

Hatfield Peverel

Neighbourhood Development Plan

2015-2033



Basic Conditions Statement

February 2019

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1. Introduction

This Statement has been prepared by Hatfield Peverel Parish Council (HPPC) to accompany its submission of the proposed Hatfield Peverel Neighbourhood Development Plan (NDP) to Braintree District Council (BDC).

This Statement, dated February 2019, updates the previously submitted and undated Statement. Since submission, a number of issues have arisen that have resulted in three policies in the NDP being revised, additional work being carried out on EU obligations, in particular in relation to Strategic Environmental Assessment and Habitats Regulations Assessment and further changes to the emerging Local Plan at BDC level as well as the introduction of a new basic condition. It is therefore considered that an updated Statement should be prepared. This is that document.

The three policies that have been revised are Policies FI1 Transport and Access, HPE5 Sport and Recreation Provision, HO1 Design of New Developments and HO6 Allocation of the former Arla site.

Regulation 15(1)(d) of the Neighbourhood Planning (General) Regulations 2012, states that when a Plan proposal is submitted to the local planning authority it must include a statement explaining how the proposed Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (TCPA).

This Statement has been prepared to show that the NDP meets legal requirements and the basic conditions.

This Statement confirms that the legal requirements have been met (section 2) and that the NDP:

- has had regard to national policies and advice contained in guidance issued by the Secretary of State (section 3)
- contributes to the achievement of sustainable development (section 4)
- 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) (section 5)

- does not breach, and is otherwise compatible with, EU obligations, including human rights obligations and requirements for environmental and habitats assessment (section 6)

2. Legal Requirements

Qualifying Body

HPPC is a qualifying body as defined in the Localism Act 2011.

Neighbourhood Plan Area

The neighbourhood development plan area consists of the parish of Hatfield Peverel, as designated by BDC on the 30 March 2015. The NDP relates solely to the area designated by BDC and to no other neighbourhood area. There are no other Neighbourhood Plans in place for the Hatfield Peverel neighbourhood area. The area is shown in the NDP on page 5.

Time Period for the NDP

The front cover of the NDP states that it covers the period from 2015 to 2033. The NDP explains in more detail that the timeline to 2033 reflects the timeline of the emerging Braintree District Local Plan.

Development and Use of Land

HPNDP contains policies relating to the use and development of land within the designated neighbourhood area. Where there are policies or proposals of a non-planning nature these are clearly identified in a separate Non Statutory Planning Community Action Plan.

Excluded Development

Excluded development includes development defined as a county matter, mainly involving mineral extraction and waste development, and nationally significant infrastructure projects or other prescribed development under section 61K of the TCPA 1990. There is no provision for such development in the NDP.

3. Meeting the Basic Conditions – Regard to National Policy and Advice

The NDP must have regard to national policy and advice. National planning policy is set out in the National Planning Policy Framework (the NPPF) published in March 2012 and advice is provided in the online Planning Practice Guidance (PPG) published in March 2014, but updated regularly. Although a revised NPPF was published in July 2018, as the NDP was submitted prior to the 24 January 2019, it is the 2012 version of the NPPF which is applicable to this examination.

The NPPF provides a framework within which local people can produce their own distinctive Neighbourhood Plans which reflect the needs and priorities of their communities (paragraph 1), and must be taken into account in the preparation of Neighbourhood Plans (paragraph 2).

At the heart of the NPPF is the presumption in favour of sustainable development which is the golden thread running through both plan-making and decision-taking (paragraph 14). This means that Neighbourhood Plans must support the strategic development needs set out in Local Plans, including policies for housing and economic development.

Neighbourhood Plans must plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan (paragraph 16).

Paragraphs 183 – 185 contain specific advice about the preparation of Neighbourhood Plans. This section of the NPPF outlines how neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development that they need. It reiterates the requirement for Neighbourhood Plans to be in general conformity with the strategic policies of the Local Plan, to reflect those policies and not to promote less development than set out in the Local Plan.

Further guidance is given in the PPG. This includes advice about the need for Neighbourhood Plans to be supported by proportionate robust evidence, for local planning authorities to share relevant evidence (Paragraph 040, Reference ID: 41-040-20160211), and for policies to be clear and unambiguous and drafted with sufficient clarity for a decision maker to apply them consistently and with confidence when determining planning applications. Policies should be concise, precise, supported by robust evidence and reflect the unique characteristics of the neighbourhood area (Paragraph 041, Reference ID: 41-041-20140306).

Paragraph 17 of the NPPF sets out 12 core planning principles that should underpin both plan-making and decision-taking. These therefore apply to the making of Neighbourhood Plans. The core principles are expanded on in the remaining chapters of the NPPF.

The table below shows how the Parish Council has taken account of the relevant policies and guidance in preparing the Neighbourhood Plan. It matches each part of the Plan **against the appropriate underpinning core principles and other relevant NPPF paragraphs**.

