

Great Tey Neighbourhood Plan

2022-2033

Basic Conditions Statement

Great Tey Parish Council

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1. Introduction

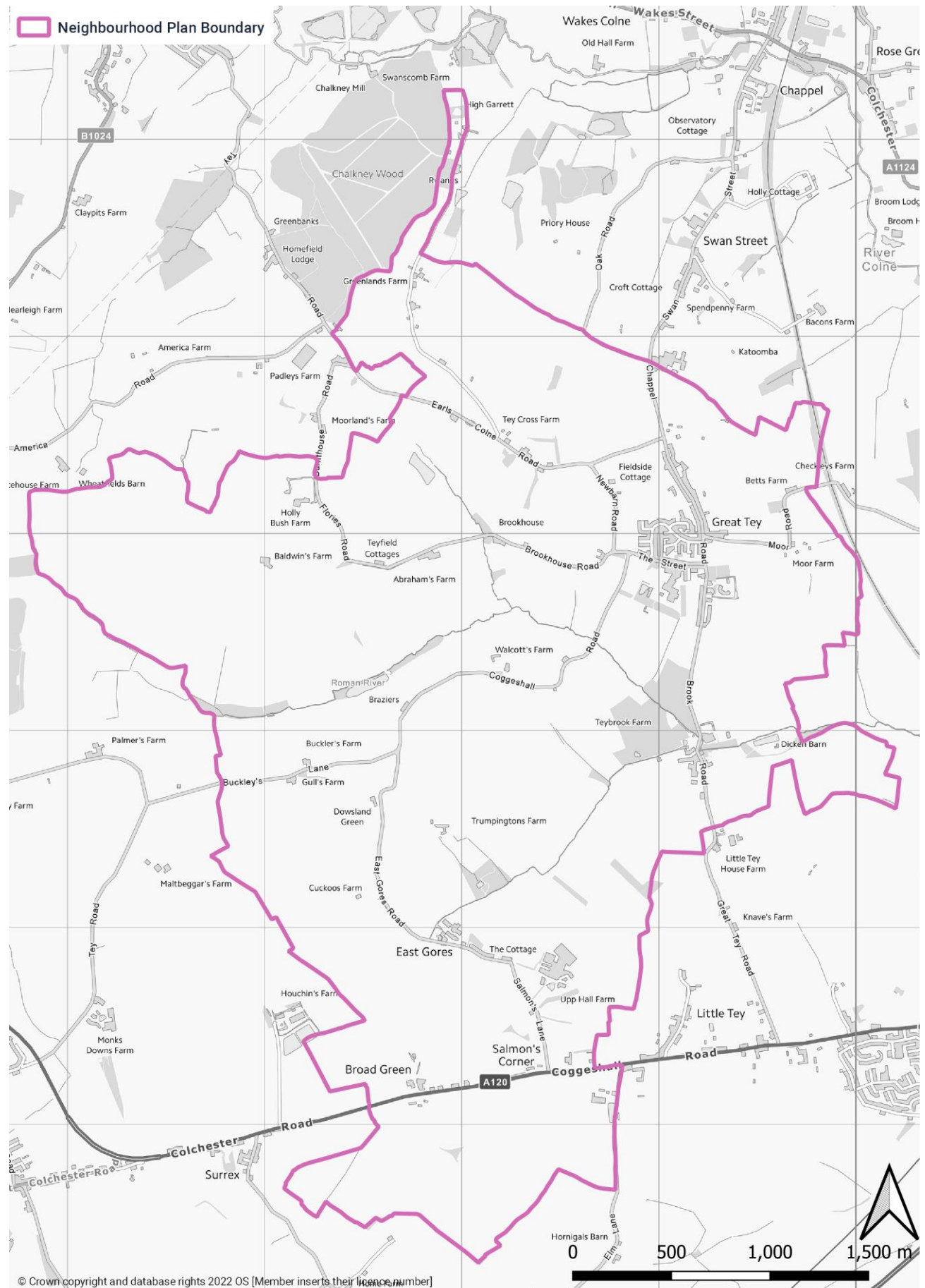
- 1.1. This Basic Conditions Statement has been produced to accompany Great Tey Neighbourhood Plan.
- 1.2. The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
 - Town and Country 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 City Council, as the local planning authority, has designated the Plan area, which covers the parish area of Great Tey. This was designated in June 2017.
- 1.6. The Plan sets out policies that relate to the development and use of land within only the Great Tey Neighbourhood Area. This is shown in Figure 1 below.
- 1.7. The Plan refers only to the administrative boundary of the parish of Great Tey. There are no other adopted Neighbourhood Development Plans that cover the Great Tey Neighbourhood Area.
- 1.8. The Great Tey Neighbourhood Plan Group has prepared the Plan to establish a vision for the future of the parish. The community has set out how that vision will be realised through planning and controlling land use and development change over the plan period 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: Great Tey 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 four objectives. These are identified in Table 2.1 alongside the NPPF goals that each objective seeks to address.

