

Felsted Neighbourhood Plan

Basic Conditions Statement



Felsted Neighbourhood Plan Steering Group

This document has been prepared by Felsted Neighbourhood Plan Steering Group on behalf of Felsted Parish Council. It is submitted alongside the Felsted Neighbourhood Plan to meet the requirements of the Neighbourhood Planning (General) Regulations 2012 (as amended).

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1. Introduction

This Basic Conditions Statement has been prepared to accompany the Felsted Neighbourhood Development Plan (Neighbourhood Plan) Submission in accordance with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

1.1 The Basic Conditions

Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 requires that the Felsted Neighbourhood Plan must:

1. Have appropriate 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;
4. Be compatible with EU obligations including human rights requirements
 - a. This includes the Strategic Environmental Assessment (SEA) Directive (2001/42/EC); and
5. Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.¹

1.2 The Regulatory Requirements

The Felsted Neighbourhood Plan (FNP) is a Neighbourhood Development Plan as defined by the Localism Act 2011. The Plan contains land use planning policies which relate to the development and use of land. The Plan does not include policies that relate to excluded development.

The Felsted Neighbourhood Plan has been submitted by Felsted Parish Council which is a qualifying body as defined in the Localism Act 2011.

The plan period of the Felsted Neighbourhood Plan is from 2018 to 2033 and is stated on the submission draft Felsted Neighbourhood Plan.

1.3 The Neighbourhood Area

The Neighbourhood Plan covers the Felsted Neighbourhood Area, co-terminus with the whole of the parish of Felsted.

Felsted Parish Council submitted the application to designate the whole of the Parish of Felsted as the Felsted Neighbourhood Area in on 15th September 2014. In accordance with part 2 of the Neighbourhood Planning Regulations (2012) (as amended), Uttlesford District, the Local Planning

¹ 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 amended 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.

Authority publicised the Neighbourhood Area application in excess of the required consultation period of 6 weeks which ended on 11th November 2014.²

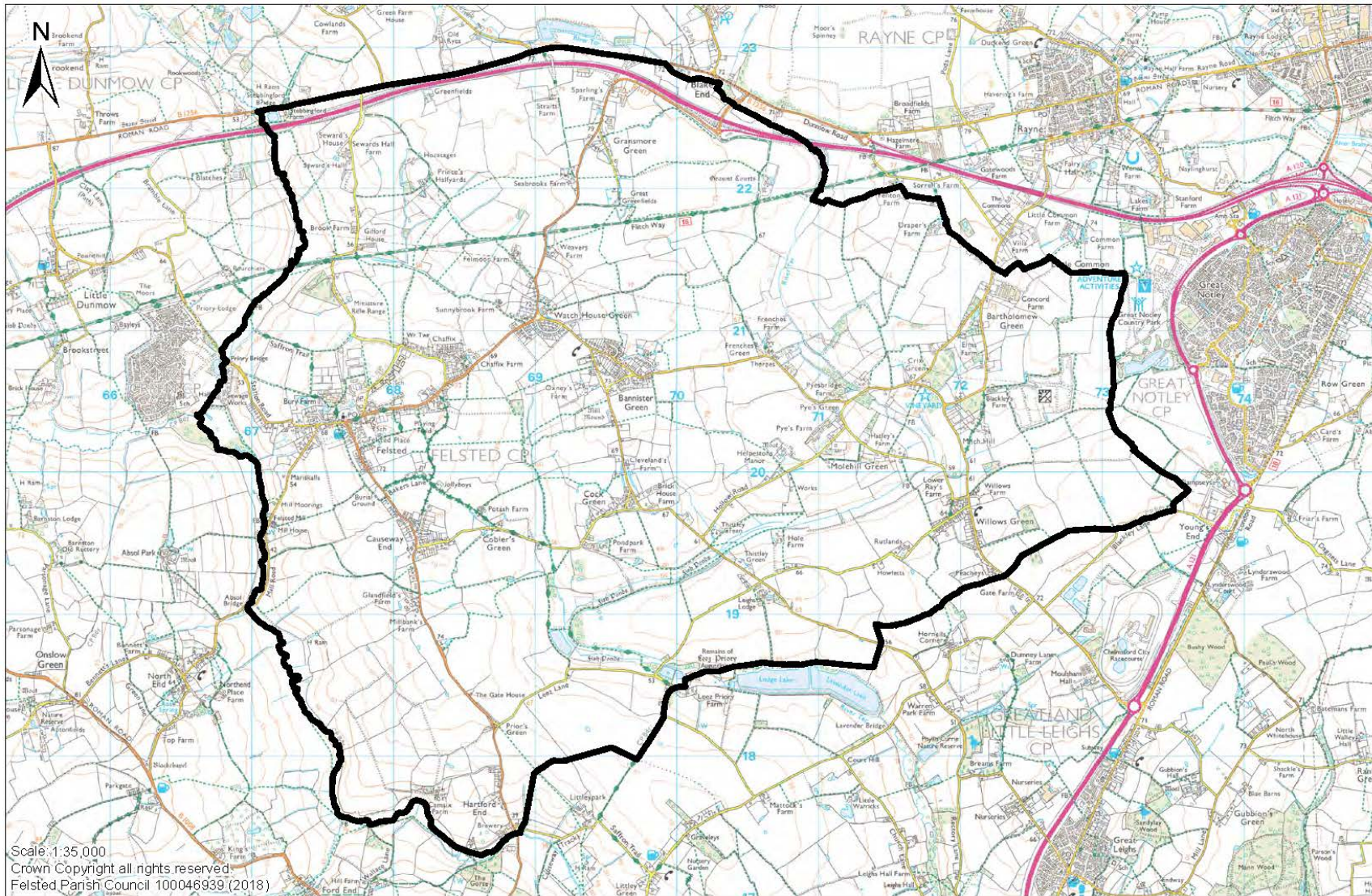
The Felsted Neighbourhood Area was duly designated by Uttlesford District Council (UDC) on 4th December 2014 at UDC's Cabinet Meeting.³ The boundary of the Felsted Neighbourhood Area is shown below.

Felsted Parish Council confirms that the Felsted Neighbourhood Plan only relates to the Felsted Neighbourhood Area and is the only Neighbourhood Plan in the designated Neighbourhood Area

² Officer Report recommending the designation of Felsted Neighbourhood Area:
<https://uttlesford.moderngov.co.uk/Data/Cabinet/201412041900/Agenda/Document%2014.pdf>

³ Minutes of Uttlesford District Council Cabinet Meeting, 4th December 2014:
<https://uttlesford.moderngov.co.uk/Data/Cabinet/201412041900/Agenda/Document%2022.pdf>

Map 1: Felsted Neighbourhood Plan Area



2. The Basic Conditions

This section introduces the Basic Conditions and provides an assessment of how the Felsted Neighbourhood Plan meets each of the Basic Conditions.

2.1 Have appropriate regard for national policy and advice contained in guidance issued by the Secretary of State

The Felsted Neighbourhood Plan must have appropriate regard to national policy and guidance issued by the Secretary of State.

In July 2018 Government published the Revised National Planning Policy Framework. Transitional arrangements are set out in 'Annex 1: Implementation' at para 214 and state that policies in the Revised NPPF will apply for the purposes of examining plans submitted after 24th January 2019. The Felsted Neighbourhood Plan has been submitted after the 24 January 2019 and therefore the following section provides an assessment of how the Neighbourhood Plan has appropriate regard to the Revised National Planning Policy Framework.

In February 2019, the Government published a further Revised National Planning Policy Framework. The further revisions to the NPPF include minor clarifications that do not affect the content of the neighbourhood plan. References provided in the analysis below are given to the 2019 NPPF.

The Parish Council acknowledges that having appropriate regard to the NPPF and guidance issued by the Secretary of State is not the same as "compliance", nor is it the same as part of the test of soundness provided for in respect of Local Plan examinations. The Parish Council also notes the guidance of Lord Goldsmith that 'have regard to' means "such matters should be considered."⁴ The Guidance assists in understanding "appropriate". In answer to the question "What does having regard to national policy mean?" the Guidance states a neighbourhood plan "must not constrain the delivery of important national policy objectives."

