

Tiptree Neighbourhood Plan 2022-2033

Basic Conditions Statement

Tiptree Parish Council

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1. Introduction

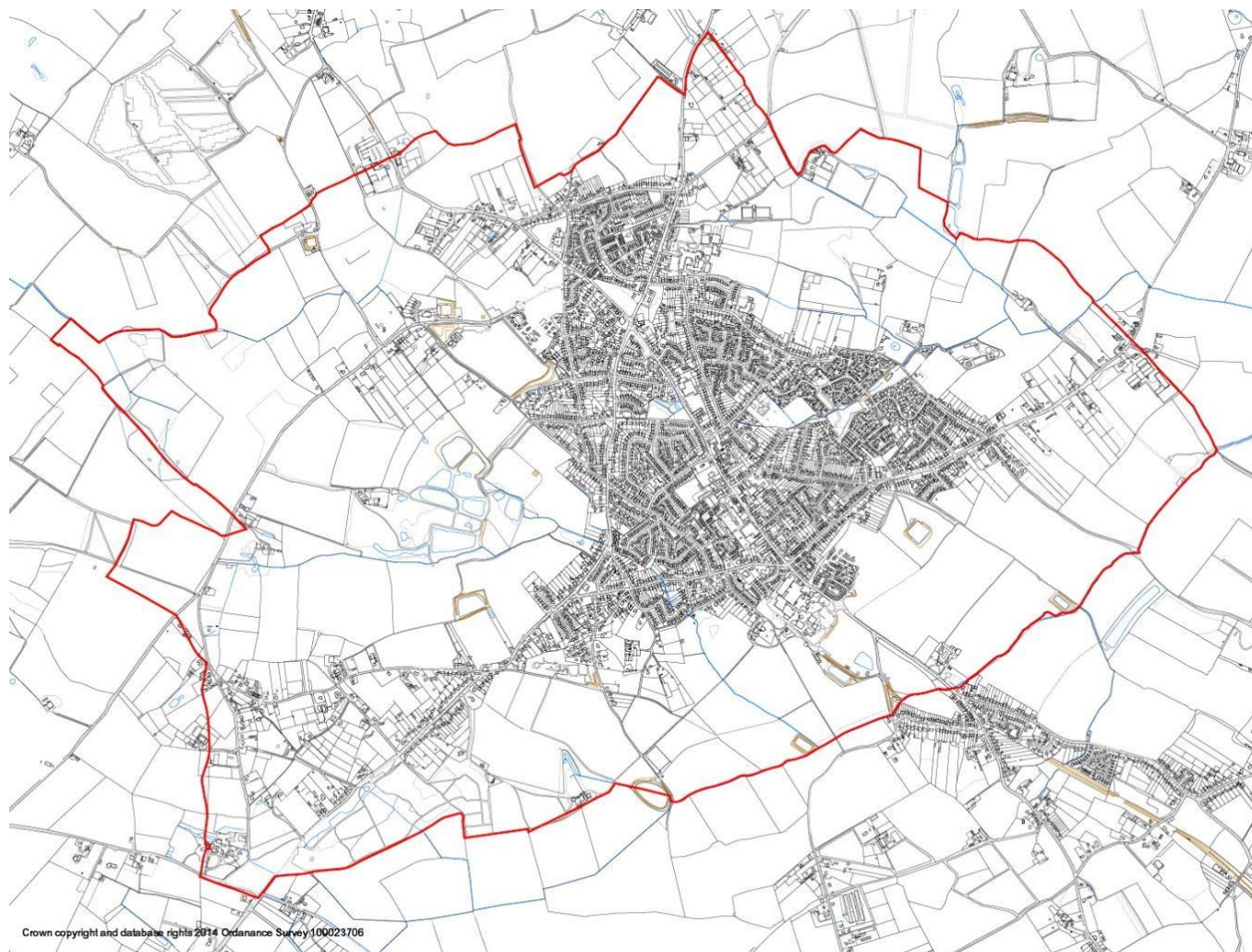
- 1.1. This Basic Conditions Statement has been produced to accompany Tiptree Neighbourhood Plan.
- 1.2. The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
 - Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
 - Planning and Compulsory Purchase Act 2004: ss 38A-C
 - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended)
- 1.3. Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five¹ basic conditions before it can proceed to a referendum. These are:
 - I. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 - II. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
 - III. The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - IV. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
 - V. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.4. This document sets out how the Plan meets the Basic Conditions.

