

Ashdon Neighbourhood Plan 2020-2036

Basic Conditions Statement



Ashdon Parish Council
March 2022


**ASHDON
NEIGHBOURHOOD PLAN**

Prepared for Ashdon Parish Council by
Places4People Planning Consultancy
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1 Introduction

1.1 As part of the formal submission of the Ashdon Neighbourhood Plan to Uttlesford District Council, there is a requirement for the Parish Council, as the 'qualifying body' to illustrate that they have complied with a series of 'basic conditions' as set out in the Town & Country Planning Act 1990 (as amended). This Statement accompanies the submission to the local planning authority of the Ashdon Neighbourhood Plan under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations") (as amended). Regulation 15 requires a submission neighbourhood development plan to be accompanied by "*a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act*".

1.2 This statement has been prepared in order to confirm compliance with these basic conditions as follows:

Section 2 identifies the legislative requirements for the 'basic conditions'

Section 3 identifies how the Plan Objectives and Policies are in general conformity with the National Planning Policy Framework and the Strategic Policies of the adopted Local Plan.

Sections 4 confirms that the neighbourhood plan is compatible with the Convention Rights.

It is considered that the Neighbourhood Plan complies with the requirements of the basic conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Act.

2. Legal Requirements

2.1 Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) identifies the "Basic Conditions" that the neighbourhood plan must comply with.

2.2 Paragraph 8 (1) states that the examiner must consider:

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 38A and 38B of this Act,
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- (e) such other matters as may be prescribed.

2.3 Paragraph 8 (2) states that a draft neighbourhood development plan meets the basic conditions if:

- (a) having regard to national policies and advice contained in guidance by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- (e) 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),
- (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, retained EU obligations, and
- (g) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.

The requirements of Paragraph 8(2)(b), (2)(c) (3), (4) and (5) are not of relevance to the compliance with the basic conditions test.

2.4 Paragraph 8 (6) stipulates that the examiner is not to consider any matter that does not fall within subparagraph (1) apart from considering whether the draft neighbourhood plan is compatible with the Convention Rights.

2.5 On 28 December 2018 the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The Regulations substitute this with a new basic condition which states:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

Meeting the Legal Requirements

Compliance with the individual elements of the legal requirements is set out below.

Requirement	Interpretation	NP response
4B 8 (1)(a) Whether the Draft NP meets the Basic Conditions	This requires the NP to demonstrate compliance with paragraph 8(2) of Schedule 4B of the T&CP Act.	This is considered in detail in later sections of this Statement.
4B 8 (1)(b) Whether the Draft Order Complies with Sections 38A & 38B of the Compulsory Purchase Act 2004	This requires the draft order to comply with Sections 38A & 38B of the Compulsory Purchase Act 2004. Section 38A sets out the "Meaning of Neighbourhood Development Plan".	Compliance with Sections 38A and 38B is demonstrated in the following rows.
	Section 38A(1) "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."	The Neighbourhood Plan has been submitted by Ashdon Parish Council, a qualifying body (as defined in the Localism Act 2011).
	Section 38A(2) A "Neighbourhood Development Plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."	The NP sets out Policies that relate to the development and use of land for the Neighbourhood Area covering the Parish of Ashdon, as designated by Uttlesford District Council on 1 May 2019. The boundary of the Neighbourhood Area is shown in the Neighbourhood Plan.
	Section 38A, Paragraphs (3) - (12)	These paragraphs are not of relevance to the submission phase of the NP.
	Section 38B1(a) The Neighbourhood Development Plan "Must specify the period for which it is to have effect."	The plan period of the NP is from 2020 to 2036.
	Section 38B1(b) A Neighbourhood Development Plan "may not include provision about development that is excluded development."	The NP does not contain policies relating to excluded development as defined in Section 61K of the Planning and Compulsory Purchase Act 2004
	Section 38B1(c) A Neighbourhood Development Plan may not relate to more than one neighbourhood area	The NP does not relate to more than one neighbourhood area. It solely relates to the Neighbourhood Plan Area as designated by Uttlesford District Council on 1 May 2019.
	Section 38B(2) Only one Neighbourhood Development Plan may be made for each neighbourhood area.	There are currently no other NP's in place in this Neighbourhood Area.
	Section 38B(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.	There are no conflicts within the NP