Table 1 lists the Felsted Neighbourhood Plan policies and identifies the NPPF paragraphs that they relate to, providing a commentary on how the policies in the FNP have appropriate regard to the policies of the NPPF. This is not exhaustive and only seeks to highlight key aspects of the NPPF. Paragraphs 28 – 30 of the NPPF establish how neighbourhood plans should be developed, specifically that they should shape, direct or deliver sustainable development through the development of a shared vision for the area. The FNP sets a clear vision, established through extensive consultation, for how the community would like to see Felsted develop during the plan period. The policies in the FNP will be used to help determine planning applications in the Felsted Neighbourhood Area and the FNP also identifies and allocates two sites for future housing development.

The Parish Council have also been mindful of Planning Practice Guidance in respect of the guidance provided on the neighbourhood plan preparation process.

⁴ The Attorney General, (Her Majesty's Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord's Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England's Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

Table 1: NPPF Assessment

FNP Policy	Relevant NPPF Paras	Comment
FEL/HVC1 Historic Village Centre	Chapter 7: Ensuring the Vitality of Town Centres (para 85)	Policies in the Historic Village Centre section have appropriate regard to the NPPF by: <ul style="list-style-type: none"> • Recognising the role of the Historic Village centre as the functioning heart of the community, taking a positive approach to growth, management and adaption of the HVC so that it continues to function in such manner in the future. • Promoting an inclusive and safe community by supporting the redevelopment of sites in the HVC to provide a new village square. • Encouraging the continuation of service provision within the Neighbourhood Area, promoting the provision and use of shared spaces, guarding against the unnecessary loss of valued facilities and services, in particular the village shop and Post Office and the Royal British Legion, providing the opportunity for them to modernise whilst being retained for the benefit of the community, providing guidance and appropriate changes of use to ensure the vitality of the village centre. • Ensuring that traffic impacts in the HVC are mitigated, promoting pedestrianisation and ensuring a safe environment in the HVC, encouraging the provision of additional parking spaces in the HVC including the provision of Electric Vehicle Charging Points, that are appropriately designed and landscaped. • Seeking to conserve and enhance the historic village centre and discouraging development that may harm its contribution to the character of the Parish by providing guidance on how development proposals should give consideration to the choice of materials and sympathetic integration of design.
FEL/HVC2 Existing Village Shop and Post Office	Chapter 8: Promoting Healthy and Safe Communities (paras 91, 92)	
FEL/HVC3 Royal British Legion Site	Chapter 9: Promoting Sustainable Transport (paras 102, 105, 106)	
FEL/HVC4 Additional Car Parking in the Village Centre	Chapter 12: Achieving Well Designed Places (paras 124, 125, 127)	
FEL/HVC5 Managing Congestion at the T Junction in Felsted Village		
FEL/VA1 Doctors' Surgery	Chapter 3: Plan Making (para 34)	Policies in the Village Amenities section have appropriate regard to the NPPF by: <ul style="list-style-type: none"> • Establishing expectations for development contributions • Recognising the benefit that residential uses may bring in the event of successful relocation of existing village services. • Supporting the redevelopment of the Memorial Hall so that it continues to serve as a place for our community to come together,
FEL/VA2 Memorial Hall	Chapter 7: Ensuring the Vitality of Town Centres (para 85) Chapter 8: Promoting Healthy and Safe	

FEL/VA3 Infrastructure Priorities	Communities (paras 91, 92) Chapter 13: Protecting Green Belt Land (paras 145, 146)	<p>planning positively for community facilities, guarding against the unnecessary loss of valued facilities and services. The policies also direct infrastructure contributions to support and develop community facilities to ensure long-term sustainability.</p> <ul style="list-style-type: none"> • Protecting play and recreational facilities from development unless satisfactory alternative provision is made elsewhere in the neighbourhood area. • Acknowledging that although there is no Green Belt land in Felsted, the countryside in Felsted is treated in the same manner as GB in planning terms, paras 145 and 146 provide that Burial Grounds are appropriate uses in the GB (and the countryside).
FEL/VA4 Burial Ground		
FEL/VA5 Recreational and Play Facilities		
FEL/SC1 Supporting our Schools	Chapter 8: Promoting Healthy and Safe Communities (paras 94)	<p>Policies in the Developing Our Schools section have appropriate regard to the NPPF by:</p> <ul style="list-style-type: none"> • Ensuring that sufficient school places are provided within the Neighbourhood Area and giving great weight to the expansion and alteration of schools. • Providing a traffic management framework to mitigate the impacts of traffic generated by both schools and encouraging the increase of pedestrianisation and active travel. • Supporting the appropriate re-development of sites and encouraging the use of brownfield land to contribute to housing delivery, proactively playing a role in identifying land for future growth and making more effective use of previously developed sites. • Recognising the contribution that the Felsted School buildings make to the character of Felsted and encouraging development proposals to take due account of this, through being sympathetic to local character and history, including the built environment and the landscape setting.
FEL/SC2 Felsted School	Chapter 9: Promoting Sustainable Transport (paras 102, 104)	
FEL/SC3 Felsted School Follyfield Site	Chapter 11: Making Effective Use of Land (paras 118, 119, 121)	
FEL/SC4 Felsted School Facilities off Braintree Road and Garnetts Lane	Chapter 12: Achieving Well Designed Places (paras 125, 127)	
FEL/SC5 Felsted Primary School – Modernisation		
FEL/SC6 Felsted Primary School - Expansion		
FEL/SC7 Felsted Primary School Site		

FEL/HN1 Meeting Housing Needs	Chapter 5: Delivering a Sufficient Supply of Homes (paras 58, 61, 65/66, 69, 71, 77/78)	<p>Policies in the Meeting Housing Needs section have appropriate regard to the NPPF by:</p> <ul style="list-style-type: none"> • Making a significant contribution to the Government’s objective to boost supply of housing by allocating 2 sites for housing development (and mixed uses) • Ensuring that housing is provided to meet the needs of different groups within the community by encouraging the provision of smaller, lower cost housing as well as the development of supplemental dwellings to meet the needs of people with particular needs such as the elderly or those with disabilities. • Establishing a housing target that contributes to meeting the needs of the District which has been agreed with the Local Planning Authority and allocating small/medium sized sites suitable for housing in the Neighbourhood Area and supporting entry level exception housing. • Providing an appropriate policy response to local circumstances and supporting housing developments to meet local needs, promoting sustainable development in a rural area where it will help to maintain the vitality of local communities, not only the “Greens” within Felsted but adjoining settlements, too. • Ensuring that developments contribute to the community by requiring the provision of much-needed health infrastructure. • Encouraging multiple benefits from rural land, through mixed-use schemes on both housing sites and taking opportunities to achieve environmental gains by extending the Felsted Fen nature area, recognising that this undeveloped land will perform a wildlife and recreational function. • Ensuring good design of housing allocations by setting out what would be considered acceptable, ensuring that the new developments will be visually attractive, contribute to the character of the area, and optimizing the use of the site through the provision of community infrastructure to meet existing and future needs, and to provide additional community benefit through the mitigation of traffic issues at the Primary School. Proposals for the sites have been developed in a collaborative manner so that
FEL/HN2 Land At Braintree Road (Sunnybrook Farm)	Chapter 8: Promoting Healthy and Safe Communities (paras 91, 92)	
FEL/HN3 Land At Station Road (Bury Farm)	Chapter 11: Making Effective Use of Land (para 118) Chapter 12: Achieving Well Designed Places (paras 125, 127, 128)	
FEL/HN4 Residential Development within Development Limits	Chapter 15: Conserving and Enhancing the Natural Environment (paras 170, 171, 174, 176, 177)	
FEL/HN5 Residential Development outside Development Limits		
FEL/HN6 Supplemental Dwellings		
FEL/HN7 Housing Mix		

