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Ardleigh Neighbourhood Plan 2020 - 2033 Basic Conditions Statement

On behalf of: Ardleigh Parish Council

Prepared by: N O'Hagan BA (Hons)

Date: 30/03/2022

planningdirect.co.uk | enquiries@planningdirect.co.uk | 01473 407911

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The Furnace, The Maltings, Princes Street,
Ipswich, IP1 1SB

 01473 407911

 enquiries@planningdirect.co.uk

 www.planningdirect.co.uk

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Introduction

This Basic Conditions Statement has been produced to accompany the Ardleigh Neighbourhood Plan.

The Ardleigh Neighbourhood Plan - “the Plan” - sets out policies that relate to the development and use of land within only the Ardleigh Neighbourhood Area.

The Plan refers only to the administrative boundary of the parish of Ardleigh. There are no other adopted Neighbourhood Development Plans that cover the Ardleigh Neighbourhood Area.

The Ardleigh Neighbourhood Plan Working 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 2020 to 2033.

Tendring District Council, as local planning authority, designated the Plan area which covers the parish of Ardleigh in June 2020.

On the designation of the Plan area, Tendring District Council reports as follows:

In accordance with paragraph 6 and 6A of the Neighbourhood Planning (General) Regulations 2012, as amended in 2015, Tendring District Council held an 8 week period of public consultation from **Monday 20 January - Monday 16 March 2020** on the proposed designation.

On the 8th June 2020 the Council’s Planning Policy and Local Plan Committee considered Ardleigh Parish Council’s request to designate the whole of the Parish to form the Neighbourhood Plan Area. At that meeting it was resolved that the application from Ardleigh Parish Council to designate the whole of the Ardleigh Parish as a Neighbourhood Development Plan Area (NDPA) be noted and that that designation be approved.

This means that the District Council has formally agreed the Neighbourhood Plan Area allowing the Parish Council to proceed with the preparation of their Neighbourhood Plan.

Consultation on the neighbourhood plan itself will follow and this first stage is only about the area to be included with the proposed plan.

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).

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.

The basic conditions

These are:

1. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
3. 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);
4. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
5. 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.

This document sets out how the Plan meets the Basic Conditions.

Basic Condition 1: Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan

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 National Planning Practice Guidance ('NPPG').

This section aims to set out how the policies of the draft Plan take account of national policy and advice.

The NPPF provides the framework within which all locally-prepared plans for housing and other development should be produced. It explores how the following three overarching objectives of the planning system can be achieved:

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

The NPPF seeks primarily to:

- Deliver a sufficient supply of homes;

- Build a strong, competitive economy;
- Ensure the vitality of town centres;
- Promote healthy and safe communities;
- Promote sustainable transport;
- Support high quality communications;
- Make effective use of land;
- Achieve well-designed places;
- Meet the challenges of climate change, flooding and coastal change;
- Conserve and enhance the natural environment;
- Conserve and enhance the historic environment; and
- Facilitate the sustainable use of minerals.

Table 1 sets out the objectives of the Plan by comparison to the objectives of the NPPF.

Table 1	
<u>Plan objective</u>	<u>Relevant NPPF objectives</u>
To achieve the Vision	<ul style="list-style-type: none"> • Deliver a sufficient supply of homes • Build a strong, competitive economy • Promote healthy and safe communities • Promote sustainable transport • Make effective use of land • Achieve well-designed places • Meet the challenges of climate change, flooding and coastal change • Conserve and enhance the natural environment • Conserve and enhance the historic environment

To achieve sustainable development in Ardsleigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely:

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

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

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

Table 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		
<u>Policy title and reference</u>	<u>NPPF paragraphs</u>	<u>Commentary</u>
Policy GDP - General Approach to Development	Paragraph 13 Paragraph 15 Sections 5, 6, 14 & 15	<p>Policy GDP supports the delivery of the Local Plan’s strategic policies and reinforces its strategic approach to development in both Smaller Rural Settlements and the open countryside.</p> <p>Policy GDP takes a positive approach to development, providing additional support for certain developments that would:</p> <ul style="list-style-type: none"> • Enhance the existing local housing stock and improve its energy efficiency; • Support a new or existing rural business; and • Directly provide for the enhancement or enjoyment of the countryside.