Key statements

- 1.5. Colchester Borough Council (CBC), as the local planning authority, has designated the Plan area, which covers the parish area of Tiptree. This was designated in 2015.
- 1.6. The Plan sets out policies that relate to the development and use of land within only the Tiptree Neighbourhood Area. This is shown in Figure 1 below.
- 1.7. The Plan refers only to the administrative boundary of the parish of Tiptree. There are no other adopted Neighbourhood Development Plans that cover the Tiptree Neighbourhood Area.
- 1.8. The Tiptree Neighbourhood Plan Group (TNPG) have 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 2022 to 2033.

¹ There are two further basic conditions, which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

Figure 1: Tiptree Neighbourhood Plan Area



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

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

National Planning Policy Framework

- 2.2. The NPPF has 13 key objectives which are:
1. Delivering a sufficient supply of homes
 2. Building a strong, competitive economy
 3. Ensuring the vitality of town centres
 4. Promoting healthy and safe communities
 5. Promoting sustainable transport
 6. Supporting high quality communications
 7. Making effective use of land
 8. Achieving well-designed places
 9. Protecting Green Belt land
 10. Meeting the challenge of climate change, flooding and coastal change
 11. Conserving and enhancing the natural environment
 12. Conserving and enhancing the historic environment
 13. Facilitating the sustainable use of minerals
- 2.3. This statement explains how the Plan contributes to meeting these objectives and also notes the specific national policies that the Plan is intended to support and supplement.
- 2.4. The Plan has six objectives. These are identified in Table 2.1 alongside the NPPF goals that each objective seeks to address.

Table 2.1: Assessment of the TNP objectives against NPPF goals

Plan objective	Relevant NPPF goal
Objective 1: To deliver development prioritising local distinctiveness in keeping with the village feel, rural surroundings and heritage of Tiptree.	<ul style="list-style-type: none"> • Achieving well-designed places • Conserving and enhancing the natural environment • Conserving and enhancing the historic environment
Objective 2: To meet the housing, infrastructure and service requirements and needs of Tiptree and its residents in a sustainable manner	<ul style="list-style-type: none"> • Delivering a sufficient supply of homes • Promoting healthy and safe communities • Ensuring the vitality of town centres • Building a strong, competitive economy
Objective 3: To improve movement through Tiptree, for vehicular traffic but also for walking and cycling and to improve access to main routes	<ul style="list-style-type: none"> • Promoting sustainable transport • Promoting healthy and safe communities

Plan objective	Relevant NPPF goal
and railway stations whilst minimising impact on the village centre.	• Achieving well-designed places
Objective 4: To protect and enable Tiptree's green environment, wildlife and biodiversity to thrive and grow.	• Conserving and enhancing the natural environment
Objective 5: To enable Tiptree village centre to thrive as a safe location for people to spend leisure time and access community facilities.	• Promoting healthy and safe communities
Objective 6: To ensure that Tiptree is an attractive location for a range of businesses so that its local economy can thrive.	<ul style="list-style-type: none"> • Ensuring the vitality of town centres • Building a strong, competitive economy