FEL/HN8 Habitats Regulations Assessment		<p>needs and expectations are mutually understood between the developers, Local Planning Authority and the local community.</p> <ul style="list-style-type: none"> Ensuring that the requirements of the Conservation of Species and Habitats Regulations 2017 are met by supporting the protection of the natural environment for future generations by requiring project-level Habitats Regulations Assessments for proposals to ensure that any impact on the natural environment is sufficiently factored into the development process.
FEL/ICH1 High Quality Design and Energy Efficiency	Chapter 12: Achieving Well Designed Places (paras 124, 125, 127, 132)	<p>Policies in the Integrity, Character and Heritage section have appropriate regard to the NPPF by:</p> <ul style="list-style-type: none"> Establishing criteria for development proposals to meet in order to promote good design that responds to the visual and spatial characteristics of the Neighbourhood Area, encouraging developments that are visually attractive, promote a sense of place that relates to existing character, reduces and mitigates the impacts of advertising, signage and light pollution. Encouraging new developments to take account of landform, layout, building orientation, massing and landscaping in order to minimize energy consumption. Recognising the contribution that new development can make to local distinctiveness, encouraging new developments to maximise the potential of designated and non-designated heritage assets through their conservation and enhancements, establishing that developments should take due account of the Conservation Area, establishing that development proposals shall demonstrate a respect for historic attributes that maintain the historic character of Felsted.
FEL/ICH2 Heritage Assets	Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change (para 153)	
FEL/ICH3 Signage Pollution	Chapter 16: Conserving and Enhancing the Historic Environment (paras 185, 192, 194, 197)	
FEL/ICH4 Light Pollution		
FEL/ICH5 Avoiding Coalescence		
FEL/RE1 Start Up and Small Businesses	Chapter 6: Building a Strong, Competitive Economy (paras 81, 83, 84)	<p>Policies in the Rural Economy section have appropriate regard to the NPPF by:</p> <ul style="list-style-type: none"> Supporting flexible and new working practices, enabling the growth of businesses in rural areas, supporting the appropriate re-use of existing rural buildings, supporting the diversification of businesses, encouraging business developments where they are sensitive to local surroundings and do not have an unacceptable impact on road and communications infrastructure.
FEL/RE2 Loss of Employment Uses		
FEL/RE3 Re-use of Rural Buildings		
FEL/RE4 Home Working		
FEL/CW1 Landscape and Countryside Character	Chapter 8: Promoting Healthy and Safe	<p>Policies in the Countryside and Wildlife section have appropriate regard to the NPPF by:</p> <ul style="list-style-type: none"> Protecting and enhancing Public Rights of Way and encouraging access to a network of

FEL/CW2 Felsted Fen	Communities (paras 96, 98) Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change (paras 150, 163)	<p>open spaces and easy access to the countryside.</p> <ul style="list-style-type: none"> • Ensuring that development incorporates suitable adaptation measures such as green infrastructure and sustainable drainage systems. • Protecting and enhancing valued landscapes, recognising the intrinsic nature and beauty of the countryside, encouraging the establishment of ecological networks,
FEL/CW3 Footpaths, Bridleways and Cycleways		
FEL/CW4 Green Infrastructure	Chapter 15: Conserving and Enhancing the Natural Environment (paras 170)	

Table 1 demonstrates that the Felsted Neighbourhood Plan has been developed in such a way that it makes the most of the opportunities to shape local development provided by National Policy. The Neighbourhood Plan has appropriate regard for the NPPF and Planning Practice Guidance.

It is therefore considered that the FNP meets this Basic Condition.

2.2 Contribute to the achievement of sustainable development

The Felsted Neighbourhood Plan must contribute to the achievement of sustainable development. Achievement of sustainable development means that the “planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways” (NPPF para 8):

These are:

- **An economic role** - 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;
- **A social role** – 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
- **An environmental role** – 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.

The Basic Conditions require that the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. A Sustainability Appraisal of the Neighbourhood Plan has not been undertaken as this is not a requirement for a Neighbourhood Plan. However, the Neighbourhood Plan has taken account of the need to contribute to the achievement of sustainable

development. Table 1 provides an analysis of how the Felsted Neighbourhood Plan has regard to the specific paragraphs of the NPPF which, in turn, demonstrates how the Neighbourhood Plan contributes to the achievement of sustainable development as defined by the NPPF as a whole.

The planning policies of the Neighbourhood Plan have been considered against the 3 dimensions of sustainability and scored as appropriate. A + means that the policy will have a positive impact, 0 means a neutral impact and – a negative impact. The results of this analysis are illustrated in the Table 2.

Table 2: Sustainability Assessment

FNP Policy	Economic	Social	Environmental	Comment
FEL/HVC1 Historic Village Centre	+	+	+	The policy will contribute to place-making objectives through improving the offer for pedestrians and ensuring sympathetic design, protect the HVC for its amenity value as the centre of the Neighbourhood Area and alleviate traffic issues thereby improving air quality.
FEL/HVC2 Existing Village Shop and Post Office	+	+	+	The policy supports the retention of the village shop and Post Office within the Neighbourhood Area and supports the retention of the site for retail/commercial use thereby widening the offer of facilities in the Neighbourhood Area. The policy requires development proposals to help alleviate traffic congestion and protect local amenity.
FEL/HVC3 Royal British Legion Site	+	+	+	The policy supports the retention of the British Legion within the Neighbourhood Area and safeguarding of the existing site for community use and the provision of public open space, creating a village square which will facilitate increased social interaction and enhance the built environment.
FEL/HVC4 Additional Car Parking in the Village Centre	+	+	-	The policy will provide improved accessibility of the HVC to those who need to use a car and will improve access to local businesses. It could lead to an increase in the volume of traffic entering the village, although the aspiration of the policy is to alleviate levels of on-street parking which give rise to significant congestion issues in the HVC at peak hours.
FEL/HVC5 Managing Congestion at the T Junction in Felsted Village	0	+	+	The policy will require developments on/adjacent to identified points of traffic stress to mitigate against adverse impacts of the development, reducing the harm caused to the environment by traffic congestion issues.

FEL/VA1 Doctors' Surgery	+	+	0	The policy supports the redevelopment of a brownfield site for residential or office uses that have low impacts on the immediate surroundings.
FEL/VA2 Memorial Hall	+	+	0	The policy supports the redevelopment of a brownfield site for continued community uses and encourages the inclusion of a new village shop facility within the development providing the opportunity for the Neighbourhood Area to retain a valued service.
FEL/VA3 Infrastructure Priorities	+	+	0	The policy directs developer contributions to support and improve valued community facilities and services.
FEL/VA4 Burial Ground	0	+	+	The policy supports the provision of a new Burial Ground providing the opportunity for parishioners to be buried within the parish. Burial grounds often function as informal wildlife habitats.
FEL/VA5 Recreational and Play Facilities	0	+	0	The policy resists the loss of recreational play facilities unless satisfactory alternative provision is made elsewhere in the Neighbourhood Area.
FEL/SC1 Supporting our Schools	0	+	+	The policy supports the appropriate development of the schools in the Neighbourhood Area and encourages the alleviation of traffic congestion issues associated with pick up and drop off times.
FEL/SC2 Felsted School	+	+	+	The policy supports the development of Felsted School, the largest employer in the Neighbourhood Area. Development of the school could also improve the quality of education being provided. The policy requires development proposals to include a deliverable pedestrian priority plan to improve public safety.
FEL/SC3 Felsted School Follyfield Site	+	+	+	The policy supports the development of Felsted School, the largest employer in the Neighbourhood Area. Development of the school could also improve the quality of education being provided. The policy requires development proposals to include sufficient parking and to address traffic congestion issues caused by school pick up and drop off times.
FEL/SC4 Felsted School Facilities off Braintree Road and Garnetts Lane	0	+	+	The policy protects the school site from development that would harm its function as a distinctive heritage asset and interrupt views and vistas of the main school building.