Requirement	Interpretation	NP response
	<p>Section 38B(4)(a)</p> <p>Regulations made by the Secretary of State may make provisions for "restricting the provision that may be included in Neighbourhood Development Plans about the use of land."</p> <p>These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012 (as amended).</p>	<p>The Neighbourhood Planning (General) Regulations 2012 (as amended) have been used to inform the process of making the NP.</p>
	<p>Section 38B(4)(b)</p> <p>Regulations made by the Secretary of State may make provisions "requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations."</p>	<p>Uttlesford District Council has determined that the draft Ashdon Neighbourhood Plan is unlikely to result in significant environmental effects and therefore, does not require a Strategic Environmental Assessment. The Screening Determination Statement was published in January 2022.</p>
	<p>Section 38B, which include paragraphs 38B(4)(c), 5 & 6,</p>	<p>The remaining requirements of Section 38B are not of relevance to this Basic Conditions Statement</p>
<p>4B 8 (1)(d) Whether The Referendum Should Extend Beyond The NP Area</p>	<p>This requires the examiner to consider whether the area for any referendum should extend beyond the NP Area to which it relates.</p>	<p>The NP relates solely to land that falls within the Parish of Ashdon.</p>
<p>4B 8 (1)(e) Other Matters 3.28.</p>	<p>This requires the examiner to consider such other matters as may be prescribed</p>	<p>There are no other prescribed matters.</p>
<p>Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018</p>	<p>These Regulations require an Appropriate Assessment of the Plan to be carried out should the SEA and HRA Screening Opinion deem it necessary.</p>	<p>The SEA Screening Opinion concluded that the Plan was screened out of requiring an SEA or HRA.</p>

3. Compliance with Basic Conditions

3.1 Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act sets out the basic conditions that must be met by a draft Neighbourhood Plan. Subsections (a), (d), (e), (f), and (g) are of relevance to this statement. The Regulations state that the neighbourhood plan will have met the basic conditions if it:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development;
- Is in general conformity with the strategic policies of the development plan for the area; and
- Is compatible with European Union (EU) and European Convention on Human Right (ECHR) obligations.

National Policy

3.2 The Ashdon Neighbourhood Development Plan must have appropriate regard to national policy. The following section describes how the Plan relates to the National Planning Policy Framework (NPPF) the latest and relevant version of which was published in July 2021. The July 2021 NPPF has been used as the basis to assess the Neighbourhood Plan in terms of its regard to national policies. The NPPF is framed around a basic premise of achieving sustainable development, comprising three main dimensions: economic, social and environmental. It requires the planning system to have regard to 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 a well-designed and safe built environment, 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 contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

3.3 The NPPF contains thirteen topic-based chapters in which more detailed policy guidance is set out for plan making and decision taking. Table 1, below, identifies how the Plan meets the basic condition of having regard to the NPPF by assessing the Plan against the principles for each of the NPPF topic-based chapters.

