

MYLAND AND BRAISWICK NEIGHBOURHOOD PLAN 2016 – 2032

REVIEWED SPRING 2022

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BASIC CONDITIONS STATEMENT

1. Introduction

- 1.1 This Basic Conditions Statement has been produced to explain how the proposed Myland & Braiswick Neighbourhood Plan (the Plan) Review has been prepared in accordance with the Neighbourhood Planning General Regulations and how the basic conditions of Neighbourhood Planning and other considerations as prescribed by the Town and Country Planning Act 1990 have been considered to have been met.
- 1.2 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:
 - It has regard to relevant policies in the National Planning Policy Framework. See Appendix A.
 - The Plan contributes to the achievement of sustainable development. See paragraphs 3.1 to 3.7.
 - The Plan is in general conformity with the strategic policies in the Local Plan, including meeting growth requirements. See paragraph 4.1 and Appendix B.
 - the Plan is compatible with human rights legislation and remaining EU obligations. See paragraphs 5.1 to 5.3.
- 1.3 The Plan Review is supported by a *Modification Statement*, *A Consultation Statement* and this *Basic Conditions Statement*.
- 1.4 Myland Community Council (MCC) is a qualifying body and entitled to submit a Neighbourhood Plan for its own Parish, in conjunction with the Braiswick Residents Association (BRA). The Plan expresses policies that relate to the development and use of land only within the Neighbourhood Area.
- 1.5 The Neighbourhood Area is contiguous with the Parish boundary, with the addition of Braiswick, as shown in the map accompanying the Neighbourhood Area designation application.
- 1.6 The Plan covers the period from 2015 to 2032.
- 1.7 The Plan does not relate to more than one Neighbourhood Area. It is solely related to the area of Myland and Braiswick as adopted by Colchester Borough Council on 28th January 2013.

1.8 There are no other Neighbourhood Plans in place for the Myland and Braiswick Neighbourhood Area.

2. Conformity with National Planning Policy

2.1 It is required that the Plan Review has appropriate regard to national planning policy. This is principally provided by the National Planning Policy Framework (NPPF).

2.2 This section demonstrates that the Plan Review retains regard to relevant goals within the NPPF in relation to:

- Delivering a sufficient supply of homes.
- Building a strong, competitive economy.
- Promoting healthy and safe communities.
- Promoting sustainable transport.
- Supporting high quality communications.
- Achieving well-designed places.
- Meeting the challenge of climate change.
- Conserving and enhancing the natural environment.
- Conserving and enhancing the historic environment.

2.3 The Plan has six principal objectives. These are summarised in **Appendix A** with the NPPF goals each objective seeks to address.

3. Contribution Towards Sustainable Development

3.1 The NPPF states in paragraph 10 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 The strategic objectives of the Plan continue to comprise a balance of social, economic and environmental goals.

3.3 The social goals are to maintain a thriving community within Myland & Braiswick, recognising that the community and its needs will change over time. This it seeks to achieve by providing an appropriate mix of new homes to meet the demands and needs of the local and wider community.

3.4 The economic goals are to retain the existing employment base and to provide opportunities for the new growth within Myland & Braiswick. This it seeks to achieve by creating the flexibility for new businesses to start up and by ensuring that communications infrastructure, in the form of broadband, is in place.

3.5 The environmental goals are to protect the natural environment and ensure that development recognises this in its design, landscaping and access to the adjacent green spaces. This it seeks to achieve through the provision of guidance on the requirements of any planning application in respect of the proposed site allocation. It also provides guidance on the appropriateness of development adjacent to the edge

of village settlement boundaries and as such the importance of retaining the green gap between Myland & Braiswick and urban Colchester.

- 3.6 The NP Basic Conditions Statement (2015) paragraph 3.6 stated “CBC considered that a Strategic Environmental Assessment (SEA) was not required because the original Plan was not likely to have a significant impact upon the environment.” The Plan Review does not change that.

4. General Conformity with the Strategic Policies of the Colchester Local Plan.

- 4.1 See paragraph 3.6 above, although CBC advised that a formal Sustainability Appraisal was not required for the original Plan, Appendix B of the Review draft submission Plan demonstrates how the reviewed Plan considers Colchester Local Plan policies across the board. It is replicated within this Basic Conditions Statement at Appendix B for the sake of completeness.

5. Does not Breach and is Compatible with EU Obligations and Human Rights Requirements.

- 5.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.
- 5.2 See paragraph 3.6 above, a Strategic Environmental Assessment (SEA) is considered by CBC as unnecessary in this case.
- 5.3 The Neighbourhood Area is not in close enough proximity to any European designated nature sites to warrant an Appropriate Assessment under the EU Habitats Regulations and so this has not been required by Colchester Borough Council.