<p>Policy CFP - Community Facilities</p>	<p>Paragraph 20 Paragraph 84 Paragraph 93</p>	<p>Policy CFP seeks to make provision for community facilities for which the local community has expressed a clear need or desire</p> <p>Policy CFP seeks to ensure that local services and community facilities are kept or made genuinely accessible</p> <p>Policy CFP also seeks to guard against the loss of valued and pressured local facilities - especially the GP surgery - whose loss would significantly reduce the community's ability to meet its day-to-day needs</p>
<p>Policy HP - Housing Policy</p>	<p>Paragraph 13 Paragraph 126 Section 14 Paragraph 62</p>	<p>Policy HP reinforces the Local Plan approach to Settlement Development Boundaries</p> <p>Policy HP seeks to encourage sustainable design/construction techniques in new housing schemes in accordance with paragraph 126 and Section 14 of the NPPF</p> <p>Policy HP also provides additional support for the creation of ancillary residential accommodation in order to better meet the needs of different groups in the local community, especially multigenerational families, older people and those with care needs</p>

<p>Policy EP - Natural, Built and Historic Environment</p>	<p>Paragraph 126 Paragraph 128 and 129 Paragraph 130 Paragraph 131 Paragraph 174 Paragraph 179 Paragraph 180 Paragraph 189 Paragraph 206</p>	<p>Policy EP is concerned with creating high-quality and sustainable buildings and places. It requires developers to have regard to the updated Village Design Statement (VDS). The VDS is a form of local design guide produced as part of the Plan, per NPPF paragraphs 128 and 129.</p> <p>By way of the VDS, policy EP ensures the various criteria of paragraph 130 will be met by new development.</p> <p>Policy EP recognises the intrinsic character and beauty of the countryside in Ardleigh and seeks to protect and enhance its valued landscapes, features, economic assets and biodiversity.</p>
<p>Policy EP cont.</p>		<p>Policy EP also seeks to protect the historic environment, including the Ardleigh Conservation Area, and its irreplaceable assets</p> <p>Policy EP finally provides exceptional support for any development that would secure material benefits for Ardleigh’s natural, built and/or historic environment</p>

<p>Policy GP - Local Green Spaces</p>	<p>Paragraph 101 Paragraph 102 Paragraph 103 Paragraph 147 NPPG on Local Green Space designation</p>	<p>N.B.The separate LGS Assessment details how the Spaces meet the criteria at paragraph 102 of the NPPF</p> <p>Policy GP is concerned with managing development within a Local Green Space. In accordance with paragraph 103, it is consistent with NPPF paragraph 147 on development affecting the Green Belt.</p> <p>In particular, it resists inappropriate development except in very special circumstances. It also provides express support for development that would be compatible with a space’s character and special value/s.</p>
<p>Policy TP - Transport & Parking</p>	<p>Paragraph 104 Paragraph 105 Paragraph 106 Paragraph 113</p>	<p>Given the very limited sustainability of the parish (per the Local Plan), Policy TP resists significant development likely to generate significant amounts of movement in accordance with paragraph 105 .</p> <p>Policy TP also provides strong support for development that would improve the functioning of the local road network or promote opportunities for cycling/walking.</p>
<p>Policy TP cont.</p>		<p>Given the unfortunate deficiencies in recent developments in the area, policy TP also reiterates that parking should be integral to the design of all schemes, per paragraph 104 of the NPPF.</p>

Basic Condition 2: The making of the neighbourhood development plan contributes to the achievement of sustainable development

In order to demonstrate that a draft Plan contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft Plan guides development to sustainable solutions (NPPG - Paragraph: 072 Reference ID: 41-072-20190509 Revision date: 09 05 2019).

