

# Great Totham Neighbourhood Plan 2020-2035

Basic Conditions Statement

Great Totham Parish Council

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## 1. Introduction

- 1.1. This Basic Conditions Statement has been produced to accompany the Great Totham Neighbourhood Plan.
- 1.2. The relevant legal framework for the preparation and making of neighbourhood plans is supported by the Localism Act 2011 and the Neighbourhood Planning Act 2017 and found in the:
  - Town and Country Planning Act 1990: ss. 61F, 61I, 61M-P and Schedule 4B
  - Planning and Compulsory Purchase Act 2004: ss 38A-C
  - Neighbourhood Planning (General) Regulations 2012 (2012 No.637) (As Amended)
- 1.3. Paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 requires a neighbourhood plan to meet five<sup>1</sup> basic conditions before it can proceed to a referendum. These are:
  - I. Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
  - II. The making of the neighbourhood development plan contributes to the achievement of sustainable development;
  - III. The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - IV. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations; and
  - V. Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The prescribed condition is that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 1.4. This document sets out how the Plan meets the Basic Conditions.

## Supporting documents and evidence base

- 1.5. The Plan and its policies is supported by a Consultation Statement, Strategic Environmental Assessment and Habitats Regulations Assessment Screening Reports, this Basic Conditions Statement and an extensive evidence base. The evidence base provides a summary of the key evidence justifying the Plan's policies.

## Key statements

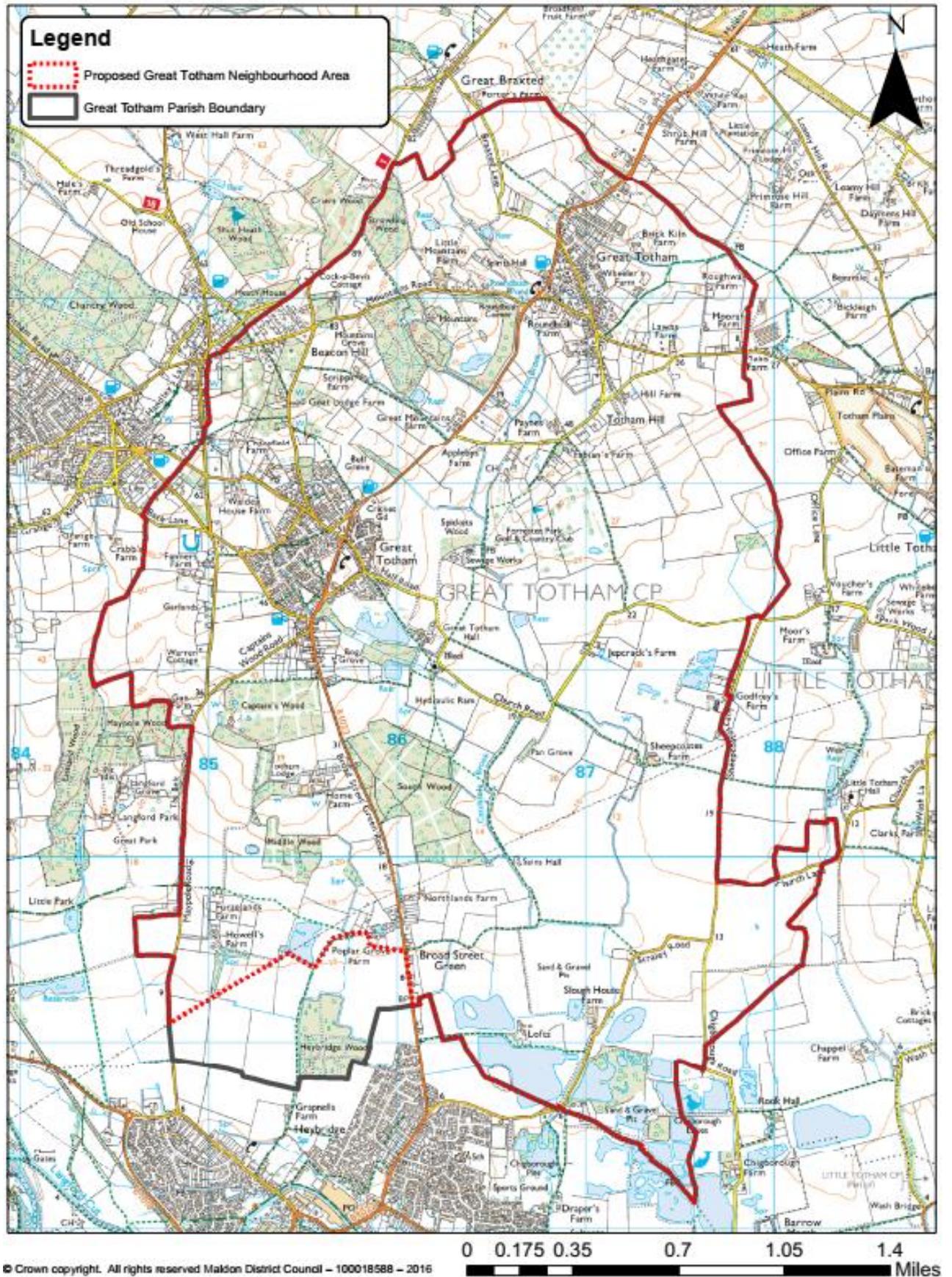
- 1.6. The Plan has been prepared and is submitted by the Great Totham Parish Council. The Parish Council was designated as a qualifying body by Maldon District Council (MDC) on 7<sup>th</sup> November 2016. The Parish Council, as responsible body, is therefore entitled to submit a Neighbourhood Plan for the Great Totham Neighbourhood Area.
- 1.7. The Plan sets out policies that relate to the development and use of land within only the Neighbourhood Area. The Neighbourhood Area as designated by MDC is shown in Figure 1 below. The Plan sets out

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<sup>1</sup> There are two further basic conditions, which are relevant only to the making of a Neighbourhood Development Order and are therefore not considered in this document.

policies that relate to the development and use of land within only the Great Totham Neighbourhood Area.