6 CONCLUSION

- 6.1 It is considered that the Basic Conditions as set out in the Town and Country Planning Act 1990 continue to be met by the Myland & Braiswick Neighbourhood Plan Review and all the policies therein. It is therefore respectfully suggested to the Examiner that the Myland & Braiswick Neighbourhood Plan complies with the Act.

APPENDIX A

Assessment of Myland and Braiswick Neighbourhood Plan Objectives against NPPF Goals

NPPF Goals	Neighbourhood Plan Objectives
5. Delivering a sufficient supply of homes	Housing growth will provide a mix of high-quality, well-designed dwellings that meet the different needs across the community.
6. Building a strong, competitive economy	Local employment opportunities will be created to support housing growth, minimise related travel burdens and boost the local economy. Social amenity will be provided by developments that bring facilities and services to support social cohesion, health and well-being and sense of place.
8. Promoting healthy and safe communities	Social amenity will be provided by developments that bring facilities and services to support social cohesion, health and well-being and sense of place. Housing growth will be matched by health and well-being opportunities through sport and leisure provision including the protection and provision of open space. To bring together across the Public Realm the themes within this Plan that achieve the vision that Myland and Braiswick will be desirable places to live with quality of life supported by health and well-being across cohesive communities.
9. Promoting sustainable transport	Development will be supported by transport and road strategies that provide effective and environmentally friendly travel solutions.
10. Supporting high quality communications	High-speed broadband will be encouraged as a standard infrastructure feature in all new business and housing developments.
12. Achieving well-designed places	Housing growth will provide a mix of high-quality, well-designed dwellings that meet the different needs across the community. To bring together across the Public Realm the themes within this Plan that achieve the vision that Myland and Braiswick will be desirable places to live with quality of life supported by health and well-being across cohesive communities. Education provision for all ages and requirements will be in-step with housing growth.

14. Meeting the challenge of climate change	Sensitive development design will help meet the challenge of climate change and protect and enhance the natural and historic environment.
15. Conserving and enhancing the natural environment	In the absence of a designated green belt sensitive development design will help meet the challenge of climate change and protect and enhance the natural and historic environment.
16. Conserving and enhancing the historic environment	In the absence of a designated green belt sensitive development design will help meet the challenge of climate change and protect and enhance the natural and historic environment.

APPENDIX B

CONSIDERATION OF COLCHESTER LOCAL PLAN POLICIES.

The CBC Local Plan reference to Neighbourhood Plans prescribes a number of policies within the Local Plan that neighbourhood plans should comply with. These are listed below with others and with a brief explanation of how this Neighbourhood Plan complies where appropriate.

SP1 – Presumption in Favour of Sustainable Development – This is a core theme of the National Planning Policy Framework and as such is integral to the developments underway and planned within Myland and Braiswick.

SP2 – Spatial Strategy for north Essex - All developments within the Borough come under this strategy.

SP3 – Meeting Housing Needs – See the Plan policies HOU1, HOU2 and HOU3.

SP4 – Providing for Employment and Retail – See the Plan policies EMP1, EMP2 and EMP3.

SP5 – Infrastructure and Connectivity – These lay at the core of the collective Plan policies and the MCC committee and working group structure as well the concerns of BRA.

SP6 – Place Shaping Principles – These lay at the core of the collective Plan policies and the MCC committee and working group structure as well the concerns of BRA.

SP7, SP8 & SP9 – Development and Delivery of New Garden Communities in north Essex – Tendring/Colchester Borders Garden Community – Colchester/Braintree Borders Garden Community. These CBC policies do not directly impact the Plan.

SG1 – Colchester Spatial Strategy – See SP2 above.

SG2 – Housing Delivery – see SP3 above.

SG3 – Economic Growth Provision – see SP4 above.

SG4 – Local Economic Areas – see the Plan policy EMP1.

SG5 – Centre Hierarchy –

SG6/SG6a – Town Centre Uses/Local Centres – see SP5/SP6 above.

SG7 – Infrastructure Delivery and Impact Mitigation – see SP5/SP6 above.

SG8 – Neighbourhood Plans – see this Plan.

ENV1 – Environment – see the Plan policies ENV1 to ENV5.

ENV2 – Coastal Areas – does not impact on the Plan.

ENV3 – Green Infrastructure – see the Plan policies ENV1 to ENV5 and the Myland and Braiswick Green Network.

ENV4 – Dedham Vale Area of Outstanding Natural Beauty – does not impact on the Plan.

ENV5 – Pollution and Contaminated Land – see SP2 above.

PP1 - Generic Infrastructure and Mitigation Requirements – see SP2 above.

CC1—Climate Change—see ENV6 above.

DM1—Health and Well Being—see Plan Policies under Environment, Social Amenity and Sport and Leisure.

DM2—Community Facilities—see Plan Policies under Social Amenity.

DM4—Sports Provision—see Plan Policies under Sport and Recreation.