Neighbourhood Development Plan	Core Planning Principle	NPPF paragraph	Comment
Whole Plan	Planning should: be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.	Introduction: paragraphs 1 & 2 Plan Making: paragraphs 154, 183, 184 & 185.	The Parish Council has carried out extensive community consultation and has developed a positive vision and a NDP that reflect the community's wishes. Evidence has been prepared using documents shared with BDC and information obtained from Census returns and local surveys.
Policy ECN1: Support for Local Businesses	Planning should: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.	Supporting a strong, competitive economy: paragraphs 21, 22 & 28 Promoting healthy communities: paragraphs 69 & 70.	The NDP positively plans for the retention and improvement of employment opportunities within the Parish in order to reduce the need for commuting and to meet the needs of a growing population.
Policy ECN2: Working from Home	Planning should: proactively drive and support sustainable economic development... actively manage patterns of growth to make the fullest possible use of public	Supporting a strong, competitive economy/prosperous rural community: paragraphs 21, 22 & 28	This will help support economic growth and will benefit local businesses. It will help reduce the need to travel to work and thus supports the move to a low

	transport, walking and cycling, and focus significant development in locations which are or can be made sustainable...	Promoting healthy communities: paragraphs 69 & 70.	carbon economy.
Policy ECN3: Broadband & Mobile Connectivity	Planning should: ...drive and support sustainable development. ... deliver sufficient community and cultural facilities and services to meet local needs.	Supporting high quality communications infrastructure: paragraphs 42 & 43.	This will help support economic growth and will benefit local businesses, homeworkers and residents. It will help reduce the need to travel to work and thus supports the move to a low carbon economy.
Policy ECN 4: Protection of Commercial Premises	Planning should: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; ... deliver sufficient community and cultural facilities and services to meet local needs. ...drive and support sustainable development.	Ensuring the vitality of town centres: paragraphs 23 & 25 Supporting a prosperous rural economy: paragraph 28.	The NDP seeks to positively protect local shopping and services for the growing community, which has already lost a number of local services. The retention of local services will reduce the need to travel, thus contributing to a low carbon economy.
Policy ECN 5: Public Realm	Planning should: be a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.	Ensuring the vitality of town centres: paragraph 23 Requiring good design: paragraphs 56-66 inclusive.	Community engagement identified a lack of cohesion in the existing street scene and the NDP plans to positively enhance the public realm making the local centre more attractive and vibrant whilst increasing off-road access to services for the community and reducing reliance on vehicles for local journeys.
Policy HPE1: Prevention of Coalescence	Planning should: take account of the different roles and character of different areas, promoting the vitality of our main urban areas, ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and it should: actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.	Conserving and enhancing the natural environment: paragraph 115 Promoting sustainable transport: paragraphs 29 & 30; and Delivering a wide choice of high quality homes: paragraph 55.	Development outside the identified settlement boundaries that would conflict with the objective of ensuring Hatfield Peverel and Nounsley remain separate settlements with separate and distinctive identities from each other and from nearby towns will not generally be permitted. The policy helps prevent settlements merging into each other and helps to locate houses where they will maintain the vitality of the community and avoids unsustainable patterns of development.
Policy HPE2: Natural Environment & Biodiversity	Planning should: recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; and contribute to conserving and enhancing the natural environment and reducing pollution.	Conserving and enhancing the natural environment; paragraphs 109, 110 & 117.	The NDP positively plans to improve the natural environment and biodiversity, as identified in the Hatfield Peverel Landscape Character Assessment.
Policy HPE3:	Planning should:	Promoting healthy	The NDP proposes Local Green

Protection of Local Green Space	take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.	communities; paragraphs 76-78.	Spaces which are of special significance for the community. The policy ensures these spaces will be protected.
Policy HPE4: Strutt Memorial Ground	Planning should: take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.	Promoting healthy communities; paragraphs 70, 73, 74, 76 & 77.	The policy allows for limited development which meets clearly identified and evidenced needs that are associated with leisure uses at the recreation ground, which is next to the Village Hall and located at the heart of the village.
Policy HPE5: Sport & Recreation Provision	Planning should: take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.	Promoting healthy communities; paragraphs 69 & 70.	The policy positively protects existing facilities, including footpaths, cycle paths, allotments and to improve and extend such facilities to meet the recreational needs of the local community.
Policy HPE6: Protection of Landscape Setting	Planning should: take account of the different roles and character of different areas, promoting the vitality of our main urban areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.	Conserving and enhancing the natural environment; paragraphs 109 & 110.	The local community have identified several views that are of local importance and have been included in the Landscape Character Assessment. The protection of these views will also prevent coalescence with neighbouring settlements and retain the individual and unique character of both Hatfield Peverel and Nounsley.
Policy HPE7: Floods & SuDS	Planning should: promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).	Meeting the challenge of climate change, flooding and coastal change; paragraphs 100-104.	The two rivers within the Parish, the Chelmer and the Ter are prone to breaching their banks. This policy positively plans to protect people and property from flooding, including surface water run-off.
Policy HPE8: Heritage	Planning should: conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.	Conserving and enhancing the historic environment; paragraphs 129, 131, 132, 135 & 136.	There are both designated and non-designated heritage assets within the Parish, all of which contribute to the character of the Parish and which should be maintained or enhanced.
Policy FI1: Transport and Access	Planning should: find ways to enhance and improve the places in which people live...require high quality design and a good standard of amenity, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable and support transition to a low carbon economy.	Promoting sustainable transport; paragraphs 29, 30, 32, 35, 36, 37 Minimising pollution: paragraphs 7, 109, 110, 120.	The policy aims to reduce the impact of traffic and encourage lower carbon travel within the Parish. It seeks to ensure that the location of new development is appropriate and minimises pollution including from emissions as well as seeking a high standard of amenity and promoting healthy communities.