Table 1 - Compatibility of the Plan's policies against the NPPF Core Principles

NPPF Topic	Neighbourhood Plan Objective	Neighbourhood Plan Policies
Delivering a sufficient supply of homes	<ul style="list-style-type: none"> Affordable housing should be available to meet the needs of local people. 	Policy ASH1 - A spatial strategy for Ashdon Policy ASH2 - Housing mix - meeting local needs Policy ASH3 - Affordable housing on rural exception sites
Building a strong, competitive economy	<ul style="list-style-type: none"> Promote and enhance local employment opportunities 	Policy ASH12 - Village Services and Facilities Policy ASH16 - Farm Diversification
Ensuring the vitality of town centres	<ul style="list-style-type: none"> Promote maintenance and enhancement of local facilities, clubs and societies. 	Policy ASH12 - Village Services and Facilities
Promoting healthy and safe communities	<ul style="list-style-type: none"> Promote health and wellbeing of the community by protecting and improving opportunities for outdoor recreational activities. 	Policy ASH12 - Village Services and Facilities Policy ASH13 - Local Green Spaces Policy ASH14 - Public Rights of Way
Promoting sustainable transport	<ul style="list-style-type: none"> Promote a vibrant community in which it is easier to get around – both within the community and in and out of the village. 	Policy ASH14 - Public Rights of Way Policy ASH15 - Protected Lanes
Supporting high quality communications	<ul style="list-style-type: none"> Promote a vibrant community in which it is easier to get around – both within the community and in and out of the village. 	Policy ASH7 - Design Considerations
Making effective use of land	<ul style="list-style-type: none"> Any new development in the Parish will be modest in scale and appropriate to meeting village needs. 	Policy ASH1 - A spatial strategy for Ashdon Policy ASH4 - Protecting Ashdon's Landscape Character Policy ASH5 - Settlement Gaps
Achieving well-designed places	<ul style="list-style-type: none"> Any new development will deliver high quality design and be appropriate and sensitive to neighbouring buildings and landscape setting. 	Policy ASH7 - Design Considerations Policy ASH8 - Light Pollution
Protecting Green Belt land	<ul style="list-style-type: none"> There is no Green Belt in the Neighbourhood Area 	None
Meeting the challenge of climate change, flooding and coastal change	<ul style="list-style-type: none"> The NP will address the challenge of climate change at our Parish level. As part of this it will anticipate the impact of increased frequency of heavy rainfall when planning for flood management solutions for the village The NP will aim for new development to have a low carbon footprint (covering energy demand, building materials, construction process etc) and support innovative solutions. 	Policy ASH7 - Design Considerations Policy ASH8 - Light Pollution Policy ASH9 - Flood Risk
Conserving and enhancing the natural environment	<ul style="list-style-type: none"> The unique hilly landscape and openness of the village with its close connection to the rural landscape will be protected; this includes key views. The NP will plan to maintain and promote local ecosystems to protect wildlife, trees and hedgerows. 	Policy ASH4 - Protecting Ashdon's Landscape Character Policy ASH5 - Settlement Gaps Policy ASH10 - Biodiversity and Habitats Policy ASH11 - Chalk Streams Protection
Conserving the historic environment	<ul style="list-style-type: none"> Any new development will deliver high quality design and be appropriate and sensitive to neighbouring buildings and landscape setting. The unique hilly landscape and openness of the village with its close connection to the rural landscape will be protected; this includes key views. 	Policy ASH6 - Conservation Areas

NPPF Topic	Neighbourhood Plan Objective	Neighbourhood Plan Policies
Facilitating the sustainable use of minerals	Not applicable to the Neighbourhood Plan	None

How the purpose of the Neighbourhood Plan policies achieve sustainable development

3.4 The table below identifies the purpose of each policy in the Plan and its intended outcome in relation to achieving sustainable development as defined by the NPPF.