FEL/SC5 Felsted Primary School – Modernisation	0	+	+	The policy supports the modernisation of Felsted Primary School which will enhance the quality of education provision for school children. The policy also will improve the quality of the built environment on the primary school site.
FEL/SC6 Felsted Primary School - Expansion	0	+	+	The policy supports the expansion of the Primary School which will enhance the quality of education provision for school children. The policy requires development proposals to include a deliverable traffic management scheme which will alleviate issues caused by traffic congestion at pick up and drop off hours.
FEL/SC7 Felsted Primary School Site	+	+	-	The policy supports the development of the Felsted Primary School site for housing in the event of the relocation of the school. The policy encourages development of the site to provide smaller housing thereby increasing supply of housing suitable for first time buyers or the elderly.
FEL/HN1 Meeting Housing Needs	+	+	0	The policy sets a housing target of 63 new residential dwellings over the plan period.
FEL/HN2 Land At Braintree Road (Sunnybrook Farm)	+	+	-	The policy allocates the Sunnybrook Farm site for housing development which will include measures to alleviate identified traffic congestion issues, include screening to minimise the visual impact of the development, incorporate a landscape buffer and SUDS and provide a mix of housing by including a significant proportion of starter homes and accessible homes.
FEL/HN3 Land At Station Road (Bury Farm)	+	+	-	The policy allocates the Bury Farm site for housing development and concurrent development of a new doctor's surgery. The development of the site will incorporate a mix of housing to suit the needs of the community, include highways mitigation measures, provide landscaping and screening to the edge of the built-up area, provide on-site natural open space to function as an extension to the Felsted Nature Area, where possible retain onsite hedgerows and take full account of the topography of the site and the impact of the development on the landscape.
FEL/HN4 Residential Development within Development Limits	+	+	+	The policy supports development within the Village Development Limits which contributes positively to the heritage and character of the Neighbourhood Area, includes a mix of housing, includes necessary infrastructure and does not adversely impact on traffic congestion in the HVC or on the local highways network.

FEL/HN5 Residential Development outside Development Limits	+	+	+	The policy resists residential development outside of Village Development Limits unless it is a rural exception site, enabling development for affordable housing, replacement dwellings and edge of VDL developments. The policy therefore safeguards the existing countryside character.
FEL/HN6 Supplemental Dwellings	+	+	-	The policy supports the development of supplemental dwellings in residential gardens where they do not cause harm to local amenity. This allows for residents to remain in their own homes and encourages social integration through being able to provide care for relatives.
FEL/HN7 Housing Mix	+	+	0	The policy encourages new housing developments to take account of local housing needs and supports the provision of lower cost 1 and 2 bedroom houses or Starter Homes to meet the needs of the younger population, enabling younger people to remain the Neighbourhood Area. The policy also supports the provision of homes suitable for the elderly which provides the opportunity for downsizing.
FEL/HN8 Habitats Regulations Assessment	0	0	+	The policy supports environmental sustainability by requiring development proposals within the Essex Blackwater Estuary Zone of Influence to be accompanied by a project-level Habitats Regulation Screening to ensure that the proposal will have no adverse impact on the integrity of the site or that a financial contribution is made to adopted strategic avoidance or mitigation measures.
FEL/ICH1 High Quality Design and Energy Efficiency	+	+	+	The policy encourages the use of high-quality materials and sustainable designs in new developments including energy saving measures. The policy requires all development proposals to contribute positively to the heritage and character of the Neighbourhood Area.
FEL/ICH2 Heritage Assets	+	+	+	The policy encourages the preservation and enhancement of heritage assets which could include measures to restore heritage at risk. The policy will help to retain the heritage and character of the Neighbourhood Area and maintain a sense of place, conserving the built environment.
FEL/ICH3 Signage Pollution	0	+	+	The policy limits the impact of signage within the Neighbourhood Area which helps to retain the character of the environment.

FEL/ICH4 Light Pollution	0	+	+	The policy limits the impact of light pollution with the Neighbourhood Area which will help to retain the character of the Neighbourhood Area and will also encourage wildlife.
FEL/ICH5 Avoiding Coalescence	0	+	+	The policy safeguards against the coalescence of individual hamlets within the Neighbourhood Area which helps to retain a sense of place and protects the countryside from encroachment.
FEL/RE1 Start Up and Small Businesses	+	+	0	The policy supports the development of start-up and small businesses on brownfield sites or within the curtilage of existing businesses promoting and encouraging the vitality of the rural economy.
FEL/RE2 Loss of Employment Uses	+	+	0	The policy resists the loss of employment uses helping to protect the vitality of the rural economy and encouraging the retention of jobs.
FEL/RE3 Re-use of Rural Buildings	+	+	0	The plan supports the reuse of rural buildings helping to enhance the vitality of the local economy and create local employment opportunities.
FEL/RE4 Home Working	+	+	+	The policy supports provisions for homeworking helping to enhance the vitality of the local economy, providing flexibility for workers, reducing the need to travel to work.
FEL/CW1 Landscape and Countryside Character	0	+	+	The policy protects the countryside for its own sake, encouraging improved access to the countryside and retention of traditional open spaces. The policy requires developments to mitigate against adverse impacts on the landscape.
FEL/CW2 Nature Area	0	+	+	The policy designates the Felsted Nature Area as an area important to the local community, conserving the natural environment and provide opportunities for wildlife.
FEL/CW3 Footpaths, Bridleways and Cycleways	0	+	+	The policy protects the Public Rights of Way Network and encourages the provision of additional footpaths, bridleways and cycleways which will increase the opportunities to access the countryside and provide opportunities for active travel which will contribute to the health and wellbeing of the community.

FEL/CW4 Green Infrastructure	0	+	+	The policy requires development to improve and enhance green infrastructure, improving connectivity between existing and new green spaces, incorporating sustainable drainage, addressing local deficiencies in greenspace provision which will improve access to the countryside, improving the natural and green environment and contributing to the health and wellbeing of the community.
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Table 2 provides an analysis of how the policies in the Felsted Neighbourhood Plan will help contribute to economic, social and environmental sustainability objectives. It demonstrates that policies will mostly have a positive impact on 1 of the elements of sustainability. It does not provide an exhaustive assessment but provides a high-level commentary on how the policy will help to improve sustainability.

It is considered that the policies of the Felsted Neighbourhood Plan therefore contribute to the achievement of sustainable development and that the Felsted Neighbourhood Plan meets this Basic Condition.

2.3 Be in general conformity with the strategic policies of the development plan

Neighbourhood Plans must demonstrate that they are in general conformity with the strategic policies of the development plan. In considering a now repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility.”⁵ The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

Planning Practice Guidance states:

When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *Whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *The degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *Whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *The rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*⁶

The Parish Council considers that the policies in the FNP supports the aims and objectives of strategic policies whilst providing additional levels of local detail and a local nuance to the application of strategic policies within the Felsted Neighbourhood Area.

⁵ Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

⁶ Planning Practice Guidance, Paragraph: 074 Reference ID: 41-074-20140306

2.3.1 Extant Local Plan

The current Local Plan for the district of Uttlesford was adopted in 2005 with policies saved following an application to the Secretary of State in 2007. The new draft Local Plan for Uttlesford was submitted to the Secretary of State for Housing, Communities and Local Government on 18th January 2019. At the time of writing, the Planning Inspectorate have appointed two Inspectors to undertake the Examination in Public of the Local Plan and hearing sessions are anticipated to take place in July 2019 (provisional). According to the Local Development Scheme (Revision 14, October 2018) it is anticipated that the new Local Plan (2011 – 2033) will be adopted in winter 2019.⁷

In light of the above, the detailed assessment of general conformity for the Felsted Neighbourhood Plan is against the extant 2005 Local Plan. The Parish Council has had regard for emerging evidence and policies of the new draft Local Plan to ensure that the Felsted Neighbourhood Plan, when made, does not become out of date on adoption of the new Local Plan.⁸

A brief assessment of general conformity with the emerging draft Local Plan is provided in Table 4 in section 2.3.2 below, although it is acknowledged that this may still be subject to change. The Parish Council has worked collaboratively with Uttlesford District Council in order to minimise these risks. In particular, in respect in the relationship between the site assessments provided in the Strategic Land Availability Assessment (SLAA) and the proposed housing allocations in the Felsted Neighbourhood Plan. Further detail on the relationship between the Felsted Neighbourhood Plan and the emerging Local Plan is set out in section 2.3.2 and other submission documents.