<p>Policy FI2: Parking</p>	<p>Planning should: actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.</p>	<p>Promoting sustainable transport, paragraph 40.</p>	<p>BDC have adopted County-wide parking standards which are considered to be acceptable within the Parish. Although the policy does not reduce car parking, the NPPF recognises that parking solutions may be different in rural areas. The policy reflects issues identified by community engagement and the realities of rural life in a settlement on the main line railway into London such as high levels of traffic flows and parking within certain areas (particularly at the railway station) and commuter parking on residential streets.</p>
<p>Policy FI3: Education and Health Infrastructure</p>	<p>Planning should: take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.</p>	<p>Promoting healthy communities, paragraphs 69, 70, 72 & 73.</p>	<p>The Parish retains both healthcare and education facilities but capacity is an issue and there is limited space for expansion on existing sites. The policy seeks to protect and enhance services for the community.</p>
<p>Policy FI4: Retention of Assets of Community Value</p>	<p>Planning should: take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.</p>	<p>Promoting healthy communities, paragraph 70.</p>	<p>The policy seeks to protect Assets of Community Value, and encourages the community to nominate further buildings or land that are of value to the local community.</p>
<p>Policy FI5: Developer Contribution</p>	<p>Plans should: take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.</p>	<p>Determining applications paragraphs 196, 197, 203-206.</p>	<p>A Neighbourhood Plan can set out a policy for seeking a planning obligation: PPG paragraph 003 Reference ID:23b-003-20150326. This policy takes account of the guidance in order to provide for services that are needed in the Parish.</p>

Policy HO1: Design of new Developments	Planning should: proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; ...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and ...support the transition to a low carbon future in a changing climate...	Delivering a wide choice of high quality homes, paragraphs 47, 49, 50, 54 & 55. Requiring good design, paragraphs 59-61. Conserving and enhancing the natural environment, paragraphs 109, 113, 117, 118, 119, 192.	Sets a standard of design for all developments to ensure that proposals are well designed and reflect the distinctive character of the area. Seeks to ensure that the right information is available to enable good decision-taking and to ensure that biodiversity and habitats are given proper consideration and weight in decision-taking so they are appropriately protected in line with their status.
Policy HO2: Retirement Housing	Planning should: proactively drive and support sustainable economic development to deliver the homes...and thriving local places that the country needs;	Delivering a wide choice of high quality homes, paragraphs 50 & 54.	The Parish has a lack of suitable housing for an ageing population, meaning that older residents remain in unsuitable housing and the housing market is stagnant. The provision of suitable and accessible retirement housing would help free up family housing and enable older people to stay in their own homes for longer.
Policy HO3: Affordable Housing	Planning should: proactively drive and support sustainable economic development to deliver the homes...and thriving local places that the country needs;	Delivering a wide choice of high quality homes, paragraphs 47 & 50.	There is an identified need for affordable housing within the Parish. The policy will help reduce migration to other towns, enhance the local economy and maintain local facilities.
Policy HO4: Minimum Garden Sizes	Planning should: be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.	Requiring good design, paragraphs 59-61.	The Essex Design Guide includes a requirement for minimum garden sizes of 100m ² but allows provision for smaller garden areas to be provided. This has resulted in the development of a scheme in the village that the community do not consider desirable and that it does not reflect the rural setting of the village. The policy therefore seeks to ensure the provision of adequate private amenity space.
Policy HO5: Creating Safe Communities	Planning should: take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local need.	Requiring good design, paragraphs 58-61 and promoting healthy communities paragraph 69.	In enshrining “Secured by Design” principles, the policy seeks to protect more vulnerable members of the community.
Policy HO6: Allocation of the former Arla site	Planning should: Be genuinely plan-led...setting out a positive vision for the future of the area... Proactively drive and support sustainable economic development to deliver the homes, business...,	Building a strong, competitive economy: paragraphs 19, 20 & 21. Supporting a prosperous rural economy: paragraph 28.	This policy will encourage the use of previously developed land for a mix of uses whilst ensuring that new development is appropriate for its location and that any contamination is