Policy	Purpose	Outcome
ASH 1	To provide a strategy for the location of new development within the neighbourhood plan area.	Ensures that new development is located close to existing village facilities and minimises the loss of agricultural land in remote locations.
ASH 2	Sets requirements for house sizes in new development.	Contributes to meeting the housing need.
ASH 3	Provides an approach to delivering affordable housing to meet identified local needs.	Contributes to meeting the housing need.
ASH 4	Provides consideration for how the landscape character of the Parish will be protected.	Contributes to protecting and enhancing the landscape setting of the Parish.
ASH 5	Seeks to prevent coalescence of distinct built-up areas of the Parish.	Contributes to protecting local distinctiveness.
ASH 6	Provides criteria for how development in the Conservation Areas will be considered.	Preserves and enhances the distinctiveness, character and sense of place of the built environment.
ASH 7	Provides design criteria for new development.	Contributes to ensuring that development proposals have a positive impact on the Neighbourhood Area.
ASH 8	Seeks to minimise light pollution arising from development.	Minimises light pollution.
ASH 9	Sets requirements for how proposals will be considered in respect of managing flood risk.	Contributes to meeting the challenge of flooding.
ASH 10	Supports the conservation and enhancement of the natural environment.	Ensures that natural features and habitats are protected and enhanced.
ASH 11	Ensures that the chalk streams in the Plan Area are protected from potential pollution	Maintains the quality of water habitats.
ASH 12	Supports the retention and improvement of community facilities and services in the village.	Maintains existing village services and reduce the need to drive out of the village for day-to-day needs.
ASH 13	Designates spaces that meet the NPPF Local Green Space criteria.	Protects spaces that have an identifiable local importance to the village.
ASH 14	Seeks to minimise the impact of development on existing public rights of way and promotes enhancements to the network.	Promotes health and wellbeing through maintaining access to the countryside.
ASH 15	Seeks to maintain the character and tranquillity of identified "protected lanes".	Protects the rural character of the Plan Area
ASH 16	Promotes economic development through farm diversification	Promotes the rural economy

General conformity with the strategic policies contained in the development plan

3.5 The Neighbourhood Plan must demonstrate that it is in general conformity with the development plan for the local authority area concerned. The development plan currently in force is the Uttlesford Local Plan (2005), the Essex Minerals Local Plan (2014) and the Essex and Southend-on-Sea Waste Local Plan (2017).

3.6 The Government's Planning Practice Guidance states:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

3.7 Uttlesford District Council has identified 26 policies in the adopted Local Plan that are considered to be strategic. The Basic Conditions Statement assesses compatibility of the Neighbourhood Plan policies against the identified strategic policies that are considered relevant to the Neighbourhood Area. Those that are not considered relevant are listed in Appendix A of this statement.

3.8 The table below provides details of the strategic policies in the development plan, the associated Neighbourhood Plan policies (where relevant) and a narrative of conformity of the Neighbourhood Plan with the strategic policies.

Table 2 - Compatibility of the Plan's policies against the Local Plan Strategic Policies

