

# Langford and Ulting Neighbourhood Plan

2014 - 2029



## Basic Conditions Statement



# Contents

Introduction .....2

1. Regard to National Planning Policy Framework and advice contained in guidance issued by the Secretary of State .....3

2. Contribution to the achievement of development.....6

3. Conformity with Strategic Local Policy .....9

4. Compatibility with EU Obligations .....13

## **Introduction**

This statement has been prepared by the Neighbourhood Plan Steering Group on behalf of Langford & Ulting Parish Council to accompany the submission of the Langford & Ulting Neighbourhood Plan to Maldon District Council (Regulation 15, Neighbourhood Planning (General) Regulations 2012 (as amended)).

### **1. Submission by a Qualifying Body**

The Neighbourhood Plan has been prepared by the Parish Council, a qualifying body, (Planning and Compulsory Purchase Act 2004, s38A(12) (inserted by paragraph 7 of the Localism Act 2011), for the Neighbourhood Area covering the whole parish of Langford & Ulting, as designated by Maldon District Council on 24th April 2013.

The Steering Group has consulted the local community, landowners, the statutory bodies and other stakeholders throughout the preparation of the Neighbourhood Plan, as required by the Regulations. This is detailed in the Consultation Statement, which is published separately as part of the submission documentation.

### **2. What is being proposed**

The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only.

### **3. Plan Period**

The Neighbourhood Plan covers the period 2014 to 2029. This 15-year period has been selected to coincide with Maldon District Council's Approved Local Development Plan.

### **4. Excluded development**

The Neighbourhood Plan does not cover county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

The Neighbourhood Plan relates to the parish of Langford & Ulting and no other neighbourhood. There are no other neighbourhood development plans in place within the parish of Langford & Ulting.

### **5. Basic Conditions**

Neighbourhood plans must comply with the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) in order to proceed to referendum. These state that the plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State,
- Contribute to the achievement of sustainable development,
- Be in general conformity with the strategic policies contained in the development plan for the area of the authority,
- Does not breach, and is otherwise compatible with EU obligations,

- Not be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (either alone or in combination with other plans or projects).

## 1. Regard to National Planning Policy Framework and advice contained in guidance issued by the Secretary of State

**1.1** The Neighbourhood Plan has been prepared having regard to the policies set out in the revised National Planning Policy Framework 2019 (NPPF). It also gives regard to the guidelines contained in paragraph 16 of the National Planning Policy Framework, alongside the most recent National Planning Practice Guidance (NPPG) published by the Government in relation to the formation of neighbourhood plans.

**1.2** The plan has regard to the NPPF objectives for neighbourhood plans and in the achievement of sustainable development. It sets out a vision for the future and contains policies which respond to priority concerns expressed by the local community.

### 1.3 Neighbourhood Plan regard to the NPPF

The table below sets out a summary of how each policy has regard to the NPPF. The paragraphs referred to are considered to be the most relevant to the policy and are not intended to be a comprehensive list of every possible relevant paragraph.

**Table showing Conformity to NPPF**

<b>NP Policy Number and Title</b>	<b>NPPF 2019</b>	<b>Comment on conformity</b>
<b>Policy 1</b> Landscape Features	Chapter 15  Paragraphs 125, 170, 180	One of the core principles in the NPPF is that plans should recognise the intrinsic character and beauty of the countryside. This includes designated landscapes but also the wider countryside. The guidance emphasises that landscape should be taken into account in plan-making and decision-taking on planning applications.  Paragraph 125 states that 'Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development'.  Conforms to Chapter 15 (Conserving and enhancing the natural environment) and in particular, paragraph 180 which refers to: <ul style="list-style-type: none"> <li>• protecting tranquil areas which have remained relatively undisturbed for their amenity value;</li> <li>• limiting the impact of light pollution from artificial light on local amenity; intrinsically dark landscapes and nature conservation.</li> </ul>
<b>Policy 2</b> Protecting and Enhancing Biodiversity	Chapter 15	Conforms to Chapter 15 (Conserving and enhancing the natural environment) and in particular:

