: Community Facilities	This policy seeks to expand the capacity of medical provision, this being a vital community service.
POLICY ALRES7: PROVISION FOR WILDLIFE IN NEW DEVELOPMENT	EN6: Biodiversity EN6b: Habitat Creation	PPL4: Biodiversity and Geodiversity.	This policy seeks to protect and enhance wildlife and biodiversity as part of new development.
POLICY ALRES8: NON-DESIGNATED HERITAGE ASSETS	QL11: Environmental Impacts and the Compatibility of Uses ER26: Conversion of Premises EN27: Enabling Development	PP13: The Rural Economy. PPL9: Listed Buildings.	This policy seeks to protect and enhance Alresford's heritage. It also provides a flexible approach to the re-use of vacant or derelict heritage buildings.
POLICY ALRES9: RECREATIONAL DISTURBANCE AND MITIGATION	EN3: Coastal Protection Belt	PPL2: Coastal Protection Belt.	This policy seeks to minimise impacts of human recreational activity on sensitive coastal habitats.
POLICY ALRES10: SURFACE WATER MANAGEMENT	QL3: Minimising and Managing Flood Risk EN13: Sustainable Drainage Systems	PPL5: Water Conservation, Drainage and Sewerage.	This policy seeks to ensure that the most appropriate solution is provided that can mitigate surface water flooding.

## **5. Basic Condition (iv) – Conformity with EU Obligations**

- 5.1. The Plan and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
- 5.2. At Pre-Submission (Regulation 14) Consultation Stage, the Neighbourhood Plan was screened for the need for an SEA. In November 2019, following a screening exercise which took on board comments from the statutory bodies (the Environment Agency, Natural England and Historic England), an SEA Screening Report, prepared by Essex County Council Place Services, was published. This came to the opinion that an SEA was not needed. This Screening Report has been submitted at Regulation 16 stage as part of the evidence base for the Plan.
- 5.3. Following representations by Essex County Council at the Regulation 14 stage, new policies relating to Recreational Disturbance and Mitigation (RAMS) and Surface Water Management were added to the Neighbourhood Plan. These do not change the opinion that an SEA is not needed.
- 5.4. In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

## **6. Basic Condition (vii) – Conformity with the Prescribed Conditions**

- 6.1. Under Directive 92/43/EEC, also known as the Habitats Directive, it must be ascertained whether the draft Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA"). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2. An HRA Screening was undertaken by Essex County Council Place Services on the Pre-Submission (Regulation 14) Version of the Neighbourhood Plan. In November 2019, reflecting

consultation with Natural England, its published report was of the opinion that no planning policies within the Alresford Neighbourhood Plan will lead to any adverse effects and can be screened out of further assessment.

- 6.3. Following representations by Essex County Council at the Regulation 14 stage, new policies relating to Recreational Disturbance and Mitigation (RAMS) and Surface Water Management were added to the Neighbourhood Plan. These do not change the opinion that an SEA is not needed.
- 6.4. Tendring District Council was therefore of the opinion that the Plan is not likely to have significant impacts on European protected species or sites.
- 6.5. The Screening Report including the responses from the statutory bodies has been submitted at Regulation 16 stage as part of the evidence base for the Plan.

## 7. Conclusion

- 7.1. The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Alresford Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Alresford Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.