In order to achieve sustainable development, the planning system adopts the following three overarching objectives:

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

Paragraph 8 of the NPPF provides that these objectives are interdependent and need to be pursued in mutually supportive ways.

Table 3 below summarises how the objectives and policies in the Plan contribute towards sustainable development, as defined in the NPPF. Many of the objectives and policies of the Plan overlap the three strands of sustainability and so appear in multiple places.

Essex County's Place Services has also prepared a Habitats Regulations Assessment

and Strategic Environmental Assessment in support of the Plan.

Table 3

Economic sustainability

NPPF definition: to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure

Plan objectives

- To achieve the Vision
- To achieve sustainable development in Ardeigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely:
 - a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure

Plan policies

- Policy GDP - General Approach to Development
- Policy CFP - Community Facilities
- Policy EP - Natural, Built & Historic Environment

Commentary

Policy GDP provides additional support for modest development in the countryside that would support a new or existing rural business.

Policy CFP provides support for various new community facilities (including pubs and small retail shops) that would help to build a strong and competitive local economy, supporting both growth and innovation.

Policy CFP also recognises the constraints on development posed by ongoing capacity issues around local infrastructure (especially the GP surgery and Primary School).

Policy EP resists the permanent loss of best and most versatile agricultural land to non-compatible uses - this is in recognition of its considerable importance to the local economy as well as to the natural environment.

Social sustainability

NPPF definition: to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being

Plan objectives

- To achieve the Vision
- To achieve sustainable development in Ardleigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely:
 - b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being

<u>Plan policies</u>	<ul style="list-style-type: none"> • Policy GDP - General Approach to Development • Policy CFP - Community Facilities • Policy HP - Housing • Policy EP - Natural, Built & Historic Environment • Policy GP - Local Green Spaces • Policy TP - Transport and Parking
<u>Commentary</u>	<p>Policy GDP reinforces the Local Plan approach to housing delivery, whilst providing additional support for high-quality and sustainable replacement dwellings. This will help to improve the existing housing stock, supporting a stronger, more vibrant and healthier local community.</p> <p>Policy CFP seeks to provide accessible local services and provides enthusiastic support for new facilities for which the local community has expressed a strong need or desire.</p> <p>Policy CFP also seeks to ensure that sufficient essential infrastructure is in place to meet the needs arising from new housing schemes in the area.</p> <p>Policy HP reinforces the Local Plan approach to new housing delivery in the area. It also provides additional support for new ancillary residential accommodation. It is anticipated that this</p>
<u>Cont.</u>	<p>policy provision will make a welcome contribution towards local housing needs whilst avoiding much of the harm to local character, infrastructure and patterns of movement normally associated with new housebuilding.</p> <p>Policy EP seeks to preserve and enhance Ardleigh’s quality of design, its beauty and its safety.</p> <p>Policy GP provides welcome protection for Local Green Spaces that are of particular importance to the local community. It supports developments that would enhance the community value of designated spaces.</p> <p>Policy TP seeks to ensure that all new development is provided with appropriate and well-designed parking facilities</p>
<u>Environmental sustainability</u>	

NPPF definition: to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

<u>Plan objectives</u>	<ul style="list-style-type: none">• To achieve the Vision• To achieve sustainable development in Ardleigh in accordance with the three overarching objectives of the National Planning Policy Framework (NPPF), namely:<ul style="list-style-type: none">• c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy
<u>Plan policies</u>	<ul style="list-style-type: none">• Policy GDP - General Approach to Development• Policy CFP - Community Facilities• Policy HP - Housing• Policy EP - Natural, Built & Historic Environment• Policy GP - Local Green Spaces• Policy TP - Transport & Parking
<u>Commentary</u>	Policy GDP seeks to ensure that development is of a scale and location to protect and enhance the natural, built and historic

Cont.

character of the parish, in accordance with the Local Plan approach to development in the Smaller Rural Settlements and countryside. It provides exceptional support for development that would directly provide for the enhancement or enjoyment of the Ardleigh countryside.