Table 3: General Conformity Assessment

FNP Policy	UDC Local Plan Policy	Comment
FEL/HVC1 Historic Village Centre	ENV1 – Design of Development within Conservation Areas	The policy designates the Historic Village Centre and requires development proposals to conserve and enhance the historic character of the HVC and seeks to mitigate the impact of traffic in the HVC.
FEL/HVC2 Existing Village Shop and Post Office	LC2 – Access to Leisure and Cultural Facilities RS3 – Retention of Retail and other Services in Rural Areas	The policy seeks to ensure the retention of the Village Shop within the Neighbourhood Area and provides a practical planning framework that supports new business uses on the existing site so that it continues to play an important role in the maintaining the vitality of the rural Neighbourhood Area.
FEL/HVC3 Royal British Legion Site	LC2 – Access to Leisure and Cultural Facilities RS3 – Retention of Retail and other Services in Rural Areas	The policy seeks to ensure the retention of the British Legion within the Neighbourhood Area and provides a practical planning framework that safeguards the existing site for continued community use.
FEL/HVC4 Additional Car Parking in the Village Centre	GEN8 – Vehicle Parking Standards	The policy supports the increased provision of parking spaces within the HVC.

⁷ Uttlesford District Council, Local Development Scheme, Revision 14, October 2018
<https://www.uttlesford.gov.uk/media/3012/Local-Development-Scheme-October-2018-/pdf/LDS-Oct-2018-1.pdf>

⁸ Planning Practice Guidance Paragraph: 009, Reference ID: 41-009-20160211

FEL/HVC5 Managing Congestion at the T Junction in Felsted Village	GEN1 – Access	The policy seeks to mitigate against negative impacts of traffic in locations known to have particular traffic congestion issues.
FEL/VA1 Doctors' Surgery	LC2 – Access to Leisure and Cultural Facilities RS3 – Retention of Retail and other Services in Rural Areas	The policy seeks to ensure that the valued local service of the Doctors' Surgery is retained within the Neighbourhood Area and provides a practical framework that supports new uses on the existing site that still play an important role in maintaining the vitality of the rural Neighbourhood Area.
FEL/VA2 Memorial Hall	LC2 – Access to Leisure and Cultural Facilities LC3 – Community Facilities RS3 – Retention of Retail and other Services in Rural Areas	The policy supports the redevelopment of the Memorial Hall site for a new community building as well as for a new village shop. The policy seeks to ensure the retention of local community facilities.
FEL/VA3 Infrastructure Priorities	GEN6 – Infrastructure Provision	The policy outlines infrastructure priorities and directs developer contributions to specific community infrastructure projects within the Neighbourhood Area.
FEL/VA4 Burial Ground	LC2 – Access to Leisure and Cultural Facilities	The policy supports the provision of a new burial ground in the Neighbourhood Area and will provide a cultural facility.
FEL/VA5 Recreational and Play Facilities	LC1 – Loss of Sports Fields and Recreational Facilities	The policy seeks to protect against the loss of recreational and play facilities unless satisfactory alternative provision is made elsewhere in the Neighbourhood Area.
FEL/SC1 Supporting our Schools	GEN6 – Infrastructure Provision	The policy supports the development of schools.
FEL/SC2 Felsted School	GEN6 – Infrastructure Provision LC2 – Access to Leisure and Cultural Facilities	The policy supports the development of Felsted School. Felsted School is a public school and a registered charity, and is not within the remit of Essex County Council as the State Education Authority. As such, there are no policies directly related to education provision in the UDC Local Plan 2005. However, this policy seeks to ensure the continuation of school provision in the Neighbourhood Area. The policy also relates to the Uttlesford Transport Strategy

FEL/SC3 Felsted School Follyfield Site	GEN6 – Infrastructure Provision LC2 – Access to Leisure and Cultural Facilities	The policy supports the development of Felsted School. Felsted School is a public school and a registered charity, and is not within the remit of Essex County Council as the State Education Authority. As such, there are no policies directly related to education provision in the UDC Local Plan 2005. However, this policy seeks to ensure the continuation of school provision in the Neighbourhood Area. The policy also relates to the Uttlesford Transport Strategy.
FEL/SC4 Felsted School Facilities off Braintree Road and Garnetts Lane	GEN2 – Design ENV1 – Design of Development within Conservation Areas	The policy seeks to protect views of the historic Felsted School Buildings.
FEL/SC5 Felsted Primary School – Modernisation	GEN6 – Infrastructure Provision LC2 – Access to Leisure and Cultural Facilities	The policy supports the development of Felsted Primary School. Uttlesford District Council is not the Education Authority: this lies within the remit of Essex County Council. As such, there are no policies directly related to education provision in the UDC Local Plan 2005. However, this policy seeks to ensure the continuation of school provision in the Neighbourhood Area. The policy also relates to the Uttlesford Transport Strategy.
FEL/SC6 Felsted Primary School - Expansion	GEN6 – Infrastructure Provision LC2 – Access to Leisure and Cultural Facilities	The policy supports the development of Felsted Primary School. Uttlesford District Council is not the Education Authority: this lies within the remit of Essex County Council. As such, there are no policies directly related to education provision in the UDC Local Plan 2005. However, this policy seeks to ensure the continuation of school provision in the Neighbourhood Area. The policy also relates to the Uttlesford Transport Strategy.
FEL/SC7 Felsted Primary School Site	H11 – Affordable Housing on Exception Sites	The policy supports residential development on the primary school site in the event that the school is relocated where it is considered rural exception housing and enabling development.
FEL/HN1 Meeting Housing Needs	N/A	The policy identifies a housing target for the Felsted Neighbourhood Area. It is not considered that there are any relevant UDC Local Plan 2005 policies as the housing targets established in the UDC Local Plan are now out of date.

<p>FEL/HN2 Land At Braintree Road (Sunnybrook Farm)</p>	<p>GEN2 – Design</p> <p>GEN8 – Vehicle Parking Standards</p> <p>H10 – Housing Mix</p>	<p>The policy allocates the Sunnybrook Farm site for housing development and includes design and landscape considerations.</p> <p>The policy allocates the Sunnybrook Farm site for housing development and a 90-space car park to alleviate the issues caused by traffic congestion associated with Felsted Primary School.</p> <p>The policy includes a requirement for the site to deliver a significant proportion of smaller 1 and 2 bedroom homes suitable as Starter Homes and adaptable homes suitable for the elderly.</p>
<p>FEL/HN3 Land At Station Road (Bury Farm)</p>	<p>GEN2 – Design</p>	<p>The policy allocates the Bury Farm site for housing development and includes design and landscape considerations.</p>
<p>FEL/HN4 Residential Development within Development Limits</p>	<p>H1 – New Houses within Development Limits</p>	<p>The policy supports development within the Felsted Village Development Limits.</p>
<p>FEL/HN5 Residential Development outside Development Limits</p>	<p>H11 – Affordable Housing on Exception Sites</p>	<p>The policy supports residential development outside the Development Limits where it is considered rural exception housing and enabling development.</p>
<p>FEL/HN6 Supplemental Dwellings</p>	<p>H7 – Replacement Dwellings</p>	<p>The policy supports the development of supplemental dwellings that are of an appropriate scale and make a positive contribution to the character of the built environment.</p>
<p>FEL/HN7 Housing Mix</p>	<p>H10 – Housing Mix</p>	<p>The policy requires developments to take full account of local housing needs and make provision for, in particular, Starter Homes and smaller 1 and 2 bedroom homes.</p>
<p>FEL/HN8 Habitats Regulations Assessment</p>	<p>N/A</p>	<p>The extant Local Plan seeks to ensure the protection and enhancement of the natural environment (not limited to protected sites) but the Local Plan pre-dates relevant legislation.</p>
<p>FEL/ICH1 High Quality Design and Energy Efficiency</p>	<p>GEN2 – Design</p>	<p>The policy encourages development proposals to include high quality and sustainable designs including the minimisation of water and energy consumption.</p>
<p>FEL/ICH2 Heritage Assets</p>	<p>ENV1 - Design of Development within Conservation Areas</p> <p>ENV2 – Development Affecting Listed Buildings</p>	<p>The policy is applicable to all heritage assets and focusses on the impact that a development may have on the significance of a heritage asset. The policy strengthens and complements this approach by being locally-specific and informed by locally-specific evidence contained in the Felsted Heritage and Character Assessment.</p>

