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Epping Forest District Council
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Moreton, Bobbingworth and the Lavers Neighbourhood Development Plan

Town & Country Planning Act and Localism Act 2012
Neighbourhood Planning Regulations, Part 5 s15

Neighbourhood Development Plan Proposal: Basic Conditions Statement



Moreton, Bobbingworth and the Lavers NDP Boundary Map

Introduction

Section 15(1)(d) of the Neighbourhood Planning (General) Regulations 2012 states that the Qualifying body must produce a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act as applied to neighbourhood plan by S38A of the Planning and Compensation Act 2004. This document sets out how the Moreton, Bobbingworth and the Lavers Neighbourhood Plan meets these requirements.

Basic Conditions

The basic conditions to be met by a draft Neighbourhood Development Plan are set out para 8 (1) (a) (2) of Schedule 4B to the Town and Country Planning Act 1990 (inserted by the Localism Act 2011). A Neighbourhood Development Plan must:

1. Have regard to national policies and advice contained in guidance issued by the Secretary of State
2. Contribute to the achievement of sustainable development
3. Be 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. Does not breach, and is otherwise compatible with, EU obligations, and

Provision 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 states:

1. A neighbourhood development plan:
 - (a) must specify the period for which it is to have effect,
 - (b) may not include provision about development that is excluded development, and
 - (c) may not relate to more than one neighbourhood area.
2. Only one neighbourhood development plan may be made for each neighbourhood area.
3. If to any extent a policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.
4. Regulations made by the Secretary of State may make provision—
 - (a) restricting the provision that may be included in neighbourhood development plans about the use of land,
 - (b) requiring neighbourhood development plans to include such matters as are prescribed in the regulations, and
 - (c) prescribing the form of neighbourhood development plans.
5. A local planning authority must publish each neighbourhood development plan that they make in such manner as may be prescribed by regulations made by the Secretary of State.

The Plan Area consists of the Civil Parishes of Moreton, Bobbingworth, High Laver, Magdalen Laver and Little Laver. These combined parishes are administered by a single Parish Council under the title Moreton, Bobbingworth and the Lavers Parish Council. It is therefore deemed logical for any referendum to be confined to the parish area, and not to be extended.

For the purposes of clarification, the guidance referred to under this Basic Condition includes the National Planning Policy Framework, the Localism Act 2011, the Neighbourhood

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Planning (General) Regulations 2012, and the Town and Country Planning Act 1990, and Planning Practice Guidance as published.

Town and Country Planning Act 1990

Section 38a of the Town and Country Planning Act 1990 states that any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan. Moreton, Bobbingworth and the Lavers Parish Council is classified as a qualifying body, and as such is legally entitled to submit a Neighbourhood Development Plan to the local authority for consideration.

Section 38b states that a neighbourhood development plan must specify the period for which it is to have effect. The Moreton, Bobbingworth and the Lavers NDP specifies that the plan period is to run for 18 years from the point of adoption (assuming the plan is adopted before the end of 2019).

Section 38b also states that the NDP may not include provision about development that is excluded development and may not relate to more than one neighbourhood area. The Moreton, Bobbingworth and the Lavers NDP does not include provision for any excluded development, nor does it cover more than one Neighbourhood Area.

National Planning Policy (NPPF)

As written in the introduction to the NPPF, the purpose of planning is to help achieve sustainable development. Sustainable development is described as meeting the needs of the present without compromising the ability of future generations to meet their own needs'. As such, the policies contained within the NPPF are based on the concept of sustainability.

Building a Strong, Competitive Economy

Para 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Compliance with Para 80 is clearly evidenced by the following policies included within the Plan:

- **Homeworking** (policy MBL 2.1)
- **Development of small businesses** (policy MBL 2.2)
- **Farm diversification** (policy MBL 2.3)

Para 112 of the NPPF states advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. This can be most clearly evidenced by the **Broadband and mobile telephones** policy contained within the plan (policy MBL 3.1). As detailed within the NDP, the Plan Area is very rural and suffers immeasurably from the lack of communication facilities available to local businesses. This was clearly evidenced in the Business Survey responses, and the NDP identifies the urgent need for this issue to be addressed in order for economic growth to be viable.

Supporting a Prosperous, Rural Economy

Para 83 of the NPPF states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses

This has been addressed in the following Plan policies:

Development of small businesses (policy MBL 2.2)

Farm diversification (policy MBL 2.3)

Homeworking (policy MBL 2.1)

Promoting Sustainable Transport

As is identified in Para 102 of the NPPF states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. In such a sparsely populated, rural area as that of the Plan Area, achieving and promoting a system of sustainable transport is extremely limited, however these issues have been addressed as far as is reasonably practical in the following policies:

Traffic (policy MBL 4.1)

Parking (policy MBL 4.2)

Improved public rights of way (policy MBL 4.3)

Supporting high quality communications

As mentioned previously, para 112 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. The NDP addresses this issue under the following policy:

Broadband and mobile telephones (policy MBL 3.1)