Policy CFP seeks to ensure that replacement community facilities are sustainably located in the Settlement Boundaries to avoid harm to the intrinsic character of the countryside and limit the reliance of local residents on private cars (given its associated pollution and carbon emissions).

Policy CFP also seeks to ensure that new development does not result in the loss or closure of Ardleigh's sustainably located essential facilities - this recognises that their relocation outside of the village would greatly reduce the overall sustainability of the settlement whilst greatly increasing residents' daily reliance on private cars.

Policy HP provides firm support for the inclusion of various sustainability and accessibility features in the design of new housing, helping to adapt to climate change and move to a low carbon economy.

Policy HP also provides support for ancillary residential accommodation which will assist to make the most effective possible use of established residential plots in Ardleigh.

Policy EP is directly concerned with the protection and enhancement of Ardleigh's natural, built and historic environment. It provides exceptional support for development that would secure material environmental benefits.

Policy GP protects designated Local Green Spaces - all of which make substantial positive contributions to the character and quality of the Ardleigh environment - from inappropriate development.

Policy TP seeks to ensure that new development does not materially exacerbate existing problems with local roads (especially around parking and congestion). It also seeks to ensure new development is provided with appropriate parking facilities - this should reduce the occurrence of inappropriate and obtrusive parking, especially on-street



As explored in the above table, all of the objectives and policies of the Plan make clear contributions towards the achievement of sustainable development in the Plan area. Most of the plan policies serve multiple sustainability objectives, ensuring that the social, economic and environmental objectives of sustainable development are pursued in a genuinely interdependent and mutually supportive manner.

Basic Condition 3: 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)

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach (NPPG - Paragraph: 074 Reference ID: 41-074-20140306 Revision date: 06 03 2014).

The development plan for Tendring District Council is currently made up of:

- Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1;
- Tendring District Local Plan 2013-2033 and Beyond: Section 2;
- Essex Minerals Local Plan; and
- Essex and Southend-on-Sea Waste Local Plan.

The most relevant of these Local Plan documents - Sections 1 and 2 of the Tendring District Local Plan - were only very recently adopted. Ardleigh's Neighbourhood Plan has been prepared paying close and considered regard to the strategic policies of these documents.

Table 4 below explores how all policies in the Plan achieve general conformity with strategic policies of the development plan.

Table 4

Plan policy	Tendring Local Plan policies	Commentary
GDP	<ul style="list-style-type: none"> • Policy SP3 of Section 1 (Spatial Strategy for North Essex) • Policy SPL1 of Section 2 (Managing Growth) & supporting paragraphs at 3.3.1.4 • Policy SPL2 of Section 2 (Settlement Development Boundaries) • Policy LP6 of Section 2 (Rural Exception Sites) • Policy LP7 of Section 2 (Self-build and Custom-built Homes) 	<ul style="list-style-type: none"> • Policy SP3 provides that existing settlements will be the principal focus for additional growth and that, beyond main settlements, the focus will be on diversification of the rural economy and conservation/enhancement of the natural environment. Policy GDP uses this strategic approach as its framework. • Policy SPL1 identifies Ardleigh as a Smaller Rural Settlement. The supporting text confirms these are the least sustainable locations for growth but that some small-scale development is appropriate. Policy SPL2 states that outside SDBs, applications will be considered in relation to the Settlement Hierarchy in Policy SPL1 and other relevant policies in the LP. Policy GDP builds on this, clarifying - by reference to policies SP3, SPL1 and its supporting text - that only certain, small-scale developments will generally be encouraged in Ardleigh's countryside • Policy GDP also clarifies that the only housing that will be supported outside of SDBs in Ardleigh is housing that is in accordance with exceptional strategic policies LP6 and LP7 of the Local Plan
CFP	<ul style="list-style-type: none"> • Policy HP1 of Section 2 (Improving Health and Wellbeing) • Policy HP2 of Section 2 (Community Facilities) 	<ul style="list-style-type: none"> • Policy HP1 seeks to ensure that residents can access high quality health services and that new/improved services can be put in place to serve growing populations. Given the acknowledged pressures on Ardleigh's GP surgery and school, policy CFP reinforces this strategic requirement. • Policy HP2 seeks to deliver and maintain a