FEL/ICH3 Signage Pollution	ENV1 – Design of Development within Conservation Areas	The policy seeks to minimise the harm caused by signage within the HVC.
FEL/ICH4 Light Pollution	GEN5 – Light Pollution	The policy encourages development proposals to minimise the impacts of introducing new overhead cabling or light pollution.
FEL/ICH5 Avoiding Coalescence	ENV8 – Other Landscape Elements of Importance for Nature Conservation	The policy safeguards the countryside for its own sake and seeks to protect those landscape characteristics that define the nature of each individual hamlet within the Neighbourhood Area.
FEL/RE1 Start Up and Small Businesses	E3 – Access to Workplaces	The policy supports the development of start-up and small businesses in Felsted and includes amenity considerations.
FEL/RE2 Loss of Employment Uses	E2 – Safeguarding Employment Land	The policy seeks to safeguard existing employment sites in the Neighbourhood Area.
FEL/RE3 Re-use of Rural Buildings	E5 – Re-Use of Rural Buildings	The policy supports the re-use of rural buildings for business uses and requires that consideration is given to local amenity, local road network capacity, and the character of the countryside.
FEL/RE4 Home Working	N/A	Para 4.16 of the Uttlesford Local Plan states that homeworking is supported given that it addresses issues of unsustainable journey to work patterns. The paragraph notes that homeworking does not always necessarily require planning permission. The Neighbourhood Plan policy supports homeworking where local amenity is not affected.
FEL/CW1 Landscape and Countryside Character	S1 – Countryside ENV3 – Open Spaces and Trees ENV8 – Other Landscape Elements of Importance for Nature Conservation	The policy protects the countryside for its own sake. The policy requires development proposals to take due account of important views and vistas and open spaces. The policy also seeks to protect the open spaces between individual hamlets in the Neighbourhood Area.
FEL/CW2 Felsted Nature Area	GEN7 – Nature Conservation ENV9 – Historic Landscapes	The policy identifies land for designation as a local wildlife site and protects it from development, providing the opportunity opportunities for wildlife and nature conservation objectives. The policy protects Felsted Nature Area from development to ensure its continuity as a natural landscape.
FEL/CW3 Footpaths, Bridleways and Cycleways	LC2 – Access to Leisure and Cultural Facilities	The policy seeks to protect the existing Public Rights of Way Network and encourages the increased provision of footpaths, cycleways and bridleways.

FEL/CW4 Green Infrastructure	S7 – Countryside GEN7 – Nature Conservation ENV3 – Open Spaces and Trees ENV8 – Other Landscape Elements of Importance for Nature Conservation	The policy seeks to protect and enhance green infrastructure which provides opportunities for wildlife and to meet nature conservation objectives. The policy encourages development to respect and enhance green infrastructure, in particular the networks of green spaces and green infrastructure in the Felsted Neighbourhood Area. The policy supports the protection of landscape and natural features within the Neighbourhood Area and encourages their retention and enhancement.
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2.3.2 Emerging Draft Local Plan

The Uttlesford District Council Local Plan was submitted to the Secretary of State on 18th January 2019. Although the policies have not yet been adopted and are subject to revision following Examination against the tests of soundness, the SG has given due consideration to the emerging policies in the Local Plan so as to ensure, as far practicable, the longevity of the Neighbourhood Plan if and when a new Local Plan has been adopted.

Detailed, site specific issues in relation to the draft Local Plan and general conformity, are provided in the accompanying submission document “Felsted Neighbourhood Plan Preferred Sites Justification Report”. However, it is important to note the discrepancy between proposed sites in the Felsted Neighbourhood Plan and the draft Local Plan.

Before submitting the draft Local Plan to the Secretary of State, between 16 October and 27 November 2018, Uttlesford District Council undertook a further consultation on an Addendum of Focussed Changes to the draft Local Plan. Appendix 1 to the Addendum document contained a schedule of Strategic Policies, including a methodology for determining whether a policy is considered to be strategic (in line with NPPF and NPPG principles).⁹

Page 23 of the Addendum document contains UDC’s assessment of the proposed Felsted Local Plan Housing Development Allocations. **The assessment of Policies FEL 1 and FEL 2 concludes that they are not strategic policies.** The SG therefore concludes that there are no issues of general conformity relating to the proposal for the allocation of Sunnybrook Farm (HN2) for housing and mixed-use development in the neighbourhood plan as there is not an identified conflict with emerging proposals in the draft Local Plan however the SG does acknowledge that there are uncertainties regarding the relationship between both draft Plans. To this end, the Parish Council and Uttlesford District Council have entered into a Statement of Common Ground to give clarity to the Independent Examiner for the Felsted Neighbourhood Plan and to the Local Plan Inspectors. This is provided alongside the submission. The Statement of Common Ground sets out the agreed position of Uttlesford District Council and Felsted Parish Council with regard to housing development proposals in Felsted.

Table 4 below provides a brief overview of how the draft Felsted NP relates to emerging policies in the Uttlesford District Council Local Plan, so as to demonstrate that the Felsted Neighbourhood Plan generally conforms to the emerging Local Plan. It is acknowledged that the Local Plan is subject to an examination process and that elements are therefore subject to change.

⁹ Uttlesford District Council, Addendum of Focussed Changes to the Regulation 19 Local Plan, https://www.uttlesford.gov.uk/media/8585/Addendum-of-Focussed-Changes-to-the-Regulation-19-Local-Plan/pdf/Addendum_of_Focussed_Changes_to_Reg_19_LP_October_2018.pdf

Table 4: General Conformity with Emerging Local Plan Assessment

FNP Policy	UDC Emerging Local Plan Policy
FEL/HVC1 Historic Village Centre	EN2 – Design of Development within Conservation Areas EN3 – Protecting the Significance of Conservation Areas
FEL/HVC2 Existing Village Shop and Post Office	RET4 – Loss of Shops and Other Facilities C4 – New Community Facilities within the Countryside
FEL/HVC3 Royal British Legion Site	RET4 – Loss of Shops and Other Facilities C4 – New Community Facilities within the Countryside
FEL/HVC4 Additional Car Parking in the Village Centre	TA4 – Vehicle Parking Standards TA5 – New Transport Infrastructure
FEL/HVC5 Managing Congestion at the T Junction in Felsted Village	TA2 – Sustainable Transport
FEL/VA1 Doctors’ Surgery	RET4 – Loss of Shops and Other Facilities C4 – New Community Facilities within the Countryside
FEL/VA2 Memorial Hall	RET4 – Loss of Shops and Other Facilities RET5 – New Shops in Rural Areas C4 – New Community Facilities within the Countryside
FEL/VA3 Infrastructure Priorities	INF1 – Infrastructure Delivery
FEL/VA4 Burial Ground	INF2 – Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches C4 – New Community Facilities within the Countryside
FEL/VA5 Recreational and Play Facilities	EN9 – Open Spaces
FEL/SC1 Supporting our Schools	INF1 – Infrastructure Delivery
FEL/SC2 Felsted School	TA1 – Accessible Development
FEL/SC3 Felsted School Follyfield Site	TA1 – Accessible Development
FEL/SC4 Felsted School Facilities off Braintree Road and Garnetts Lane	INF2 – Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches D1 – High Quality Design C1 – Protecting of Landscape Character
FEL/SC5 Felsted Primary School – Modernisation	INF1 – Infrastructure Delivery TA1 – Accessible Development
FEL/SC6 Felsted Primary School - Expansion	TA1 – Accessible Development
FEL/SC7 Felsted Primary School Site	H7 – Affordable Housing on Exception Sites
FEL/HN1 Meeting Housing Needs	SP2 – The Spatial Strategy SP3 – Scale and Distribution of Housing Development FEL3 – Residential Commitments
FEL/HN2 Land At Braintree Road (Sunnybrook Farm)	SP3 – Scale and Distribution of Housing H10 Accessible and Adaptable Homes
FEL/HN3 Land At Station Road (Bury Farm)	SP3 – Scale and Distribution of Housing FEL1 – Land North of Station Road
FEL/HN4 Residential Development within Development Limits	SP9 - Development within Development Limits
FEL/HN5 Residential Development outside Development Limits	H7 – Affordable Housing on Exception Sites H2 – Housing Mix