NP Policy Number and Title	NPPF 2019	Comment on conformity
	Paragraphs 170, 175	<ul style="list-style-type: none"> <li>● protecting and enhancing valued landscapes, sites of biodiversity, or geological value and soils;</li> <li>● recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodlands;</li> <li>● minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.</li> <li>● preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.</li> </ul> <p>Development should, wherever possible, help to improve local environmental conditions such as air and water quality.</p>
<b>Policy 3</b> Recreational disturbance Avoidance and Mitigation	Paragraphs 170, 171, 174	This policy requires contributions where development is within the zone of influence of coastal habitats, thereby meeting the NPPF objective of conserving and enhancing the natural environment.
<b>Policy 4</b> Footpaths and Bridleways	Chapters 8, 9  Paragraphs 91a), 91c), 102c), 103, 104d)	<p>The policy has regard to Chapter 8 (Promoting healthy and safe communities) and Chapter 9 (Promoting sustainable transport), in protecting and enhancing opportunities for walking.</p> <p>In particular, paragraphs 91 a) and c), 102 c) 103, 104d) all promote the improvement of pedestrian and cycle routes for environmental and health benefits.</p>
<b>Policy 5</b> Design and Character	Chapters 11, 12, 16  Paragraphs 124, 125, 127, 128, 130	<p>This policy has regard to Chapter 11 (Making effective use of land), Chapter 12 (Achieving well-designed places) and Chapter 16 (Conserving and enhancing the historic environment).</p> <p>This policy contributes to the NPPF requirement of good design in the built environment. National policy encourages neighbourhood plans to develop design policies that demonstrate high quality, sustainable and inclusive design and architecture that respects and responds positively to the area’s character.</p>
<b>Policy 6</b> Historic Environment	Chapter 16	Has regard to Chapter 16 (Conserving and enhancing the historic environment).

NP Policy Number and Title	NPPF 2019	Comment on conformity
	Paragraph 185	This policy seeks to conserve and enhance heritage assets of importance in Langford and Ulting.
<b>Policy 7</b> Supporting and Encouraging Small Business	Chapter 6 Paragraphs 83,84	The policy has regard to Chapter 6 (Building a strong, competitive economy) in seeking to support a prosperous rural economy.
<b>Policy 8</b> Working from Home	Chapter 6 Paragraph 81d)	The policy has regard to Chapter 6 (Building a strong, competitive economy).  Conforms to paragraph 81d) by requiring the ability to provide a home office in new dwellings to allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
<b>Policy 9</b> Farm and Other Rural Buildings	Chapter 6 Paragraph 83	Has regard to Chapter 6 (Building a strong, competitive economy).  Conforms to paragraph 83 by supporting sustainable business and tourism development that benefits businesses in rural areas, communities and visitors, and which respects the character of the countryside.
<b>Policy 10</b> Community Facilities and Services	Chapter 8 Paragraphs 83d), 92a)	Has regard to Chapter 8 (Promoting healthy and safe communities).  Conforms to paragraph 83d) by promoting the retention and development of local services and community facilities in villages local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.  Conforms to paragraph 92a) by supporting the provision of new community facilities and services to meet the community's day-to-day needs.
<b>Policy 11</b> Protecting Community Facilities	Chapter 8 Paragraph 92c)	Has regard to Chapter 8 (Promoting healthy and safe communities).  Conforms to paragraph 92c) by requiring that a facility or service which is lost due to change of use or redevelopment will be adequately supplied or met by

NP Policy Number and Title	NPPF 2019	Comment on conformity
		an existing or new facility in the locality or settlement which is equivalent to or better than the facility that is being lost in terms of both quantity and quality.
<b>Policy 12</b> New Housing	Chapters 11, 12, 16  Paragraphs 69, 125, 127, 130, 185, 192	Has regard to Chapter 11 (Making effective use of land) and Chapter 12 (Achieving well-designed places), Chapter 16 (Conserving and enhancing the historic environment).  Seeks to support limited infill development within the Langford Settlement Boundary whilst protecting the character and identity of the rural setting.
<b>Policy 13</b> New Broadband and Mobile Infrastructure	Chapters 6, 10  Paragraph 112	In general conformity with Chapter 6 (Building a strong, competitive economy, Supporting a prosperous rural community), and Chapter 10 (Supporting high quality communications).  Paragraph 112 states that ‘advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being’. This policy seeks to support the provision of necessary infrastructure in all new development, to ensure that broadband can be delivered in the future.

## 2. Contribution to the achievement of development

2.1 A neighbourhood plan must take into account the sustainable need to contribute to the achievement of sustainable development. This involves working to address the three separate strands of sustainability: economic, social and environmental.

2.2 The table below sets out an assessment of each policy of the plan and how it impacts on each of the three strands of sustainability: economic, social and environmental.