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

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

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
POLICY TIP01: TIPTREE SPATIAL STRATEGY	16, 17, 28	A core principle of national policy is the need for the planning system to contribute to sustainable development. The NPPF states that plans should be developed that support the strategic development needs set out in the Local Plan and actively manage patterns of growth. The policy takes a positive approach to development by setting out the spatial strategy with the purpose of enabling a balanced approach to delivering the housing and employment need and supporting infrastructure whilst retaining Tiptree village's rural setting.
POLICY TIP02: GOOD QUALITY DESIGN	126, 127, 130, 132	This policy contributes to the NPPF requirement of good design in the built environment. National policy encourages neighbourhood plans to develop design policies that demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the area's character.
POLICY TIP03: RESIDENTIAL CAR PARKING	107, 130	This policy supports the NPPF objective of promoting sustainable transport. It specifically addresses local parking standards for residential development and also matters relating to design of on- and off-plot parking.
POLICY TIP04: BUILDING FOR A HEALTHY LIFE	133	The NPPF encourages the use of the Building for a Healthy Life framework as a way of delivery high quality design.
POLICY TIP05: FIRST HOMES	62, 63,	In ensuring delivery of a sufficient supply of homes, the NPPF requires that the mix of housing addresses the needs of differing groups. Given the price of housing in Tiptree, the First Homes policy ensures that a proportion of affordable housing can be purchased at a discount on the market rate.
POLICY TIP06: CYCLING, WALKING AND DISABILITY ACCESS ROUTES	92, 104, 106, 110	The NPPF encourages Neighbourhood Plan to exploit opportunities for the use of sustainable transport modes in a safe layout that minimises conflicts between traffic and cyclists or pedestrians. Priority is given to proposal that encourage cycling and walking as an alternative sustainable transport mode to driving.
POLICY TIP07: MITIGATING THE IMPACT OF VEHICULAR TRAFFIC THROUGH TIPTREE VILLAGE	104, 106	The NPPF seeks to promote sustainable transport and this recognises that opportunities should be taken to identify routes which could be critical in developing infrastructure to widen transport choice. This policy seeks to do this and ensure that traffic does not continue having to be routed through the centre of Tiptree village.
POLICY TIP08: TIPTREE VILLAGE CENTRE	86	This policy supports the NPPF objective of ensuring the vitality of town centres by identifying the types of uses that will help Tiptree village centre to thrive.
POLICY TIP09: SMALL SCALE COMMERCIAL WORKSPACES	81, 82, 86	This policy supports the NPPF objective of building a strong, competitive economy by identifying land for commercial uses and also the type of workspace that should be provided.
POLICY TIP10: PROVISION OF COMMUNITY INFRASTRUCTURE	92, 93, 98, 130	This policy supports the NPPF objective of promoting healthy and safe communities by identifying specific items of community infrastructure that should be delivered alongside new development.
POLICY TIP11: GREEN INFRASTRUCTURE	174, 175, 179	This policy seeks to enhance the current green infrastructure network whilst protecting and managing Local Wildlife Sites. It also seeks to ensure biodiversity net gain is delivered. It

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
		therefore meets the NPPF objectives relating to promoting healthy and safe communities and conserving and enhancing the natural environment.
POLICY TIP12: LANDSCAPING AND BIODIVERSITY	127, 130, 131 174, 175	This policy seeks to ensure that new development is well landscaping, retaining a green buffer and softening the edges of development through the use of trees and green natural features. It therefore meets the NPPF objectives of conserving and enhancing the natural environment and achieving well designed places.
POLICY TIP13: LOCAL GREEN SPACES	101, 102, 103	National policy enables local communities to identify, for special protection, green areas of importance to them known as Local Green Spaces. This policy designates a number of areas, identified by the local community as important, as Local Green Spaces which will be protected.
POLICY TIP14: RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION	170, 171, 174	This policy requires contributions where development is within the zone of influence of coastal habitats, thereby meeting the NPPF objective of conserving and enhancing the natural environment.
POLICY TIP15: HIGHLAND NURSERY	8, 68, 81, 82, 92, 104, 106	The land at Highland Nursery is allocated for residential and employment development along with green space for community use, public open space, the first phase of a link road and improved pedestrian and cycle access.
POLICY TIP16: ELMS FARM	8, 68, 92, 93, 104, 106	The land at Elms Farm is allocated for residential development along with green space for community use, a medical centre, allotments, the first phase of a link road and improved pedestrian and cycle access.

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

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

Table 3.1: Assessment of TNP objectives and policies against sustainable development

Deliver economic sustainability	
NPPF definition – ‘Contribute to building a strong, responsive economy’ and support growth, innovation and improved productivity; and ‘identifying and coordinating the provision of infrastructure’.	
TNP Objectives	<p>Objective 2: To meet the housing, infrastructure and service requirements and needs of Tiptree and its residents in a sustainable manner</p> <p>Objective 6: To ensure that Tiptree is an attractive location for a range of businesses so that its local economy can thrive.</p>
TNP Policies	<p>POLICY TIP01: TIPTREE SPATIAL STRATEGY</p> <p>POLICY TIP08: TIPTREE VILLAGE CENTRE</p> <p>POLICY TIP09: SMALL SCALE COMMERCIAL WORKSPACES</p> <p>POLICY TIP15: HIGHLAND NURSERY</p> <p>POLICY TIP16: ELMS FARM</p>
Commentary	<p>There is a recognition of the need to expand Tiptree’s small but not insignificant local economy. This would provide more local jobs so fewer people would have to drive out of Tiptree to access jobs in other places. This will also help to sustain the vitality of Tiptree’s village centre. One of the issues in the village centre is the presence of some light industrial-type businesses that would be better suited on sites further towards the edge of the village. TIP09 identifies the preferred locations and types of floorspace that should be delivered. TIP08 then focuses commercial activity in the village centre on the type of uses that are better suited to that location. The site allocation at Highland Nursery (TIP15) seeks to provide new business space to either attract these businesses to relocate or new businesses into Tiptree. The vacated space close to Tiptree village centre could then be used for other employment- and income-generating uses. Also, the site allocation at Elm Farm (TIP16) creates the potential to deliver a medical and community hub which could support businesses by providing flexible space.</p>