	<p>infrastructure...set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities ...allocations of land for development should prefer land of lesser environmental value... encourage the effective use of land by reusing land that has been previously developed... promote mixed use developments and encourage multiple benefits from the use of land...</p>	<p>Promoting sustainable transport: paragraphs 35, 37 & 38. Delivering a wide choice of high quality homes: paragraphs 47 & 50. Requiring good design: paragraphs 56, 57 & 58. Promoting healthy communities: paragraph 70. Conserving and enhancing the natural environment: paragraph 111.</p>	<p>appropriately dealt with, provide employment opportunities locally and a mix of housing to meet local needs. The opportunity to improve access is also taken enhancing network connectivity and providing opportunities to create healthy communities and access the countryside.</p>
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4. Meeting the Basic Conditions – Sustainable Development

Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental and paragraph 8 states that these dimensions should not be taken in isolation, because they are mutually dependent.

The Parish of Hatfield Peverel is a semi-rural area of gently undulating agricultural land, interspersed with small wooded areas and some larger woods. Hatfield Peverel itself is severed by the A12, although most development is to the south of the road and is bounded by the mainline railway to the north. Nounsley is located some ¾ mile to the south of Hatfield Peverel.

The need to balance the three dimensions of sustainable development is recognised in the NDP’s Vision:

Hatfield Peverel in 2033 will be a place where people of any age are happy to live with the ability to easily access facilities, education and employment. Sustainability will underpin decisions within the Parish with social, environmental and economic factors all being taken into account.

The rural character and heritage of the village will be maintained and coalescence with the surrounding settlements be prevented by protected open areas. Any new developments in the built environment will be integrated with the landscape and the existing housing.

The village’s geographical position in the area’s road network is likely to continue to be a challenge during the plan period. Finding creative and collaborative solutions across local authority borders and agencies will be a high priority.

The NPPF states at paragraph 6 that the purpose of the planning system is to contribute towards the achievement of sustainable development and that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development means in practice for the planning system. The table above shows how the NDP takes account of these policies and therefore how it makes a contribution towards the achievement of sustainable development.

To meet the economic element of sustainable development, the NDP helps to build a strong local economy by supporting existing businesses and encouraging new ones; by supporting high speed broadband and by encouraging infrastructure improvements (policies ECN1 -5 and FI1-5).

To meet the social element of sustainable development, the NDP helps to maintain a strong, vibrant and healthy community, by planning positively to ensure that the housing needs of the Parish are met up to 2033; by locating new development where it relates well to the built-up area; by requiring a high standard of design to create a high quality built environment, and by protecting community leisure and recreation facilities while encouraging new ones (policies HPE1, HPE3, HPE4, HPE5, HO1-3).

To meet the environmental element of sustainable development, the Plan aims to protect and enhance the natural and built environment by protecting the countryside from inappropriate development; supporting low carbon travel methods and improving biodiversity (policies HPE1-3 and policies HPE6-7).

5. Meeting the Basic Conditions – General Conformity with the Development Plan

The Neighbourhood Plan must be in general conformity with the strategic policies contained in the Development Plan for the area. Paragraph 156 of the NPPF states that strategic policies are those that set out how the local authority will deliver the homes, facilities and infrastructure for the area. To be in general conformity, the NDP's policies must support and uphold the general principle that the strategic policies are concerned with. They may provide an additional level of detail or local approach but should not undermine strategic policies (PPG Paragraph: 074 Reference ID: 41-074-20140306, NPPF paragraph 184).

The adopted Development Plan

The adopted Development Plan for Hatfield Peverel comprises the Braintree District Core Strategy 2011 and the saved policies of the Braintree District Local Plan Review 2005. The 2005 Plan had a plan period to 2011 and was subsequently saved until replaced. The Core Strategy plan period is 2011-2026.

The emerging Braintree District Local Plan

BDC is preparing a new Local Plan to cover the period to 2033. When the NDP was produced and submitted, pre-submission consultation on the emerging Local Plan had taken place in June-August 2016 and it was anticipated that the emerging local plan would have been adopted in 2018. In preparing the NDP, the Parish Council took account of the emerging Local Plan policies and the up to date evidence and information provided by BDC. While it is not necessary for a Neighbourhood Plan to be in conformity with an emerging District Plan, it is good practice to ensure consistency so that the Neighbourhood Plan does not become out of date once the new Plan is adopted, and to this end, the end date of the HPNDP aligns with the emerging Local Plan.

It is worth setting out the situation since the NDP was submitted to BDC. In essence, BDC worked together with Colchester Borough Council and Tendring District Council on strategic cross boundary issues for North Essex. This resulted in a strategic Section 1 Local Plan being produced which is shared by the three local planning authorities within their Local Plans. Section 1 includes policies on strategic cross boundary issues including infrastructure, housing numbers and proposals for three new Garden Communities. Each local planning authority will produce a Section 2 Local Plan containing District level policies. BDC submitted both Sections to the Planning Inspectorate in October 2017.