Table 2.1: Assessment of the GTNP objectives against NPPF goals

Plan objective	Relevant NPPF goal
Objective 1: To ensure high quality design of development that reflects the character of Great Tey as a rural community.	<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 improve the health and wellbeing of the community by maximising access to the countryside through multifunctional green infrastructure for all and ensuring clean, active and sustainable transport links.	<ul style="list-style-type: none"> • Promoting healthy and safe communities • Promoting sustainable transport
Objective 3: To minimise the environmental impact of development both in terms of adapting and	<ul style="list-style-type: none"> • Conserving and enhancing the natural environment

Plan objective	Relevant NPPF goal
mitigating against a changing climate and delivering net gain in biodiversity.	<ul style="list-style-type: none"> • Meeting the challenge of climate change, flooding and coastal change
Objective 4: To enhance the viability and range of infrastructure, services and community facilities in Great Tey.	<ul style="list-style-type: none"> • Promoting healthy and safe communities • 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 GTNP conforms to the NPPF

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
POLICY GTTEY1: DESIGN	131, 132, 133, 134, 135	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 GTTEY2: LANDSCAPING	132, 135, 136 180, 195, 196	This policy seeks to ensure that new development is well landscaped, softening the edges of development through the use of trees and green natural features. This includes using green features to mitigate any impacts on heritage assets. It therefore contributes to the NPPF objectives of conserving and enhancing the natural environment, conserving and enhancing the historic environment and achieving well designed places.
POLICY GTTEY3: VIEWS	131, 132, 135, 180	This policy contributes to the NPPF objectives of achieving well designed places and conserving and enhancing the natural environment. It seeks to preserve the setting of Great Tey in a rural landscape, specifically in relation to important views.
POLICY GTTEY4: ACCESS TO THE COUNTRYSIDE	96, 108, 110	This policy contributes to the NPPF objectives of promoting sustainable transport and promoting healthy and safe communities. It seeks to protect and enhance the public rights of way network for all users and to provide safe walking and cycling connections.
POLICY GTTEY5: WILDLIFE-FRIENDLY DEVELOPMENT	167, 175, 180, 185, 191	This policy contributes to the NPPF objectives of meeting the challenge of climate change, flooding and coastal change and conserving and enhancing the natural environment. The policy seeks to ensure that biodiversity is maximised and that development protects trees, shrubs and hedgerows of amenity value.
POLICY GTTEY6: DARK SKIES AND LIGHTING	191	This policy contributes to the NPPF objective of enhancing the natural environment. The policy seeks to ensure that light pollution is minimised through good design and the use of low impact lighting.
POLICY GTTEY7: PROVISION AND ENHANCEMENT OF COMMUNITY AND BUSINESS FACILITIES	85, 86, 89, 96, 97, 102	This policy contributes to the NPPF objectives of building a strong, competitive economy and promoting healthy and safe communities. The policy encourages the provision and enhancement of community facilities as well as the flexible use of community buildings for commercial uses.