Deliver social sustainability	
NPPF definition – ‘Support strong, vibrant and healthy communities’	
TNP Objectives	<p>Objective 1: To deliver development prioritising local distinctiveness in keeping with the village feel, rural surroundings and heritage of Tiptree.</p> <p>Objective 2: To meet the housing, infrastructure and service requirements and needs of Tiptree and its residents in a sustainable manner</p> <p>Objective 3: To improve movement through Tiptree, for vehicular traffic but also for walking and cycling and to improve access to main routes and railway stations whilst minimising impact on the village centre</p> <p>Objective 5: To enable Tiptree village centre to thrive as a safe location for people to spend leisure time and access community facilities.</p>
TNP Policies	<p>POLICY TIP02: GOOD QUALITY DESIGN</p> <p>POLICY TIP03: RESIDENTIAL CAR PARKING</p> <p>POLICY TIP04: BUILDING FOR A HEALTHY LIFE</p> <p>POLICY TIP05: FIRST HOMES</p> <p>POLICY TIP06: CYCLING, WALKING AND DISABILITY ACCESS ROUTES</p> <p>POLICY TIP07: MITIGATING THE IMPACT OF VEHICULAR TRAFFIC THROUGH TIPTREE VILLAGE</p> <p>POLICY TIP10: PROVISION OF COMMUNITY INFRASTRUCTURE</p> <p>POLICY TIP13: LOCAL GREEN SPACES</p> <p>POLICY TIP15: HIGHLAND NURSERY</p> <p>POLICY TIP16: ELMS FARM</p>
Commentary	<p>With the growing population of Tiptree, it is important that the provision of community infrastructure keeps pace with this and, in particular, addresses gaps in provision (TIP10). Alongside this, new development needs to be accessible to shops and services by means other than the private car, recognising that a car-centred village such as Tiptree, lacking public transport, has problems of congestion through the village centre. Providing genuine alternatives, particularly walking and cycling, could help to alleviate a lot of short distance trips that are currently undertaken by car. This will also help to improve the health and wellbeing of the community. (TIP06, TIP07, TIP15, TIP16).</p> <p>The Building for a Healthy Life (TIP04) and First Homes (TIP05) policies will help to ensure that the right types of homes are delivered so that people can afford to buy them and that they provide for their needs.</p> <p>The two site allocations (TIP15 and TIP16) create the opportunity to provide a road-based solution to divert much of the traffic away from the village centre (TIP07).</p> <p>With the significant scales of growth proposed on the edge of the village, it is important that good design and layouts make these developments feel part of the village, rather than simple ‘bolt-ons’ (TIP02). Alongside this, important local green spaces that are special to the local community are protected (TIP13).</p>

Deliver environmental sustainability	
NPPF definition – ‘Contribute to protecting and enhancing our natural, built and historic environment’ and ‘mitigate and adapt to climate change’	
TNP Objectives	<p>Objective 1: To deliver development prioritising local distinctiveness in keeping with the village feel, rural surroundings and heritage of Tiptree.</p> <p>Objective 4: To protect and enable Tiptree’s green environment, wildlife and biodiversity to thrive and grow.</p>
TNP Policies	<p>POLICY TIP02: GOOD QUALITY DESIGN</p> <p>POLICY TIP11: GREEN INFRASTRUCTURE</p> <p>POLICY TIP12: LANDSCAPING AND BIODIVERSITY</p> <p>POLICY TIP13: LOCAL GREEN SPACES</p> <p>POLICY TIP14: RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION</p> <p>POLICY TIP15: HIGHLAND NURSERY</p> <p>POLICY TIP16: ELMS FARM</p>
Commentary	<p>Tiptree has a number of significant environmental assets which should be protected (TIP11). Moreover, development (TIP15, TIP16) must ensure that it provides a net gain in biodiversity and be appropriately landscaped (TIP12). A way to achieve this is through good design (TIP02).</p> <p>Important local green spaces are protected (TIP13) as are the coastal areas from recreational disturbance (TIP14).</p>