The Section 1 Local Plan was subject to a joint examination by the Inspector appointed. Having completed the hearing sessions, the Inspector has written to the three authorities indicating that

more work and evidence is required before the Section 1 Local Plan can be found sound. To enable the authorities to carry out further work on the evidence base and the sustainability appraisal, the examination has been paused.

The table overleaf shows how each NDP policy is in general conformity with the most relevant policies of the adopted and emerging Section 1 and 2 Local Plans.

Neighbourhood Development Plan	Braintree District Local Plan Review (2005) and Braintree District Core Strategy (2011)	Draft Local Plan Sections 1 and 2	Comment
Whole Plan	Spatial Policy Statement "To preserve and enhance the rural heartland of the District...by supporting development that is needed to make settlements and the rural economy more sustainable and protect and enhance the natural environment...".	Policy SP 1 Presumption in Favour of Sustainable Development	The vision of the plan generally conforms with the approach in the adopted Core Strategy and particularly the emerging Local Plan.
Policy ECN1: Support for Local Businesses	Local Plan Review Policies RLP 27 Location of Employment Land, RLP 39 Expansion of Local Firms Core Strategy Policies CS4 Provision of Employment, CS6 Retailing and Town Centre Regeneration, CS7 Promoting Accessibility for All	Policy SP 4 Providing for Employment and Retail Policies LPP 8 Rural Enterprise, LPP 10 Retailing and Regeneration	The policy complies with the adopted and emerging Development Plans through its support for local businesses which will contribute to a strong, sustainable and diverse economy and provide services and employment for local residents. Hatfield Peverel is identified as a Local Centre in the emerging Local Plan.
Policy ECN2: Working from Home	Core Strategy Policy CS4 Provision of Employment	Policy SP 5 Infrastructure and Connectivity Policy LPP 49 Broadband	By supporting better broadband and reducing the need to travel, the policy complies with the presumption in favour of sustainable development in the NPPF. It also complies with the adopted Development Plan which recognises that increasing numbers of people are working at home and the emerging Local Plan which recognises facilitating working from home in relation to technology improvements.
Policy ECN3: Broadband & Mobile Connectivity	Local Plan Review Policy RLP 161 Utilities Development	Policy SP 5 Infrastructure and Connectivity Policy LPP 49 Broadband	The policy is consistent with policies in the adopted and emerging Development Plans which recognise the need for the availability of fast and reliable broadband to improve commercial opportunities and to facilitate working from home.
Policy ECN 4: Protection of Commercial Premises	Local Plan Review Policies RLP 128 Maintenance of Rural Services and Facilities, RLP 151 Protection of Community Services Core Strategy Policy Policies CS4 Provision of Employment, CS6	Policies LPP 10 Retailing and Regeneration, LPP 65 Local Community Services and Facilities	This policy reinforces policies in the adopted and emerging Development Plans which seek to retain existing services and facilities, including those in employment or commercial use, as well as encouraging further employment. The policy also

	Retailing and Town Centre Regeneration		identifies three commercial zones in Hatfield Peverel where growth and diversity of economic activity is encouraged. The policy therefore adds a local layer of detail making it specific to Hatfield Peverel, a Local Centre in the emerging Local Plan, by protecting key services and facilities to serve local residents and Hatfield Peverel's rural hinterland.
Policy ECN 5: Public Realm	Local Plan Review Policies RLP 90 Layout and Design of Development, RLP 92 Accessibility, RLP 93 Public Realm Core Strategy Policy CS9	Policy SP 6 Place Shaping Principles Policies LPP 50 Built and Historic Environment, LPP 55 Layout and Design of Development	The policy reinforces the principles of high quality and inclusive design identified in the NPPF by providing a locally specific policy that seeks to ensure that development reflects the Hatfield Peverel and Nounsley Character Assessment. It seeks to supplement policies in the adopted and emerging plans which seek a high standard of layout and design and help to create a sense of place through enhancing the public realm; the 'kerb appeal' and attractiveness of the village.
Policy HPE1: Prevention of Coalescence	Local Plan Review Policy RLP 2 Town Development Boundaries and Village Envelopes Core Strategy Policies CS1 Housing Provision and Delivery, CS5 The Countryside, CS8 Natural Environment and Biodiversity	Policy SP 6 Place Shaping Principles Policies LPP 67 Natural Environment and Green Infrastructure, LPP 71 Landscape Character and Features	The policy identifies two green wedges to prevent the coalescence between Hatfield Peverel and Nounsley and between Hatfield Peverel and Witham to preserve the rural landscape and the distinct identities of each settlement in line with key principles in the adopted and emerging Local Plans.
Policy HPE2: Natural Environment & Biodiversity	Local Plan Review Policies RLP 80 Landscape Features and Habitats, RLP 81 Trees, Woodlands, Grasslands and Hedgerows, RLP 86 River Corridors and RLP 87, Protected Lanes Core Strategy Policies CS5 The Countryside, CS8 Natural Environment and Biodiversity	Policies LPP 46 Protected Lanes, LPP 67 Natural Environment and Green Infrastructure, LPP 68 Protected Species, Priority Species and Priority Habitat, LPP 70 Protection, Enhancement, Management and Monitoring of Biodiversity, LPP 71 Landscape Character and Features, LPP 74 Climate Change	This policy seeks to ensure new development enhances the locally distinctive character of the landscape as well as retaining and enhancing existing trees, hedgerows and habitats. It is consistent with the adopted and emerging Development Plans which seek to retain, maintain and plant trees, woodlands, grasslands and hedgerows and to protect and enhance landscape character.
Policy HPE3: Protection of Local Green Space		Policy LPP 53 Provision for Open Space, Sport and Recreation	Two Local Green Spaces are identified in this policy which is consistent with the NPPF and the emerging Development Plan policy which seeks to ensure that open space of particular value to a local community will be recognised and protected. This includes small areas of open space that provide an important local amenity and