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

- 3.1. The NPPF states in paragraph 10 that at its heart is a presumption in favour of sustainable development, with paragraph 11 stating that this should be applied to 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’. Colchester City Council has screened for the need for both a Strategic Environmental Assessment and a Habitats Regulations Assessment. Both screening reports consider that the Plan guides development towards sustainable solutions and does not have any significant negative effects. The Screening Reports have 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 GTNP 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’.	
GTNP Objectives	Objective 4: To enhance the viability and range of infrastructure, services and community facilities in Great Tey.
GTNP Policies	POLICY GTTEY7: PROVISION AND ENHANCEMENT OF COMMUNITY AND BUSINESS FACILITIES
Commentary	There is a recognition of the need to provide opportunities to support Great Tey’s local economy. This would protect local jobs so fewer people would have to drive out of Great Tey to access jobs in other places. This will also help to sustain the vitality of Great Tey’s services and community buildings (if these were made available for commercial purposes). TIP07 seeks to provide for existing facilities to provide for the needs of businesses and for a more flexible approach to commercial activity outside the Local Economic Area of Brook Farm.
Deliver social sustainability	
NPPF definition – ‘Support strong, vibrant and healthy communities’	
GTNP Objectives	Objective 1: To ensure high quality design of development that reflects the character of Great Tey as a rural community. Objective 2: To improve the health and wellbeing of the community by maximising access to the countryside through multifunctional green infrastructure for all and ensuring clean, active and sustainable transport links. Objective 4: To enhance the viability and range of infrastructure, services and community facilities in Great Tey.
GTNP Policies	POLICY GTTEY1: DESIGN POLICY GTTEY2: LANDSCAPING POLICY GTTEY3: VIEWS POLICY GTTEY4: ACCESS TO THE COUNTRYSIDE POLICY GTTEY6: DARK SKIES AND LIGHTING POLICY GTTEY7: PROVISION AND ENHANCEMENT OF COMMUNITY AND BUSINESS FACILITIES

Commentary	<p>High quality development is important to the community of Great Tey, both in terms of what development looks like and how it is laid out. Policy GTTEY1 identifies the character of the area and the design principles that will maintain this. This is complemented by Policy GTTEY2 which establishes the importance of using planting and trees to soften the spaces between buildings. Policy GTTEY3 then protects specific views of value to the community.</p> <p>In a rural location, access to the countryside is importance for exercise and mental wellbeing. Policy GTTEY4 seeks to enhance access to the countryside. Within the settlement, improvements to walking and cycling will decrease car use for short journeys.</p> <p>Policy GTTEY6 recognises the intrinsically dark skies in the area and seeks to preserve these for the benefit of rural residents.</p> <p>Particularly in a rural area, access to community facilities is important for community wellbeing and cohesion. Policy GTTEY7 encourages enhancement of such provision.</p>
Deliver environmental sustainability	
NPPF definition – ‘Contribute to protecting and enhancing our natural, built and historic environment’ and ‘mitigate and adapt to climate change’	
GTNP Objectives	<p>Objective 2: To improve the health and wellbeing of the community by maximising access to the countryside through multifunctional green infrastructure for all and ensuring clean, active and sustainable transport links.</p> <p>Objective 3: To minimise the environmental impact of development both in terms of adapting and mitigating against a changing climate and delivering net gain in biodiversity.</p>
GTNP Policies	<p>POLICY GTTEY2: LANDSCAPING</p> <p>POLICY GTTEY5: WILDLIFE-FRIENDLY DEVELOPMENT</p> <p>POLICY GTTEY6: DARK SKIES AND LIGHTING</p>
Commentary	<p>Development must ensure that it provides a net gain in biodiversity (Policy GTTEY5) and be appropriately landscaped (Policy GTTEY2). Policy GTTEY6 recognises the importance of the intrinsically dark skies in the area for wildlife and seeks to preserve these.</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)
 - Essex Minerals Local Plan (adopted 2014)
 - Essex and Southend-on-Sea Waste Local Plan (adopted 2017)
- 4.2. Table 4.1 details the GTNP 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 GTNP and the Local Plan policies work together to address the objectives of the GTNP.
- 4.4. Where a policy is not identified in Table 4.1, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.