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

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

- 4.1. The development plan currently consists of the following:
- The Colchester Section 1 Local Plan 2013-2033 (adopted in February 2021)
 - The Colchester Section 2 Local Plan 2013-2033 (adopted in July 2022)
 - Tiptree Jam Factory DPD (adopted 2013)
 - Essex Minerals Local Plan (adopted 2014)
 - Essex and Southend-on-Sea Waste Local Plan (adopted 2017)
- 4.2. Table 4.1 details the TNP policies alongside a consideration of how they are in general conformity with the policies in the Colchester Local Plan (Sections 1 and 2). Policy SG8 of the Section 2 Local Plan confirms that the following policies are strategic:
- Section 1 Policies SP1-9
 - Section 2 Policies SG1-8, ENV1-5, CC1 and PP1
- 4.3. Table 4.1 does include other policies that are not confirmed as strategic in Policy SG8 of the Section 2 Local Plan. This is so that it can be demonstrated how the TNP and the Local Plan policies work together to address the objectives of the TNP.
- 4.4. Where a policy is not identified in Table 4.1, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.
- 4.5. In respect of the Jam Factory DPD and its two policies (TJF1 and TJF2), neither of these are considered to be strategic. Moreover, the TNP does not address any matters relating to the Jam Factory land or its use.

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

TNP Policy	Colchester Local Plan (<i>'SP' policies are from the Section 1 Plan. All other policies are from the Section 2 Plan</i>)	Commentary
POLICY TIP01: TIPTREE SPATIAL STRATEGY	SP3: Spatial Strategy for North Essex. SP6: Infrastructure and Connectivity. SS14: Tiptree.	Policy SP3 outlines that growth will be planned to retain the distinctive character of settlements and enhance the natural environment. Policy TIP01 presents the spatial strategy for Tiptree, with growth focused within the settlement boundaries of Tiptree village in order to sustain its character and vitality. Beyond the settlement boundaries the countryside is protected. It identifies the site allocations and the necessary infrastructure required to support sustainable development. This aligns with Policy SP6 which identifies the need to provide for walking and cycling and a wide range of social infrastructure including for health. Whilst presenting an amended settlement boundary to reflect the site allocations and other necessary amendments, it also aligns with the spatial strategy as presented in Policy SS14.
POLICY TIP02: GOOD QUALITY DESIGN	SP7: Place Shaping Principles. CC1: Climate Change. DM15: Design and Amenity.	Policy SP7 emphasises the importance of high standards of design that enhance nature and biodiversity and provide for increased walking and cycling. Policy TIP02 identifies specific issues which are considered to represent good quality design that reflects the character of Tiptree. This includes designing properties so they minimise their impact on the environment and improved walking and cycling routes. Policies CC1 and DM15 align with this, requiring amongst other things the use of low carbon technologies, improved green infrastructure and sensitive integration of recycling and waste facilities.
POLICY TIP03: RESIDENTIAL CAR PARKING	DM22: Parking.	Policy TIP03 seeks to ensure that parking standards are met by new development in Tiptree and are well designed, including the use of car ports and parking courts. Policy DM22 requires an appropriate mix of parking types.
POLICY TIP04: BUILDING FOR A HEALTHY LIFE	DM12: Housing Standards.	Policy TIP04 encourages residential development to meet Building for a Healthy Life standards. This reflects the requirements of Policy DM12 which makes reference to these standards.
POLICY TIP05: FIRST HOMES	SS14: Tiptree. DM10: Housing Diversity.	Policy TIP05 seeks to ensure that a needed type of housing provision is delivered. This addresses the requirements of Policies SS14 and DM10 which seek to ensure that an appropriate mix of housing is delivered.
POLICY TIP06: CYCLING, WALKING AND DISABILITY ACCESS ROUTES	SP6: Infrastructure and Connectivity. DM1: Health and Wellbeing. DM20: Promoting Sustainable Transport and Changing Travel Behaviour. DM21: Sustainable Access to	Policy TIP06 seeks to enhance walking and cycling routes to key locations, including through good design of new development. It specifically refers to routes linking with the primary and secondary schools and particular improvements required by the site allocations TIP15 and TIP16. Policy SP6 seeks a comprehensive network of walking and cycling routes. Policy DM1 requires development to create opportunities for activities