- **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;
- **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
- **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.<sup>1</sup>

### Table of Social, Economic and Environmental effects

\*\*Very positive impact \*positive impact – neutral impact x negative impact xx very negative impact

NP Policy Number and Title	Economic	Social	Environmental	Comments
<b>Policy 1</b> Landscape Features	*	*	**	The policy recognises the intrinsic character and beauty of our area and protects natural landscape features that are important to the character and appearance of the area.
<b>Policy 2</b> Protecting and Enhancing Biodiversity	*	*	**	The policy requires all development to protect biodiversity and to adopt best practice in sustainable urban drainage which will mitigate flood risk. There will be social and economic benefits in reducing financial losses due to flooding events to which the parish is vulnerable.
<b>Policy 3</b> Recreational disturbance Avoidance and Mitigation	*	*	**	The policy has been included to regulate adverse in-combination recreational disturbance effects on European Sites.
<b>Policy 4</b> Footpaths and Bridleways	-	**	**	The policy protects footpaths and bridleways and encourages enhancements to the network where new development is built.
<b>Policy 5</b> Design and Character	*	**	**	The policy encourages high quality design which will have a positive impact on

<sup>1</sup> NPPF Feb 2019 revised, p5

<b>NP Policy Number and Title</b>	<b>Economic</b>	<b>Social</b>	<b>Environmental</b>	<b>Comments</b>
				the local environment.
<b>Policy 6</b> Historic Environment	*	**	**	The policy seeks to retain the unique character of the area by conserving locally important sites of historic value.
<b>Policy 7</b> Supporting and Encouraging Small Business	**	*	*	The policy seeks to protect and improve existing employment and small business uses in the parish. This will deliver a strong economic benefit and a social benefit by retaining and increasing local jobs.
<b>Policy 8</b> Working from Home	**	**	*	The policy seeks to encourage working from home as it contributes to the achievement of sustainable development by reducing out-commuting and helping to boost local economies.
<b>Policy 9</b> Farm and Other Rural Buildings	**	**	*	The policy aims to strengthen the local economy by permitting the reuse of farm and other rural buildings for business or tourism purposes.
<b>Policy 10</b> Community Facilities and Services	*	**	-	The policy protects existing facilities and services and supports the appropriate development of new ones.
<b>Policy 11</b> Protecting Community Facilities	*	**	-	The policy protects existing facilities and services and requires the provision of an equivalent or better facility in the settlement or immediate locality.

<b>NP Policy Number and Title</b>	<b>Economic</b>	<b>Social</b>	<b>Environmental</b>	<b>Comments</b>
<b>Policy 12</b> New Housing	*	**	**	The policy preserves the special distinctive character of the parish and its historic buildings.
<b>Policy 13</b> New Broadband and Mobile Infrastructure	**	**	**	The policy seeks to improve broadband and mobile connectivity in the parish as this can make a significant difference to those living and working in villages and rural areas. Greater connectivity will support sustainability by reducing the need to travel.

### **3. Conformity with Strategic Local Policy**

3.1 The Neighbourhood Plan has been prepared to ensure that it is in general conformity with the development plan for the area.

3.2 The relevant development plan for the area includes the following documents:

- Maldon District Local Development Plan 2014 -2029 (LDP)
- Essex Minerals Local Plan (MLP) 2014
- Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).

3.3 The table below sets out an assessment of each policy of the plan and confirms the general conformity with the strategic intent of the Maldon District Local Development Plan 2014 – 2029.

**Table showing General Conformity with Strategic Local Policy**

<b>NP Policy Number and Title</b>	<b>Relevant LDP policy</b>	<b>Comment on general conformity with Local Development Plan; Minerals &amp; Waste Local Plans</b>
<p><b>Policy 1</b> Landscape Features</p>	<p>S8 Settlement Boundaries and the Countryside D1 Design Quality and Built Environment D2 Climate Change &amp; Environmental Impact of New Development D3 Conservation and Heritage Assets D4 Renewable and Low Carbon Energy Generation H4 Effective Use of Land</p>	<p>The policy conforms with the intent of the local development plan by preventing unacceptable harm to natural landscape features that are important to the character and appearance of the area.</p>
<p><b>Policy 2</b> Protecting and Enhancing Biodiversity</p>	<p>N1 Green Infrastructure Network N2 Natural Environment, Geodiversity and Biodiversity</p>	<p>The policy conforms with the intent of the local development plan by protecting the biodiversity interest in the parish.</p>
<p><b>Policy 3</b> Recreational disturbance Avoidance and Mitigation</p>	<p>N2 Natural Environment, Geodiversity and Biodiversity</p>	<p>This policy seeks to minimise impacts of residential development within the zones of influence of European Sites to avoid adverse in-combination recreational disturbance effects.</p>
<p><b>Policy 4</b> Footpaths and Bridleways</p>	<p>T1 Sustainable Transport T2 Accessibility</p>	<p>The policy accords with the intent of the local development plan by protecting and enhancing, where appropriate, connections to the existing network.</p>
<p><b>Policy 5</b> Design and Character</p>	<p>H4 Effective use of land D1 Design Quality &amp; Built Environment D3 Conservation &amp; Heritage Assets</p>	<p>The policy is in general conformity with the intent of the local development plan by requiring high quality design proposals that reflect the character of the parish and, where necessary, the historic and</p>