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Uttlesford Local Plan		
Policy S3 Other Development Limits	Policy ASH1 – A spatial strategy for Ashdon	The local plan policy identifies Development Limits, illustrated on the Proposals Map, and states that development compatible with the settlement's character and countryside setting will be permitted within these boundaries. The Neighbourhood Plan retains the Development Limits as in the Local Plan and Policy ASH1 supports proposals within the Limits.
Policy S7 The Countryside	Policy ASH1 – A spatial strategy for Ashdon Policy ASH4 - Protecting Ashdon's Landscape Character Policy ASH5 - Settlement Gaps Policy ASH16 - Farm Diversification	The local plan limits development outside the Development Limits to that which needs to take place there or is appropriate to a rural area. The Neighbourhood Plan policies provide further policies that identify the important and distinct qualities of land outside the Ashdon Development Limits and enable development that does not undermine these qualities.
Policy GEN 1 Access	Policy ASH7 – Design Considerations	The local plan policy sets out criteria against which proposals relating to highways matters will be considered. Policy ASH7 supplements this policy by adding additional criteria that reflect modern needs.
Policy GEN 2 Design	Policy ASH7 – Design Considerations Policy ASH8 – Light Pollution	The local plan policy sets a number of criteria against which the design of development will be considered. The Neighbourhood Plan policies supplement these by adding locally evidenced criteria for the consideration of development proposals.
Policy GEN 4 Good Neighbourliness	Policy ASH7 – Design Considerations	The local plan policy protects the amenity of occupiers of neighbouring properties from disturbance or nuisance from development. The Neighbourhood Plan policy updates this policy approach.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Policy GEN 6 Infrastructure provision to support development	Policy ASH9 - Flood Risk Policy ASH12 - Village Services and Facilities	The local plan policy seeks to ensure that community facilities, school capacity, public services, transport provision, drainage and other infrastructure is made available to meet the development requirements. The Neighbourhood Plan policies support this approach as well as protecting existing services from being lost.
Policy GEN7 Nature Conservation	Policy ASH10 - Biodiversity and Habitats Policy ASH11 - Chalk Streams Protection	The local plan policy seeks to limit the harmful effect on wildlife or geological features and promotes the enhancement of biodiversity. The Neighbourhood Plan policies enhance the requirements of the local plan policy while bringing it up to date in acknowledging the current Government requirements for biodiversity net gain.
Policy E2 Safeguarding Employment Land	No specific policies apply	The local plan policy identifies a number of employment sites across the district which will be protected from being lost. It also states that development of employment land for other uses outside the key employment areas will be permitted if the employment use has been abandoned or the present use harms the character or amenities of the surrounding area. The Neighbourhood Plan does not conflict with this policy.
Policy ENV 1 Design of Development within Conservation Areas	Policy ASH6 - Conservation Areas	The local plan policy supports development that preserves or enhances the character and appearance of the essential features of a Conservation Area. The Neighbourhood Plan policy provides locally specific and updated criteria for the consideration of development proposals in the Conservation Areas including making reference to the Conservation Area Appraisals and Management Plans published since the Local Plan.
Policy ENV 5 Protection of Agricultural Land	Policy ASH1 - A spatial strategy for Ashdon Policy ASH4 - Protecting Ashdon's Landscape Character	The local plan policy seeks to protect the best and most versatile agricultural land from being developed. The Neighbourhood Plan policies conform with this approach and the more up-to-date NPPF.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Policy ENV7 The Protection of the Natural Environment – Designated Sites	Policy ASH10 - Biodiversity and Habitats	The local plan policy protects nationally and locally designated nature conservation sites from the adverse impacts of development. The Neighbourhood Plan policy supports and adds to this approach.
Policy ENV 9 Historic Landscapes	Policy ASH15 - Protected Lanes	The local plan policy seeks to limit the harm from development to significant local historic landscapes, including protected lanes. The Neighbourhood Plan policy identifies the Protected Lanes in Ashdon and supports the Local Plan approach.
Policy ENV 10 Noise Sensitive Development and Disturbance from Aircraft	Policy ASH7 – Design Considerations	The local plan policy states that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. The Neighbourhood Plan does not conflict with this policy.
Policy H 1 Housing Development	Policy ASH1 - A spatial strategy for Ashdon Policy ASH2 - Housing mix - meeting local needs	The local plan policy identifies how the housing need for the district would be met at the time it was prepared. The Local Plan end date was 2011. The Local Plan is now out-of-date and the NPPF “tilted balance” of paragraph 11(d) now takes precedence. The Neighbourhood Plan policies do not conflict with this approach.
Policy H 3 New Houses within Development Limits	Policy ASH1 - A spatial strategy for Ashdon Policy ASH2 - Housing mix - meeting local needs	The local plan policy supports infill housing developments within Development Limits in settlements including Ashdon subject to it being compatible with the character of the settlement. The Neighbourhood Plan does not conflict with this policy.
Policy H 9 Affordable Housing	Policy ASH3 - Affordable housing on rural exception sites	The local plan policy seeks the provision of affordable housing on allocated and windfall sites. There are no sites allocated in Ashdon and it is considered unlikely that windfall sites will come forward in the Neighbourhood Area that will be of a size that will require a proportion of affordable housing. Therefore, the Neighbourhood Plan does not conflict with this policy.
Policy H 11 Affordable Housing on “Exception Sites”	Policy ASH3 - Affordable housing on rural exception sites	The Local Plan policy enables the provision of affordable housing on sites outside the Development Envelope to meet locally identified needs. The Neighbourhood Plan policy brings this approach up-to-date.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Policy LC 2 Access to Leisure and Cultural Facilities	Policy ASH7 – Design Considerations Policy ASH12 - Village Services and Facilities Policy ASH14 - Public Rights of Way	The local plan policy seeks to ensure inclusive access to all sections of the community, regardless of disability, age or gender to leisure and cultural facilities. The Neighbourhood Plan does not conflict with this approach.
Policy RS 1 Access to Retailing and Services	Policy ASH7 – Design Considerations	The local plan policy requires all retail and service development proposals to be accessible to all. The Neighbourhood Plan does not conflict with this approach.
Policy RS 3 Retention of Retail and other Services in Rural Areas	Policy ASH12 - Village Services and Facilities	The local plan policy seeks to restrict the loss of community facilities in rural areas. The Neighbourhood Plan policy brings the approach up-to-date.