TNP Policy	Colchester Local Plan (<i>‘SP’ policies are from the Section 1 Plan. All other policies are from the Section 2 Plan</i>)	Commentary
	Development.	such as walking, cycling and horse riding. Policy DM20 seeks to focus new walking and cycling provision on areas of employment, education and health facilities. Policy DM21 requires safe and convenient layouts which minimise conflicts between traffic, cyclists and pedestrians.
POLICY TIP07: MITIGATING THE IMPACT OF VEHICULAR TRAFFIC THROUGH TIPTREE VILLAGE	DM20: Promoting Sustainable Transport and Changing Travel Behaviour.	Policy TIP07 seeks to direct traffic away from the village centre where congestion is most acute. Policy DM20 states that the demand for car travel will be managed to prevent adverse impacts by encouraging a reduction in through traffic in town centres.
POLICY TIP08: TIPTREE VILLAGE CENTRE	SG6: Town Centre Uses.	Policy TIP08 seeks to support Tiptree’s role as a District Centre by seeking to protect existing uses and support a range of appropriate new uses in and adjacent to the village centre. Policy SG6 supports a range of main town centre uses in centres (and adjacent to the centre if there is no suitable in-centre site) provided they do not have detrimental impacts on amenity.
POLICY TIP09: SMALL SCALE COMMERCIAL WORKSPACES	SP5: Employment SG4: Local Economic Areas.	Policy TIP09 encourages the provision of small scale offices/workspaces in the LEAs, the District Centre and on the TIP15 allocation. Policy SP5 sets out employment land requirements for Colchester borough and Policy SG4 supports employment development in the LEAs.
POLICY TIP10: PROVISION OF COMMUNITY INFRA- STRUCTURE	SP6: Infrastructure and Connectivity. SS14: Tiptree. DM2: Community Facilities.	Policy TIP10 identifies the specific infrastructure required to support growth, including a community hub (incorporating a medical facility), allotments and replacement of an existing play area. Policy SP6 supports the development of social infrastructure that facilitates healthy, active and inclusive communities and also healthcare provision. Policy SS14 requires that the Neighbourhood Plan sets out a policy framework to guide the delivery of any infrastructure/community facilities. Policy DM2 requires new development to contribute towards the provision of community facilities.
POLICY TIP11: GREEN INFRA- STRUCTURE	SP7: Place Shaping Principles. ENV1: Environment ENV3: Green Infrastructure	Policy TIP11 seeks to protect and enhance the existing green infrastructure network, including the Local Wildlife Sites, and to achieve biodiversity net gain. Policy SP7 requires development to incorporate biodiversity creation and enhancement measures. Policy ENV1 states that development must conserve and enhance biodiversity value. Policy ENV3 states that Colchester BC will aim to protect, enhance and deliver a