FEL/HN6 Supplemental Dwellings	H4 – Housing Extensions and Replacement Dwellings in the Countryside and the Green Belt D3 – Small Scale Development / Householder Extensions
FEL/HN7 Housing Mix	H2 – Housing Mix
FEL/HN8 Habitats Regulations Assessment	EN7 – Protecting and Enhancing the Natural Environment
FEL/ICH1 High Quality Design and Energy Efficiency	TA3 – Provision of Electric Vehicle Parking Points D1 – High Quality Design D10 – Highly Energy Efficient Buildings
FEL/ICH2 Heritage Assets	EN7 – Non-Designated Assets of Local Importance
FEL/ICH3 Signage Pollution	D1 – High Quality Design
FEL/ICH4 Light Pollution	D1 – High Quality Design EN19 – Light Pollution
FEL/ICH5 Avoiding Coalescence	SP10 – Protection of the Countryside
FEL/RE1 Start Up and Small Businesses	EMP3 – Non-Estate Employment Uses EMP4 – Rural Economy
FEL/RE2 Loss of Employment Uses	EMP4 – Rural Economy
FEL/RE3 Re-use of Rural Buildings	EMP4 – Rural Economy C2 – Re-use of Rural Buildings
FEL/RE4 Home Working	EMP4 – Rural Economy
FEL/CW1 Landscape and Countryside Character	SP10 – Protection of the Countryside C1 – Protection of Landscape Character
FEL/CW2 Felsted Nature Area	EN8 – Protecting and Enhancing the Natural Environment
FEL/CW3 Footpaths, Bridleways and Cycleways	EN8 – Protecting and Enhancing the Natural Environment
FEL/CW4 Green Infrastructure	INF2 – Protection, Enhancement and Provision of Open Space, Sports Facilities and Playing Pitches EN8 – Protecting and Enhancing the Natural Environment

2.3.3. Strategic Plans

Essex County Council is responsible for Minerals and Waste Planning in the Felsted Neighbourhood Area. Although Neighbourhood Plans should not seek to establish policy for minerals and waste land uses, it is prudent to consider such matters, where relevant to an area, for the purposes of the Basic Conditions. The Essex Minerals Local Plan (2014) and the Essex and Southend-on-Sea Waste Local Plan (2017) form part of the Development Plan for the Felsted Neighbourhood Area, in conjunction with the Uttlesford District Local Plan.

Policy S8 of the Essex Minerals Local Plan, Safeguarding Mineral Resources and Mineral Reserves, designates Mineral Safeguarding Areas for mineral deposits of sand and gravel, silica sand, chalk, brickearth and brick clay considered to be of national and local importance. The policy requires that the Mineral Planning Authority (Essex County Council) are consulted on local plan policy proposals, development proposals and planning applications above certain thresholds. Part of the Felsted Neighbourhood Area falls within a Minerals Safeguarding Area and is therefore subject to Policy S8 of the Minerals Local Plan.

Policy S8 also designates Mineral Consultation Areas within and up to 250 metres from Minerals Site Allocations and requires that the Minerals Planning Authority be consulted on any local plan policy proposals, planning applications and development proposals within the Minerals Consultations Areas. The Felsted Neighbourhood Area contains a small part of the Minerals

Consultation Area associated with the proposed Rayne Quarry to the north east and the Minerals Consultation Area associated with the Blackley Quarry to the east.

The Parish Council acknowledges that MSAs and MCAs are not intended to be a barrier to all potential future development, rather they seek to ensure that the Minerals Planning Authority is consulted on non-minerals development that could adversely impact on the operation of a safeguarded mineral site or associated infrastructure. This also ensures that potential future development is not adversely affected by existing or future mineral developments. It is not considered that either the MCAs or MSAs within the Felsted Neighbourhood Area present any issues of general conformity and that proposals contained in the Felsted Neighbourhood Plan do not adversely impact on areas designated by Policy S8 of the Essex Minerals Local Plan.

Policy 2 of the Essex and Southend-on-Sea Waste Local Plan safeguards Waste Management Sites and Infrastructure Waste Consultation Areas and designates Waste Consultation Areas. Policy 2 requires that the Waste Planning Authority (Essex County Council) is consulted on local plan policy proposals, development proposals and planning applications. Within Felsted Neighbourhood Area there is a Waste Consultation Area that crosses the western boundary of the Neighbourhood Area. There is a further Waste Consultation Area associated with Blackley Quarry located to the south east of the Neighbourhood Area.

The Parish Council acknowledges that Waste Consultation Areas are not intended to be a barrier to all potential future development, rather they seek to ensure that the Waste Planning Authority is consulted on non-waste development that could adversely impact on the operation of a safeguarded waste site or infrastructure. This also ensures that potential future development is not adversely affected by existing or future waste developments. It is not considered that the Waste Consultation Areas within the Felsted Neighbourhood Area present any issues of general conformity and that proposals contained in the Felsted Neighbourhood Plan do not adversely impact on areas designated by Policy 2 of the Essex and Southend-on-Sea Waste Local Plan.

Table 3 provides an assessment of general conformity with the strategic policies of the development plan (namely, the Uttlesford District Council Local Plan 2005 and relevant policies of the Minerals Local Plan and Waste Local Plan). The Felsted Neighbourhood Plan provides an appropriate local application of policies and provides locally-nuanced interpretations of policies, all captured within the “general conformity” with requirement. There is a broad consistency between the policies in the Felsted Neighbourhood Plan and the extant policies of the development plan. Due consideration has been given to the emerging policies of the new Uttlesford District Council Local Plan which is anticipated for adoption in Winter 2019 in Table 4.

It is therefore considered that the Felsted Neighbourhood Plan is in general conformity with the strategic policies of the development plan and that the Felsted Neighbourhood Plan meets this Basic Condition.

2.4 Be compatible with EU Obligations, including Human Rights

The Felsted Neighbourhood Plan must not breach, or be otherwise incompatible with, European Union obligations including Human Rights in order to meet the Basic Conditions. The following section provides an analysis and commentary on how the Felsted Neighbourhood Plan meets the Basic Condition “*Be compatible with EU Obligations, including Human Rights*”. This Basic Condition also includes the Strategic Environmental Assessment (SEA) Directive (2001/42/EC) seeking to provide a high level of protection to the environment integrating environmental considerations into the process of preparing plans. It is considered in section 2.4.2, below.

2.4.1 Human Rights

The Neighbourhood Plan must show that it is fully compatible with the European Convention on Human Rights. The Vision for Felsted to 2033 is:

Over the Plan period Felsted will continue to be a special place to live in a rural setting.

Our village amenities will have been expanded and enhanced, particularly our primary health care and village shopping. We will have a new larger community hall providing a focus for Parish public and private events.

Congestion at peak times will have been eased and pedestrians will be able to move around the village centre and our schools in safety and comfort.