Cont.		<ul style="list-style-type: none"> • range of new community facilities. To this end, policy CFP identifies those potential new facilities most needed/desired by the local community • Policy CFP also provides some additional detail concerning how parts b. and c. of policy HP2 will be understood and applied in the context of Ardleigh
HP	<ul style="list-style-type: none"> • Policy SPL1 of Section 2 (Managing Growth) & supporting paragraphs at 3.3.1.4 • Policy SPL2 of Section 2 (Settlement Development Boundaries) • Policy LP6 of Section 2 (Rural Exception Sites) • Policy LP7 (Self-build and Custom-built Homes) • Policy PPL 10 of Section 2 (Renewable Energy Generation and Energy Efficiency Measures) 	<ul style="list-style-type: none"> • In terms of new housing outside of SDBs, policy HP directs developers to consider policy GDP - the conformity of this policy with the development plan (including policies SPL1, SPL2, LP6 and LP7) is explored above • Policy SLP1's supporting text confirms that housing should be limited to infill developments of no more than 10 houses within Settlement Development Boundaries (SDBs). Policy HP transposes these supporting provisions into policy. • Policy PPL 10 requires all developments involving the creation of 1 or more dwellings to be accompanied by a "Renewable Energy Generation Plan" that will set out measures to be included in design, layout and construction to maximise energy efficiency and the use of renewable energy. Policy HP supports this by providing some examples of sustainability measures/features that will be encouraged in Ardleigh
EP	<ul style="list-style-type: none"> • Policy SP7 of Section 1 (Place Shaping Principles) • Policy SPL3 of Section 2 (Sustainable Design) • Policy PPL3 of Section 2 (The Rural Landscape) 	<ul style="list-style-type: none"> • Policy SP7 requires all new development to meet high standard of design. To this end, the preparation of local design codes/guides is encouraged. Policy EP directs developers to have regard to the local design guide (Village Design Statement) which was updated as part of the Plan's preparation