TNP Policy	Colchester Local Plan (<i>‘SP’ policies are from the Section 1 Plan. All other policies are from the Section 2 Plan</i>)	Commentary
		comprehensive green infrastructure network
POLICY TIP12: LANDSCAPING AND BIODIVERSITY	ENV1: Environment. ENV3: Green Infrastructure	Policy TIP12 seeks to ensure that the impact of development on the landscape is minimised through good design and landscaping. It also seeks to ensure that, in meeting the requirement for biodiversity net gain, development protects and creates new green corridors. Policy ENV1 confirms the requirement for biodiversity net gain and ensures that development maximises biodiversity and geodiversity and protects landscapes. Policy ENV3 seeks to protect and enhance the green infrastructure network.
POLICY TIP13: LOCAL GREEN SPACES	ENV3: Green Infrastructure	Policy TIP13 protects a number of local green spaces that are special to the community, including local wildlife sites. Policy ENV3 seeks to protect the network of green infrastructure assets across the borough, including where these are beneficial to wildlife.
POLICY TIP14: RECREATIONAL DISTURBANCE AVOIDANCE AND MITIGATION	ENV1: Environment.	Policy TIP14 seeks to minimise impacts of human activity on sensitive coastal habitats. This is also addressed by Policy ENV1 but the inclusion of TIP14 confirms that this is a relevant matter for planning applications in Tiptree parish.
POLICY TIP15: HIGHLAND NURSERY	SP4: Meeting Housing Needs. SP6: Infrastructure and Connectivity. SG2: Housing Delivery. SS14: Tiptree. DM21: Sustainable Access to Development.	Policy TIP15 identifies the specific infrastructure required to support housing growth of a site in north Tiptree. This includes provision of a link road, social infrastructure, employment land and buildings and green infrastructure as well as access for pedestrians and cyclists. Policy SS14 states that the preferred directions for growth include to the north of Tiptree and that the Neighbourhood Plan must allocate sites for housing to deliver a minimum of 400 dwellings (underpinned by the borough-wide housing requirements in Policy SP4 and more specific detail in Policy SG2). Policy DM21 requires safe and convenient access for pedestrians and cyclists. Policy SP6 supports the development of social infrastructure that facilitates healthy, active and inclusive communities.
POLICY TIP16: ELMS FARM	SP4: Meeting Housing Needs. SP6: Infrastructure and Connectivity. SG2: Housing Delivery. SS14: Tiptree. DM21: Sustainable Access to Development.	Policy TIP16 identifies the specific infrastructure required to support housing growth of a site in north Tiptree. This includes provision of a link road, social infrastructure (including a medical hub), and green infrastructure as well as access for pedestrians and cyclists. Policy SS14 states that the preferred directions for growth include to the north of Tiptree and that the Neighbourhood Plan must allocate sites for housing to deliver a minimum of 400 dwellings (underpinned by the borough-wide housing requirements in Policy SP4 and more specific detail in Policy SG2). Policy DM21 requires safe and convenient access for pedestrians and cyclists. Policy SP6 supports the development of

TNP Policy	Colchester Local Plan <i>(‘SP’ policies are from the Section 1 Plan. All other policies are from the Section 2 Plan)</i>	Commentary
		social infrastructure that facilitates healthy, active and inclusive communities and also specifically healthcare provision.

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

- 5.1. The Plan and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations). At an early stage in the development of the Neighbourhood Plan, it was agreed that an SEA would be needed.
- 5.2. In 2019, a scoping exercise was undertaken which took on board comments from the statutory bodies (the Environment Agency, Natural England and Historic England). The publication of the Pre-Submission (Regulation 14) Neighbourhood Plan was accompanied by a draft SEA report prepared by AECOM. The draft SEA report demonstrated that, when considered against alternative options, the draft Neighbourhood Plan would have a number of positive effects and no negative effects.
- 5.3. Following comments at Regulation 14 stage, the Neighbourhood Plan was amended. The SEA was reviewed and updated as necessary. The overall conclusion was the same, namely that the Tiptree Neighbourhood Plan would not be likely to have any significant environmental effects arising either individually or cumulatively.
- 5.4. The various SEA documents, including the responses from the statutory bodies, has been submitted at Regulation 16 stage as part of the evidence base for the Plan.
- 5.5. In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

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

- 6.1. Under Directive 92/43/EEC, also known as the Habitats Directive², it must be ascertained whether the draft Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ("HRA"). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2. An HRA Screening was undertaken by Colchester Borough Council in March 2022. This reflected consultation with Natural England. It was of the opinion that a number of planning policies within the Tiptree Neighbourhood Plan could not be screened out for locally significant effects. As such, an Appropriate Assessment was required.
- 6.3. The final HRA report, incorporating Appropriate Assessment, was completed in August 2022. This identified that four policies had the potential to cause a likely significant effect and were considered with regards to their impacts on European sites within the Appropriate Assessment. These policies were:
- TIP01 – Tiptree Spatial Strategy
 - TIP10 – Provision of Community Infrastructure
 - TIP15 – Highland Nursery
 - TIP16 – Elm Farm
- 6.4. It was considered that the Neighbourhood Plan would need a robust policy framework referencing protective policies and mitigation present in the Colchester Local Plan. To this effect several recommendations were made to strengthen the Tiptree Neighbourhood Plan. These recommendations were presented in the HRA document and the amendments included in the Regulation 16 version of the Neighbourhood Plan.
- 6.5. It can therefore be concluded that the Tiptree Neighbourhood Plan will not cause adverse effects on European site integrity either alone or in-combination with other plans or projects.

² Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

7. Conclusion

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




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