			particularly benefit wildlife and biodiversity.
Policy HPE4: Strutt Memorial Ground	Local Plan Review Policy RLP 136 Formal Recreation Policy Core Strategy Policy CS10 Provision for Open Space, Sport and Recreation	Policy LPP 53 Provision for Open Space, Sport and Recreation	Supporting community health and cohesion, the policy seeks to avoid building on the Strutt Memorial Ground unless it is to provide for clearly identified and evidenced recreational needs which is consistent with the adopted and emerging Development Plans which seek to avoid the loss of recreational facilities.
Policy HPE5: Sport & Recreation Provision	Local Plan Review Policy RLP 136 Formal Recreation Core Strategy CS10 Provision for Open Space, Sport and Recreation	Policy LPP 53 Provision for Open Space, Sport and Recreation	Policy seeks to retain recreational facilities as well as supporting proposals that improve and extend the existing footpath network and create a cycle path and bridleway network. This is consistent with the adopted and emerging Development Plans which seek to avoid the loss of formal recreational facilities.
Policy HPE6: Protection of Landscape Setting	Local Plan Review Policy RLP 80 Landscape Features and Habitats Core Strategy Policy CS5 The Countryside	Policy SP 6 Place Shaping Principles Policies LPP 67 Natural Environment and Green Infrastructure, LPP 71 Landscape Character and Features	The policy seeks to protect the natural environment, landscape setting of the village and views that are enjoyed and valued by the community. This supplements policies in the adopted and emerging Development Plans which seek to ensure that development successfully integrates into the local landscape and protects and enhances landscape character having regard to the Landscape Character Assessment.
Policy HPE7: Flooding & SuDS	Local Plan Review Policies RLP 9 Design and Layout of Housing and Mixed Use Areas, RLP 62 Development Likely to Give Rise to Pollution or the Risk of Pollution, RLP 69 Sustainable Drainage Core Strategy Policy CS8 Natural Environment and Biodiversity	Policies LPP 74 Climate Change, LPP 78 Flooding Risk and Surface Water Drainage, LPP 79 Surface Water Management Plan, LPP 80 Sustainable Urban Drainage Systems	This policy seeks to avoid development in areas prone to flooding. It also seeks to ensure that SuDs are used where feasible and are designed to reduce the potential impact of surface water drainage discharges. It is consistent with policies in the adopted and emerging Development Plans.
Policy HPE8: Heritage	Local Plan Review Policy RLP 90 Layout and Design of Development Core Strategy Policy CS9 Built and Historic Environment	Policy SP 6 Place Shaping Principles Policy LPP 50 Built and Historic Environment, Policy LPP 60 Heritage Assets and their Settings, Policy LPP 61 Demolition of Listed Buildings or Structures, Policy LPP 63 Archaeological Evaluation, Excavation and Recording	Policy seeks to ensure that an appropriate assessment of the significance of heritage assets is made including how any development could conserve and enhance the asset. This is consistent with the adopted and emerging Development Plans that seek to be sensitive to the need to conserve local features including those of historic importance as well as preserving and enhancing the immediate settings of heritage assets.
Policy FI1: Transport and	Local Plan Review Policies RLP 49 Pedestrian Networks, RLP 50	Policy SP 5 Infrastructure	Policy seeks to ensure that new development prevents unacceptable