4. Compatibility with European Union Obligations and Human Rights

Environmental Impact and Habitat Regulations

- 4.1 Section 4B 8 (2)(f) states that a draft Neighbourhood Plan will meet the basic conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects. These provisions remain in place despite Brexit.
- 4.2 European Union Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) to be undertaken for certain types of plan or programmes that would have a significant environmental effect. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) that this is to be determined by a screening process which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available.
- 4.3 In accordance with Regulation 9 of the Regulations, as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, Ashdon Parish Council requested Uttlesford District Council, as the responsible body, to consider whether an environmental assessment of the emerging Neighbourhood Plan is required. The District Council subsequently determined that the draft Ashdon Neighbourhood Plan is unlikely to result in significant environmental effects and therefore, does not require a Strategic Environmental Assessment. The determination is set out in Ashdon Neighbourhood Plan Strategic Environmental Assessment (SEA) Screening Determination Statement (January 2022). The relevant statutory bodies were consulted on the opinion and agreed with the conclusion.
- 4.4 In line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) the determination is submitted alongside the Neighbourhood Development Plan.

Human Rights

- 4.5 The public consultation process for the Ashdon Neighbourhood Plan has been wide and inclusive and has included direct engagement with the local community. The policies contained within the plan do not disadvantage any minority group or group with protected characteristics.
- 4.6 The overall purpose of the Neighbourhood Plan is to improve the quality of life for people living and working now and in the future in the Parish from an environmental, social and economic point of view. The aims and policies in the Neighbourhood Plan have been formulated in response to local people's views and in the light of evidence gathered for the Parish, and to meet the needs expressed and address the issues identified. To confirm that the Neighbourhood Plan does not have any unintended consequences for particular groups, the strategic aims and the policies in the Plan have been systematically scrutinised to ensure that they do not disadvantage any potentially vulnerable groups. The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. "Protected characteristics" are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 4.7 This section assesses the Submission Draft of the Neighbourhood Plan to ensure that Ashdon Parish Council is satisfying its statutory duties in this regard. An assessment has been made on whether the policies in the Neighbourhood Plan have a positive, negative or neutral impact on each of the protected characteristics. The purpose of each of the policies in the Neighbourhood Plan are provided, and their likely impact on persons with protected characteristics is assessed.

Impact of Ashdon Neighbourhood Development Plan Policies on Persons with Protected Characteristics