Achieving Appropriate Densities and Housing Mix

Para 122 of the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, the availability and capacity of infrastructure and services – both existing and proposed, and the desirability of maintaining an area's prevailing character and setting. In addition, Para 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). As part of the NDP process, an update of an Affordable Housing Needs Survey (originally completed in 2007) was commissioned (completed by the Rural Community Council of Essex). The results of this survey show there is a clear need for a specific number of affordable houses within the Plan Area, full details of which will be made available to the Local Planning Authority and to the Examiner if so requested. The NDP is a pro-development document, based on evidenced need, and this is detailed under the following policy:

Type, size, scale and design of new-build homes (policy MBL 1.1)

Promoting Healthy Communities

Para 98 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails. The following NDP policy supports this national policy:

Improved public rights of way (policy MBL 4.3)

Protecting Green Belt land

As stated in Para 113, the Government attaches great importance to Green Belts. The whole of the Plan Area is within the Green Belt, and the results of the Parish Survey clearly shows that local residents also attach the same importance. This has been considered in light of the need for more affordable housing, and has been reflected in the following policies:

Type, size, scale and design of new-build homes (policy MBL 1.1)

Affordable housing on Rural Exception Sites (policy MBL 1.2)

The Neighbourhood Planning (General) Regulations 2012

These regulations have provided a structure for the creation of the Draft NDP.

The Neighbourhood Development Plan does not seek to provide planning permission for any site specific development within the Plan Area, and as such compliance with this Basic Condition is not required

As detailed earlier, the NPPF states that the purpose of planning is to help achieve sustainable development. *Sustainable* means ensuring that better lives for ourselves don't mean worse lives for future generations. *Development* means growth. Local Authorities must accommodate the new ways by which we will earn our living in a competitive world, housing a rising population, which is living longer and wants to make new choices. Local Authorities must respond to the changes that new technologies on offer. Sustainable development is about change for the better, not only in our built environment.

This NDP is a pro-development document which recognises that change is needed, including the provision of more housing, evidenced by need, to ensure the future of the Parish remains sustainable.

The Local Planning Authority (Epping Forest District Council - EFDC) is in the process of updating their Local Plan. The current adopted Local Plan for the area is a mixture of policies from the Adopted 1998 Local Plan and the Adopted 2006 Local Plan Alterations. EFDC has recently undertaken a review of this current policy, and any policies which were found no longer conformed with the NPPF are not longer used. After a prolonged delay, EFDC has now submitted its updated Local Plan for formal examination. As such, the Submission Version of the Local Plan has some weight. The Evidence Base group has completed a review of the Existing Local Plan, together with a review of the evidence base for the Submission Version of the Local Plan which includes, but is not limited to:

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- Call for sites
- Census Key Facts 2001 (and emerging 2011 Census facts)
- Employment Land Review (2010)
- Five year assessment of land supply
- Harlow Area Appraisal of Planning, Transport and Infrastructure Options (2010)
- Heritage Asset Review
- Landscape Character Assessment
- Local Wildlife Sites Review
- Open Space, Sport & Recreation - Assessment & Audit
- Population Projections
- Population projections for Epping Forest District 2013
- Settlement Edge Landscape Sensitivity Study
- Shaping the Future
- Strategic Housing Market Assessment
- Strategic Land Availability Assessment
- Ward Profiles

Copies of these documents can be found at www.efdclocalplan.org.

European Regulations

A neighbourhood plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are a number of directives that may be of particular relevance to neighbourhood planning, each of which has been assessed and reported below:

Directive 2001/42/EC - *the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive)*. (This seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. It may be of relevance to neighbourhood plans).

The guidance states that in some limited circumstances, where a neighbourhood plan could have significant environmental effects, it may fall within the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 and so require a strategic environmental assessment. One of the basic conditions that will be tested by the independent examiner is whether the making of the neighbourhood plan is compatible with European Union obligations (including under the Strategic Environmental Assessment Directive). Whether a neighbourhood plan requires a strategic environmental assessment, and (if so) the level of detail needed, will depend on what is proposed in the draft neighbourhood plan. A strategic environmental assessment may be required where:

- *a neighbourhood plan allocates sites for development*
- *the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan*
- *the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.*

The Plan area contains a number of heritage assets, two conservation areas, and a number of areas of sensitive natural space. However, the nature of the plan is such it seeks further protection of all of these areas. In addition, the Plan does not contain

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specific allocated sites for development. Therefore, taking these into consideration, a Strategic Environmental Assessment is not required.

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and **Directive 2009/147/EC** on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders.

The Habitats Directive (together with the Birds Directive) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natural 2000 network of protected sites and the strict system of species protection. All in all the directive protects over 1.000 animals and plant species and over 200 so called "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European importance.

The Plan area contains 13 designated Local Wildlife sites, in addition to one Nature Reserve (Bobbingworth Nature Reserve). The Plan seeks the continued protection of these sites. In addition, the Plan does not contain specific allocated sites for development. Therefore, taking these into consideration, a full assessment under both these EU directives is not required.

Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

It is considered that the Neighborhood Plan is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998

After having reviewed these directives, and considering the content of the Neighbourhood Plan, the proposed plan does not breach and is otherwise compatible with EU Obligations.