Access	Cycleways, RLP 52 Public Transport, RLP 54 Transport Assessments, RLP 62 Development Likely to Give Rise to Pollution or the Risk of Pollution, RLP 92 Accessibility Core Strategy Policy CS7 Promoting Accessibility for All	and Connectivity Policy LPP 44 Sustainable Transport, Policy LPP 73 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards	risks from emissions as well as encouraging sustainable modes of transport. The policy is consistent with those in the adopted and emerging Development Plans which seek to encourage sustainable modes of transport and improve accessibility.
Policy FI2: Parking	Local Plan Review Policies RLP 10 Residential Density, RLP 56 Vehicle Parking Core Strategy Policy CS7 Promoting Accessibility for All	Policy SP 6 Place Shaping Principles Policy LPP 45 Parking Provision	Policy takes account of local circumstances whilst also being consistent with policies in the adopted and emerging Development Plans which seek to ensure that development provides off street car parking, as well as protecting car parking at Hatfield Peverel railway station.
Policy FI3: Education and Health Infrastructure	Local Plan Review Policies RLP 150 Educational Establishments, RLP 151 Protection of Community Services	Policy SP 5 Infrastructure and Connectivity Policies LPP 64 Educational Establishments, LPP Local Community Services and Facilities	The policy seeks to ensure that essential education and health facilities are provided and is consistent with adopted and emerging Development Plan policies.
Policy FI4: Retention of Assets of Community Value	Local Plan Review Policies RLP 151 Protection of Community Services RLP 160 Local Facilities in Rural Areas Core Strategy Policy CS6 Retailing and Town Centre Regeneration	Policy LPP 65 Local Community Services and Facilities	The policy seeks to ensure that Assets of Community Value are retained. This is consistent with policies in the adopted and emerging Development Plans which seek to protect key community facilities or services.
Policy FI5: Developer Contributions	Core Strategy Policies CS2 Affordable Housing, CS11 Infrastructure Services and Facilities	Policy SP 5 Infrastructure and Connectivity Policies LPP 33 Affordable Housing, LPP 44 Sustainable Transport, LPP 49 Broadband, LPP 78 Flooding Risk and Surface Water Drainage, LPP 80 Sustainable Urban Drainage Systems, LPP 82 Infrastructure Delivery and Impact Mitigation	The plan seeks developer contributions towards infrastructure, whether via Section 106 Agreement, the Community Infrastructure Levy (CIL) or through payment of any future payment contribution method, and to target this towards community objectives wherever possible. This approach is consistent with policies in the adopted and emerging Development Plans that seek contributions toward a wide range of different infrastructure.
Policy HO1: Design of new Developments	Local Plan Review Policies RLP 9 Design and Layout of Housing and Mixed Use Areas, RLP 90 Layout and Design of Development Core Strategy Policy CS9 Built and Historic Environment	Policy SP 6 Place Shaping Principles Policies LPP 37 Housing Type and Density, LPP 44 Sustainable Transport, LPP 51 An Inclusive Environment, LPP 55 Layout and Design of	The policy references the Hatfield Peverel Character Assessment in seeking to ensure that development is safe, well designed and respects the rural nature of the Parish. This is consistent with those policies in the adopted and emerging Development Plans which seek a high standard of layout and design for all

		Development, LPP 68 Protected Species, Priority Species and Priority Habitat, LPP 75 Energy Efficiency	developments. It takes account of local circumstances and needs.
Policy HO2: Retirement Housing	Local Plan Review Policies RLP 7 Housing and Mixed Use Sites, RLP 8 House Types, RLP 22 Accessible and Lifetime Housing	Policy LPP 35 Specialist Housing	The policy provides specific support for bungalows reflecting local needs and circumstances. It also seeks to ensure that retirement housing respects and enhances the character of the Parish. The policy is consistent with both the adopted and emerging Development Plans which support specialist housing provision, including for the elderly, subject to meeting relevant criteria.
Policy HO3: Affordable Housing	Local Plan Review Policy RLP 6 Affordable Housing in Rural Areas Core Strategy Policy CS2 Affordable Housing	Policies LPP 33 Affordable Housing, LPP 34 Affordable Housing in Rural Areas	The policy is consistent with the requirement in the emerging Local Plan target of 40% affordable housing. The policy also sets a tenure split, which is consistent with the emerging Local Plan policy that sets out that a mix of units should reflect the current local need.
Policy HO4: Minimum Garden Sizes	Local Plan Review Policy RLP 9 Design and Layout of Housing and Mixed Use Areas	Policies LPP 37 Housing Type and Density, LPP 55 Layout and Design of Development	The policy seeks minimum garden sizes depending on the number of bedrooms and type of dwelling to be built. The policy generally accords with the adopted and emerging Development Plans which seek to ensure that new residential and mixed-use buildings respect the character of the site, including being built at an appropriate density and to relate to its surroundings. It generally accords with the Essex Design Guide, but seeks to take greater account of local circumstances and community concerns regarding place making and character and appearance.
Policy HO5: Creating Safe Communities	Local Plan Review Policies RLP 9 Design and Layout of Housing and Mixed Use Areas, RLP 49 Pedestrian Networks, RLP 90 Layout and Design of Development	Policy LPP 55 Layout and Design of Development	The policy seeks to ensure that development designs out crime and provides for good passive surveillance in respect of children's play space. This approach is consistent with both the adopted and emerging Development Plans which seek to ensure that designs and layouts promote a safe and secure environment and help to reduce crime.
Policy HO6: Allocation of the former Arla site	Core Strategy Policies CS1 Housing Provision and Delivery, CS2 Affordable Housing, CS5 The Countryside, CS7 Promoting Accessibility for All.	Policy SP 6 Place Shaping Principles Policies LPP 31 Comprehensive Redevelopment Area – Land between A12 and	Hatfield Peverel is identified as a Key Service Village in the emerging Local Plan. The allocation of this site for mixed use development reuses and encourages the regeneration of a previously developed site, enables housing to be provided to meet both