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

GTNP 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 GTTEY1: DESIGN	SP7: Place Shaping Principles. SS8: Great Tey CC1: Climate Change. DM15: Design and Amenity.	Policy SS8 requires the GTNP to shape the character of the development of land off Greenfield Drive. Policy SP7 emphasises the importance of high standards of design that enhance nature and biodiversity and provide for increased walking and cycling. Policy GTTEY1 identifies specific issues which are considered to represent good quality design that reflects the character of Great Tey, including on Local Plan site allocations. 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 GTTEY2: LANDSCAPING	ENV1: Environment. DM15: Design and Amenity DM16: Historic Environment	Policy GTTEY2 seeks to ensure that the impact of development on the landscape and heritage is minimised through good design and landscaping. Policies ENV1 and DM16 ensure that development protects landscapes and history. Policy DM15 requires landscaping to be provided as part of the design of development.
POLICY GTTEY3: VIEWS	ENV1: Environment.	Policy GTTEY3 seeks to preserve particular cherished views of the countryside. Policy ENV1 only permits development where it would protect and enhance the factors that contribute to valued landscapes, such as views.
POLICY GTTEY4: ACCESS TO THE COUNTRYSIDE	SP6: Infrastructure and Connectivity. DM1: Health and Wellbeing. DM20: Promoting Sustainable Transport and Changing Travel Behaviour. DM21: Sustainable Access to Development.	Policy GTTEY4 seeks to improve access to the countryside and enhance walking and cycling routes more generally, including through good design of new development. It specifically refers to routes linking with schools and other local facilities. Policy SP6 seeks a comprehensive network of walking and cycling routes. Policy DM1 requires development to create opportunities for activities 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 GTTEY5: WILDLIFE- FRIENDLY DEVELOPMENT	SP7: Place Shaping Principles ENV1: Environment DM15: Design and Amenity	Policy GTTEY5 seeks to ensure that, where possible, biodiversity net gain is delivered on site. Policy ENV1 confirms the requirement for biodiversity net gain and ensures that development maximises biodiversity and geodiversity. Policy DM15 requires development to provide a network of green infrastructure as part of design, which includes features such as hedgehog fencing and swift bricks.
POLICY GTTEY6: DARK SKIES AND LIGHTING	DM15: Design and Amenity	Policy GTTEY6 seeks to preserve the intrinsically dark skies of Great Tey for the benefit of residents and fauna. Policy DM15 requires development to preserve residential amenity with regard to light pollution.

GTNP 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 GTTEY7: PROVISION AND ENHANCEMENT OF COMMUNITY AND BUSINESS FACILITIES	SP6: Infrastructure and Connectivity. DM2: Community Facilities. DM6: Economic Development in Rural Areas and the Countryside	Policy GTTEY7 supports the enhancement of community facilities, including where this can also support the needs of local businesses. Policy SP6 supports the development of social infrastructure that facilitates healthy, active and inclusive communities. Policy DM2 requires new development to contribute towards the provision of community facilities. Policy DM6 provides appropriate flexibility in the use of rural employment premises and encourages expansion.

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). In May and June 2023, a draft screening report was prepared by Colchester City Council. This was consulted on with the statutory bodies (the Environment Agency, Natural England and Historic England) to assist in the determination of whether or not the Great Tey Neighbourhood Plan would have significant environmental effects in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.
- 5.2. Following this consultation, the Screening Report concluded that the Plan was unlikely to have any significant environmental effects and was published in June 2023. Following comments at Regulation 14 stage, the Neighbourhood Plan was amended. The SEA Screening Report was revisited, reviewed and updated as necessary. The overall conclusion was the same, namely that the Great Tey Neighbourhood Plan would not be likely to have any significant environmental effects arising either individually or cumulatively.
- 5.3. The various SEA screening documents, including the responses from the statutory bodies, has been submitted at Regulation 15 stage as part of the evidence base for the Plan.
- 5.4. In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

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

- 6.1. Under Directive 92/43/EEC, also known as the Habitats 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 City Council in May and June 2023. This was consulted on with Natural England. Colchester City Council was of the opinion that significant effects were unlikely to occur with regards to the integrity of the European sites within and around Colchester City Council, due to the implementation of the Great Tey Neighbourhood Plan. Natural England agreed with this opinion and the final screening was published in June 2023.
- 6.3. At Regulation 14 stage, Colchester City Council considered that it would be necessary for the Neighbourhood Plan to include a policy addressing the Recreational Disturbance and Avoidance Strategy (RAMS). Following further engagement with Natural England, Colchester City Council confirmed that it was not necessary to include a policy and that it was sufficient to add a section into the Neighbourhood Plan signposting Policy ENV1 (specifically clause B) in the Colchester Local Plan Section 2, which addresses RAMS. This new section was duly included in the Regulation 16 version of the Neighbourhood Plan.
- 6.4. It can therefore be concluded that the Great Tey Neighbourhood Plan will not cause adverse effects on European site integrity either alone or in-combination with other plans or projects.
- 6.5. The various HRA screening documents, including the responses from the statutory bodies, has been submitted at Regulation 15 stage as part of the evidence base for the Plan.

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 Great Tey Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Great Tey Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.




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