<b>NP Policy Number and Title</b>	<b>Relevant LDP policy</b>	<b>Comment on general conformity with Local Development Plan; Minerals &amp; Waste Local Plans</b>
		architectural character of designated heritage assets.
<b>Policy 6</b> Historic Environment	D3 Conservation and Heritage Assets	The policy accords with the intent of the local development plan by protecting the special character of designated heritage assets in the parish.
<b>Policy 7</b> Supporting and Encouraging Small Business	S7 Prosperous Rural Communities S8 Settlement Boundaries and the Countryside, E1 –Employment E4 Agricultural and Rural Diversification D1 Design Quality and Built Environment	The policy accords with the intent of the local development plan by protecting the existing small business base located in the rural area and by allowing new opportunities to be developed. This includes CML Microsystems Plc which has extant planning permission for additional employment space on their site at Oval Park.
<b>Policy 8</b> Working from Home	S7 Prosperous Rural Communities S8 Settlement Boundaries and the Countryside E1 –Employment E4 Agricultural and Rural Diversification	The policy accords with the intent of the local development plan by protecting the existing small business base located in the rural area and by allowing new opportunities to be developed.
<b>Policy 9</b> Farm and Other Rural Buildings	S7 Prosperous Rural Communities S8 Settlement Boundaries and the Countryside E1 –Employment E4 Agricultural and Rural Diversification E5 Tourism D1 Design Quality and Built Environment	The policy accords with the intent of the local development plan by promoting sustainable development in the countryside for tourism development.
<b>Policy 10</b> Community Facilities and Services	E3 Community Services and Facilities D1 Design Quality and Built Environment	The policy accords with the intent of the local development plan by protecting important local

<b>NP Policy Number and Title</b>	<b>Relevant LDP policy</b>	<b>Comment on general conformity with Local Development Plan; Minerals &amp; Waste Local Plans</b>
	T2 Accessibility	community buildings and land from unnecessary change of use.
<b>Policy 11</b> Protecting Community Facilities	E3 Community Services and Facilities D1 Design Quality and Built Environment T2 Accessibility	The policy accords with the intent of the local development plan by protecting important local community buildings and land from unnecessary change of use.
<b>Policy 12</b> New Housing	S8 Settlement Boundaries and the Countryside D1 Design Quality and Built Environment D3 Conservation and Heritage Assets H4 Effective use of land	Conforms to local development plan by ensuring only sensitive development that does not impact adversely on the character and appearance of the surrounding area and respects the characteristics and local distinctiveness of the Langford Conservation Area.
<b>Policy 13</b> New Broadband and Mobile Infrastructure	S1 Sustainable Development S3 Place Shaping S7 Prosperous Rural Communities	The policy conforms with the local development plan as it highlights the importance of fast and reliable broadband and mobile connectivity in rural areas which plays a vital role in encouraging home working and supporting the promotion of home-based businesses in rural areas.

## 4. Compatibility with EU Obligations

- 4.1 SEA Directive – The Maldon District Local Development Plan was subject to a comprehensive SEA. The draft Neighbourhood Plan does not propose development over and above the level covered by the LDP SEA. A screening process carried out by Maldon District Council determined that the Neighbourhood Plan did not require a Strategic Environmental Assessment. (See EB031 - Screening Opinion on need for SEA and HRA Assessment).
- 4.2 Habitats Directive - The Neighbourhood Plan has been subject to screening to ascertain whether an Appropriate Assessment is required under the Conservation of Habitats and Species Regulations 2010, which relate to Articles 6(3) and (4) of the Habitats Directive. Natural England confirmed that no Appropriate Assessment is required. (See EB031 - Screening Opinion on need for SEA and HRA Assessment). None of the policies are likely to have a significant effect on any European site.
- 4.3 EIA Directive – The Neighbourhood Plan does not propose any development that falls within schedule 1 or 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and therefore does not require an EIA ‘screening’.
- 4.4 Air Quality Framework Directive – By facilitating the improvement and connectivity of the local PROW network in the village, the Neighbourhood Plan encourages walking and cycling as an alternative to using the car, and the Plan protects the natural environment. The draft Plan does not propose types of development which could increase air pollution (for example, industry, new roads etc). Therefore the Plan is compatible with this Directive.
- 4.5 Water Framework Directive – The Neighbourhood Plan protects the natural environment and does not propose the type or scale of development that could result in water pollution. Therefore, the Plan is compatible with this Directive.
- 4.6 Waste Framework Directive – The Neighbourhood Plan is in general conformity with the Waste Local Plan, which complies with the Waste Framework Directive. Therefore, the Plan is compatible with this Directive.
- 4.7 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 1998. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded and in fact have been positively included. More detail has been included in our comprehensive Consultation Statement.