The setting of listed buildings in the village centre along with Holy Cross Church will have been protected in an enhanced public space, which will have created a clearly defined historic centre, articulating to residents and visitors the value importance of this ancient settlement recorded in the Domesday Book

The dispersed nature of the Parish of Felsted with its 15 individual Greens and hamlets will remain. This Plan will have ensured the character and identity of this place and its ecology are protected from housing and infrastructure changes in the surrounding area.

Felsted will have met housing needs and supported additional market housing development where it supports provision of parish amenities and facilitates continuity of residence in the Parish.

Local employment will have been encouraged through supporting small business development.

Our schools will continue to be emblematic of educational excellence, meet emerging demands and will play an active role in the community.

The natural environment will have been protected and enhanced and a green infrastructure delivered.

New technology will have been used to provide information to users of I and bridleways about the historical setting of the countryside, its wildlife and what might be expected to be seen at any given location.

The Vision for Felsted reflects the community's desire to ensure that Felsted remains the attractive, safe place to live that it is today. The Neighbourhood Area will develop in such a way that will see the retention, expansion and enhancement of our valued local services and facilities whilst traffic congestion issues will have been alleviated. The Vision sets out the aspirations of the community for the conservation and enhancement of our rich historic character, creating a defined historic centre for the Neighbourhood Area which is a welcoming space for residents and visitors alike. The individual nature of the different settlements will have been retained whilst local housing needs will have been addressed through new residential development that is accompanied by community infrastructure. The natural environment will have been protected and access to the countryside will be enhanced through the use of new technology. Children in the Neighbourhood Area will continue to be able to access high quality educational facilities that play an active role in our community.

The Neighbourhood Plan has been prepared through continued, active, and committed consultation with the local community and stakeholders. It reflects the views and aspirations of the local community. The consultation undertaken has been inclusive and provided the opportunity to participate in the plan preparation process through the various methods that were used to consult and engage. The Plan put forward by the Parish Council presents opportunities for further involvement, participation and engagement with all groups within the community through the delivery of projects and aspirations within the Neighbourhood Plan.

The Parish Council have considered the European Convention on Human Rights and in particular Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). It is considered that none of the policies or proposals in the Neighbourhood Plan would breach the Convention.

In respect of protected characteristics as identified in the Equality Act 2010, a brief analysis of the potential impacts of the policies and proposals in the Neighbourhood Plan is provided in Table 5 below. A + means that the policy will have a positive impact, 0 means a neutral impact and – a negative impact.

Table 5: Equalities Impact Analysis

Protected Characteristic	Potential Impact	Justification
Age	+	The policies in the FNP seek to ensure the continued enhancement of educational facilities within the Neighbourhood Area, which will provide educational opportunities for the young people of the Neighbourhood Area. The policies also promote the development of smaller 1-2 bedroom houses as well as Starter Homes or lower cost homes, providing opportunities for younger people to access housing in Felsted or downsizing opportunities. In addition, the policies promote the development of supplemental dwellings which will provide the opportunity for people with disabilities or the elderly to live with family members. The policies also propose the development of housing that is adaptable or accessible.
Disability	+	As above. In addition, the policies promote the development of supplemental dwellings which will provide the opportunity for people with disabilities or the elderly to live with family members. The policies also propose the development of housing that is adaptable or accessible.
Gender Reassignment	0	It is not considered that policies or proposals in the neighbourhood plan will have a positive or negative impact on Gender Reassignment.
Marriage and Civil Partnership	0	It is not considered that policies or proposals in the neighbourhood plan will have a positive or negative impact on Marriage and Civil Partnership.
Pregnancy and Maternity	0	It is not considered that policies or proposals in the neighbourhood plan will have a positive or negative impact on Pregnancy and Maternity.
Race	0	It is not considered that policies or proposals in the neighbourhood plan will have a positive or negative impact on Race.
Religion and Belief	0	It is not considered that policies or proposals in the neighbourhood plan will have a positive or negative impact on Religion and Belief.

Sex	0	It is not considered that policies or proposals in the neighbourhood plan will have a positive or negative impact on Sex.
Sexual Orientation	0	It is not considered that policies or proposals in the neighbourhood plan will have a positive or negative impact on Sexual Orientation.

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.

2.4.2 Strategic Environmental Assessment

The Neighbourhood Plan falls within the definition of ‘plans and programmes’ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result. In order for the Neighbourhood Plan to meet the Basic Conditions, it must fully consider the requirements of the SEA Regulations which transpose the European Union’s SEA Directive into law. Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out an additional Basic Condition to those set out in primary legislation.

The objective of EU Directive 2001/42 is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”*

Uttlesford District Council have undertaken a Strategic Environmental Assessment Screening exercise on the Felsted Neighbourhood Plan in June 2018. The Parish Council notes the conclusion of the SEA Screening Determination Statement which states:

“The assessment concludes that the Neighbourhood Plan is not likely to have significant environmental effects and consequently that a strategic environmental assessment is not required.” The UDC SEA Screening Determination Statement is found at Appendix 1 of the Basic Conditions Statement.

The SEA Screening Report is submitted alongside this plan.

Following the advice of Natural England, the SEA screening exercise was repeated in Spring 2019 to reflect the updated information from the HRA assessment of the plan (see below). The screening report also concluded that the Neighbourhood Plan is not likely to have a significant effect on the environment.

2.5 Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017

The final Basic Condition states that the Neighbourhood Plan must not breach the requirements of Chapter 8 of Part 7 of the Conservation of Habitats and Species Regulations 2017. 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 amended 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 amended Basic Condition is as follows:

- 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.

The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any European site. If the plan is 'screened in' because significant effects cannot be ruled out, the next stage is for an appropriate assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the plan can only be given if it is 'screened out' at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.

2.5.1 Felsted Neighbourhood Plan Habitats Regulations Assessment

On 13 September 2018, UDC received a letter from Natural England whereby Natural England informed UDC that the zone of influence for the Blackwater Estuary SPA and Ramsar site had been increased following updated information collected as part of visitor surveys. The zone of influence increased to 22km. This had direct implications for the neighbourhood plan since a sizeable part of the plan area now fell within the zone of influence including the site allocation of 24 additional homes at Watch House Green. Natural England advised UDC that the neighbourhood plan needed to be subject to an appropriate assessment due to this change in circumstance.

The appropriate assessment under the Habitats Directive and Conservation of Habitats and Species Regulations 2017 has subsequently been undertaken.

The findings of the appropriate assessment are that, following the consideration of mitigation measures including the incorporation of HRA policies in the NP, the Felsted neighbourhood plan will not result in any adverse effects on the integrity of the European site.

3. Conclusions

This Basic Conditions Statement has introduced each of the Basic Conditions that the Felsted Neighbourhood Plan must meet in order for the Plan to be considered legally-compliant, and therefore proceed to a Referendum. The Parish Council has proposed a Plan that embodies the principles of the Basic Conditions, reflected in this document.

The Parish Council considers that the Felsted Neighbourhood Plan plans positively for the sustainable development of Felsted, responding to local needs and reflecting the views of the local community. The Policies proposed, when implemented, will enhance the sustainability of Felsted for future generations.

It has been evidenced that the proposed policies are in general conformity with those strategic policies in the development plan (Uttlesford District Council Local Plan 2005 and emerging draft Uttlesford District Council Plan) and that the Plan has appropriate regard to national policy and guidance issued by the Secretary of State. The Plan meets and is compatible with European Union Obligations including human rights and does not breach the requirements of the Conservation of Habitats and Species Regulations 2017. The Felsted Neighbourhood Plan contributes to the achievement of sustainable development in Felsted.

In light of the above, it is considered that the Felsted Neighbourhood Plan meetings Basic Conditions in that:

- 1. The Felsted Neighbourhood Plan has appropriate regard to national policies and advice contained in guidance issued by the Secretary of State**
- 2. The Felsted Neighbourhood Plan contributes to the achievement of sustainable development**
- 3. The Felsted Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area**
- 4. The Felsted Neighbourhood Plan is compatible with EU obligations including human rights requirements**
- 5. The Felsted Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**

It is therefore respectfully suggested that the Felsted Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act and subject to Examination can proceed to a Referendum.