		GEML, Hatfield Peverel, LPP 37 Housing Type and Density, LPP 44 Sustainable Transport, LPP 51 An Inclusive Environment, LPP 55 Layout and Design of Development, LPP 68 Protected Species, Priority Species and Priority Habitat	local and District needs and provides employment and other facilities of benefit to the community. This site forms part of a comprehensive redevelopment area in the emerging Local Plan and this policy supports its redevelopment as well as helping to contribute to wider housing needs.
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6. Meeting the Basic Conditions – European Union Obligations

Strategic Environmental Assessment Directive (2001/42/EC)

Much work has been carried out in relation to Strategic Environmental Assessment (SEA). The NDP was screened by Place Services on behalf of BDC in June 2016. That Screening Report concluded that the draft NDP could be screened out. However, it reached this conclusion on the basis there were no site allocations in the draft NDP. As the draft NDP had been revised before it was submitted, this was no longer the case, but this unfortunately had not been picked up until after the documents had been submitted.

A second screening report of February 2018 was then carried out. This concluded that a SEA would be needed. Accordingly, an Environmental Report and Addendum of March and April 2018 respectively were produced by Place Services.

The current position is that the NDP has been revised in the light of earlier comments received from Natural England. In addition the site subject to Policy HO6 has now got the benefit of planning permission. Circumstances had changed.

It was therefore considered appropriate to re-screen the revised draft NDP dated January 2019. Again the screening has been carried out by Place Services. It concludes that the NDP will not have any likely significant effects and that a SEA is not needed.

The Screening Report of January 2019 is available separately and has been sent to the statutory consultees for their comments.

Habitats Directive (92/43/EEC)

As there are no European sites within Braintree District, at the time of submission it was considered that a Habitats Regulations Assessment (HRA) was not required.

Nevertheless in their consultation response, Natural England indicated that the NDP should be screened for HRA and required some revisions to policies in the NDP.

Last year, a number of judgments of the Court of Justice of the European Union including the case of *People Over Wind, Peter Sweetman v Coillte Teoranta*, meant that measures intended to reduce or avoid any harmful effects of a plan or project on a European site could no longer be taken into account at the screening stage. This meant they needed to be assessed within the framework of appropriate assessment (AA).

Some widespread confusion then resulted as to whether neighbourhood plans ‘screened in’ could progress because of the wording of the relevant basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended).

In October 2018, Natural England advised that, in general terms, neighbourhood plans could not progress if they required AAs. However, as the site subject of Policy HO6 had now obtained planning permission, a conclusion of no likely significant effects could be reached as permission had been granted. In effect, events had overtaken the progress of the NDP (which has been significantly delayed whilst issues around SEA and HRA have been considered). Any action needed in the NDP in respect of the Arla site had now been overtaken by events as the planning application and subsequent permission preceded the progress of the NDP.

The confusion around whether neighbourhood plans could proceed if it was found an AA was needed has also now been resolved. The basic condition has been amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 and came into force on 28 December 2018. The Regulations substitute a new basic condition which states:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Given the stance now taken by Natural England and the subsequent changes made to three policies in the NDP and the introduction of the new basic condition, it was considered prudent to rescreen the revised draft NDP of February 2019. This assessment has been carried out by Place Services. The Screening Report dated January 2019 concludes that the NDP will not result in any likely significant effects. Natural England has been consulted.

Convention Rights

The submission draft NDP is fully compatible with the European Convention on Human Rights, transposed into UK law by the Human Rights Act 1998. It has been prepared within the existing framework of statute, national planning policy and guidance and District level strategic policies. An emerging Local Plan and its evidence base has also been taken into account.

The preparation of the NDP has been based on extensive and on-going consultation with local residents and businesses, clubs and organisations, local landowners and the development industry and other statutory and non-statutory organisations and bodies as well as BDC. An Engagement Strategy has been developed. The overall purpose of the NDP is to improve the quality of life for people living and working in the Parish from an environmental, social and economic point of view.

The policies in the NDP have been formulated with regard and in response to the views of those living and working in the Parish and are based on evidence gathered. They are considered to comply with the requirements of EU obligations in relation to human rights.