Policy	Purpose	Outcome
ASH1	To provide a strategy for the location of new development within the neighbourhood plan area.	Ensures that the Neighbourhood Plan is positively prepared for the amount and location of new development in the Parish during the plan period. Broadly positive impact for persons with certain protected characteristics.
ASH 2	Sets requirements for house sizes in new development.	Ensures that new homes meet the identified needs in terms of size and type. Broadly positive impact for persons with certain protected characteristics.
ASH 3	Provides an approach to delivering affordable housing to meet identified local needs.	Enables affordable housing to be built to meet identified local needs Broadly positive impact for persons with certain protected characteristics.
ASH 4	Provides consideration for how the landscape character of the Parish will be protected.	Reduces detrimental impact of development in the Parish and its environment. Neutral impact for persons with certain protected characteristics.
ASH 5	Seeks to prevent coalescence of distinct built-up areas of the Parish.	Retains distinctive separation of the historic built-up areas of the Parish. Neutral impact for persons with certain protected characteristics.
ASH 6	Provides criteria for how development in the Conservation Areas will be considered.	Protects historic character of the identified Conservation Areas. Neutral impact for persons with certain protected characteristics.
ASH 7	Provides design criteria for new development.	Reduces detrimental impact of development on the village and its environment. Neutral impact for persons with certain protected characteristics.
ASH 8	Seeks to minimise light pollution arising from development.	Seeks to ensure unnecessary light pollution is not created by new development. Neutral impact on persons with protected characteristics
ASH 9	Sets requirements for how proposals will be considered in respect of managing flood risk.	Minimises the potential impact of development through flooding Neutral impact for persons with certain protected characteristics.
ASH 10	Supports the conservation and enhancement of the natural environment.	Ensures that natural habitats are taken into account in development. Neutral impact for persons with certain protected characteristics.
ASH 11	Ensures that the chalk streams in the Plan Area are protected from potential pollution	Ensures that watercourses in the village are not polluted by surface water run-off. Neutral impact for persons with certain protected characteristics.

Policy	Purpose	Outcome
ASH 12	Supports the retention and improvement of community facilities and services in the village. Maintains existing village services and reduce the need to drive out of the village for day-to-day needs.	Ensures sufficient services are available in the village for the day-to-day needs of residents. Broadly positive impact for persons with certain protected characteristics.
ASH 13	Designates spaces that meet the NPPF Local Green Space criteria.	Ensures that locally identified green spaces that meet the national criteria are protected from inappropriate development. Broadly positive impact for persons with certain protected characteristics
ASH 14	Seeks to minimise the impact of development on existing public rights of way and promotes enhancements to the network.	Ensures that walking and cycling routes using public rights of way remain accessible and convenient for all residents. Broadly positive impact for persons with certain protected characteristics
ASH 15	Seeks to maintain the character and tranquillity of identified "protected lanes".	Maintains the character of the identified protected lanes. Neutral impact for persons with certain protected characteristics.
ASH 16	Promotes economic development through farm diversification	Enables the provision of local employment opportunities. Broadly positive for persons with certain protected characteristics

Certain protected characteristics are not affected by the Neighbourhood Plan, namely gender reassignment, race, religion, or sexual orientation. For persons with these characteristics, the Plan has a neutral effect. Where policies in the Plan would adversely affect persons with these protected characteristics, they would not be differently affected than persons without these characteristics. For example, if a person with these protected characteristics were disadvantaged by a policy, it would have the same consequence for a person without the protected characteristic who wished to do the same thing. Similarly, if a person with one of these protected characteristics were to benefit from a policy, it would have the same benefit for a person without the protected characteristic in the same circumstances.

APPENDIX A

Adopted and saved development plan policies that do not apply to Ashdon Neighbourhood Plan

The following policies in the Uttlesford Local Plan are not appropriate to Ashdon as they do not apply to the village and have therefore not been assessed in this Basic Conditions Statement.

Policy S1- Development limits for the Main Urban Areas	The policy only relates to Great Dunmow, Saffron Walden and Stansted Mountfitchet, which are not in the Neighbourhood Area
Policy S4- Stansted Airport Boundary	The policy only relates to Stansted Airport which is not in the Neighbourhood Area
Policy E1 – Distribution of Employment Land	The policy allocates sites for employment development elsewhere in the Uttlesford district and not in the Neighbourhood Area.
Policy RS2 – Town and Local Centres	The policy relates only to development in the centres of Saffron Walden, Great Dunmow, Stansted Mountfitchet or Thaxted and does not apply to the Neighbourhood Area.
Policy T 1 Transport Improvements	The policy refers to significant highway improvements, none of which are in the Neighbourhood Area.