Cont.	<ul style="list-style-type: none"> • and supporting paragraph 7.3.1 • Policy PPL4 of Section 2 (Biodiversity and Geodiversity) • Policy PP13 of Section 2 (The Rural Economy) • Policy PPL8 of Section 2 (Conservation Areas) • Policy PPL9 of Section 2 (Listed Buildings) 	<ul style="list-style-type: none"> • Policy SPL3 requires new development to make a positive contribution to the local environment and protect or enhance local character. Policy EP and the associated VDS seek to clarify/explore how this can be achieved in the local context of Ardleigh. • In recognition of Ardleigh’s distinctive and special rural character, policy EP also contains specific provisions relating to the protection or enhancement of this, per policies SPL3 and PPL3 • Policy PPL4 requires, as a minimum, that development achieves net gain for biodiversity (as a result of lack of harm, mitigation, or as a last resort, compensation). To this end, policy EP resists the loss of good quality green landscape features and requires that new such features are appropriate local or native species (to genuinely support biodiversity) • Policy PPL3 provides that the rural landscape will be protected and permission will be refused for any development that would cause overriding harm to its character and appearance. Supporting paragraph 7.3.1 confirms the importance of protecting best and most versatile agricultural land. Similarly PP13 confirms the types of development that may be supported in the countryside, most of which relate to agriculture (and similar rural land-based activities). Ardleigh’s countryside contains a valuable amount of irreplaceable
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Cont.		<ul style="list-style-type: none"> • best and most versatile agricultural land and this makes a substantial (and irreplaceable) positive contribution to the local landscape character and local economy. Policy EP accordingly resists its permanent loss to non-compatible uses • Provisions of policy EP concerning the Conservation Area and Listed Buildings are in keeping with the provisions of policies PPL8 and PPL9. It is acknowledged that the NPPF (and its own heritage policies) will remain a material planning consideration in the determination of all applications
GP	<ul style="list-style-type: none"> • Policy HP4 of Section 2 (Safeguarded Open Space) and supporting paragraph 4.4.4 	<ul style="list-style-type: none"> • Policy HP4 contains provisions relating to the loss and replacement of Local Green Spaces. Policy GP does not negate or otherwise contradict this policy which will retain its full weight in Ardeigh. Instead, policy GP contains provisions relating to the sorts of development that will generally be supported, or alternatively resisted, or or adjacent to Ardeigh’s Local Green Spaces • Supporting paragraph 4.4.4 confirms the power of Neighbourhood Plans to identify Local Green Spaces and include policies to rule out “new development” other than in very special circumstances. Policy GP has been drafted in light of this. It does clarify that only “new development” that would harm or erode a space’s identified values will be resisted
TP	<ul style="list-style-type: none"> • Policy CP1 of Section 2 (Sustainable Transport and Accessibility) • Policy CP2 of Section 2 (Improving the Transport Network) 	<ul style="list-style-type: none"> • Policy CP2 concerns the new Garden Community and associated transport infrastructure planned in Ardeigh. Policy TP ensures the delivery of the Garden Community and its planned transport infrastructure is not undermined by premature development

<ul style="list-style-type: none"> • Policy SPL1 of Section 2 (Managing Growth) & supporting paragraphs at 3.3.1.4 • Policy PP13 of Section 2 (The Rural Economy) 	<ul style="list-style-type: none"> • Policy CP2 seeks to ensure the provision of a safe and efficient transport network that offers a range of sustainable transport choices. Policy TP provides detail concerning how this can be achieved in Ardleigh. • In recognition of the considerable harm caused to the character, safety and efficiency of local roads, policy TP also seeks to ensure that relevant new development in Ardleigh provides sufficient and appropriate parking facilities • To further support policy CP2, policy TP also identifies two roads in Ardleigh where parking and congestion issues are already problematic and where, accordingly, development exacerbating these issues will be refused • Policy SPL1 and supporting paragraph 3.3.1.4 confirms that only small-scale development is supported in the Smaller Rural Settlement of Ardleigh. Policy PP13 confirms that development in the countryside should not create significant levels of traffic and that proposals generating significant numbers of jobs should be readily accessible by public transport (in the Ardleigh countryside, access to public transport is severely limited if not non-existent). Policy CP1 also requires that new development is sustainable in terms of transport and accessibility and that new major development includes proposals for walking and cycling routes and new or improved bus-stops/services (this is not achievable in Ardleigh, given its size, location and strong rural character). In light of these policy provisions, policy TP resists significant development likely to generate significant amounts of movement throughout the parish.
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Basic Condition 4: The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations

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 (Strategic Environmental Assessment).

In May 2022, following a screening exercise which took on board comments from the statutory bodies (the Environment Agency, Natural England and Historic England), an SEA & HRA 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.

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.

Basic Condition 5: 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

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. A

An HRA Screening was undertaken by Essex County Council Place Services on the Pre-Submission (Regulation 14) Version of the Neighbourhood Plan.

In [...] 2022, following consultation with Natural England, Place Services published its report. **The report was of the opinion that no planning policies within the Ardleigh Neighbourhood Plan will lead to any adverse effects and can be screened out of further assessment.**

Tendring District Council is therefore of the opinion that the Plan is not likely to have significant impacts on European protected species or sites.

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.

Conclusion

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