Figure 1: Great Totham Neighbourhood Plan Area



- 1.8. The Plan does not relate to more than one neighbourhood area. It is solely related to the Neighbourhood Area designated by MDC. There are no other adopted Neighbourhood Development Plans which cover the Neighbourhood Area.
- 1.9. The Plan covers the period from 2020 to 2035. Whilst this is longer than the lifetime of the Maldon Local Development Plan (which runs to 2029), a 15-year period for the plan is considered to represent an appropriate timeframe. It is recognised that the Neighbourhood Plan is likely to need to be reviewed relatively early in the plan period when the Local Development Plan is updated.
- 1.10. The Plan does not contain any policies which relate to excluded development as defined by section 61K of the Town and Country Planning Act 1990.

## 2. Basic Condition (i) – Conformity with National Planning Policy

2.1. To meet this condition, the Plan must be shown to have regard to national policies and advice contained in guidance issued by the Secretary of State. National policy and guidance is contained within the National Planning Policy Framework (‘NPPF’) and the Planning Practice Guidance (‘PPG’).

### National Planning Policy Framework

2.2. The NPPF has 13 key objectives which are:

- |  |  |
|--|--|
| 1. Delivering a sufficient supply of homes | 8. Achieving well-designed places  |
| 2. Building a strong, competitive economy  | 9. Protecting Green Belt land  |
| 3. Ensuring the vitality of town centres   | 10. Meeting the challenge of climate change, flooding and coastal change |
| 4. Promoting healthy and safe communities  | 11. Conserving and enhancing the natural environment                     |
| 5. Promoting sustainable transport         | 12. Conserving and enhancing the historic environment                    |
| 6. Supporting high quality communications  | 13. Facilitating the sustainable use of minerals                         |
| 7. Making effective use of land            |  |

2.3. This statement explains how the Plan contributes to meeting these objectives and also notes the specific national policies that the Plan is intended to support and supplement.

2.4. The Plan has six objectives which form the basis of the overall vision for Great Totham. These are identified in Table 2.1 alongside the NPPF goals that each objective seeks to address.

**Table 2.1: Assessment of the objectives within the Great Totham Neighbourhood Plan against NPPF goals**

Plan objective	Relevant NPPF goal
Ensure high quality design of development which is in keeping with local, Arcadian character	<ul style="list-style-type: none"> <li>• Achieving well-designed places</li> <li>• Promoting healthy and safe communities</li> <li>• Conserving and enhancing the natural environment</li> </ul>
Evaluate all opportunities to meet identified housing needs	<ul style="list-style-type: none"> <li>• Delivering a sufficient supply of homes</li> </ul>
Protect important green spaces, woodlands and valued open views	<ul style="list-style-type: none"> <li>• Conserving and enhancing the natural environment</li> <li>• Achieving well-designed places</li> <li>• Meeting the challenge of climate change, flooding and coastal change</li> </ul>
Improve pedestrian and cycle access between North and South Totham and improve access into the surrounding countryside, including for equestrian users	<ul style="list-style-type: none"> <li>• Promoting sustainable transport</li> <li>• Promoting healthy and safe communities</li> </ul>
Address road safety and traffic interactions with pedestrians and cyclists	<ul style="list-style-type: none"> <li>• Promoting sustainable transport</li> <li>• Promoting healthy and safe communities</li> </ul>
Help leisure and community activities in North Totham and South Totham to thrive	<ul style="list-style-type: none"> <li>• Promoting healthy and safe communities</li> </ul>

- 2.5. Table 2.2 sets out each policy of the Plan alongside the policies in the NPPF that it has had regard to and analyses how each Plan policy contributes to achieving the key objectives of the NPPF.

**Table 2.2: Assessment of how each policy in the TNP conforms to the NPPF**

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
POLICY GTO1: SPATIAL STRATEGY	16, 17, 28	A core principle of national policy is the need for the planning system to contribute to sustainable development. The NPPF states that plans should be developed that support the strategic development needs set out in the Local Development Plan and actively manage patterns of growth. The policy takes a positive approach to development by defining the settlement boundary and providing the criteria for development outside the settlement boundary. This enables a balanced approach to address housing need and supporting infrastructure.
POLICY GTO2: HIGH QUALITY ARCADIAN DESIGN	127, 130	The policy contributes to the NPPF objective of achieving well-designed places. National policy encourages neighbourhood plans to develop robust and comprehensive design policies that, amongst other things, ensure that development responds to local character. Through the Village Design Statement, it identifies the key aspects of the 'Arcadian' character in Great Totham and explains how this should inform high quality design of development schemes.
POLICY GTO3: IMPORTANT VIEWS AND SETTING OF TOTHAM CRICKET FIELD	127, 130, 190	The policy contributes to the NPPF objectives of conserving and enhancing the natural environment and achieving well-designed places. The policy specifically recognises the value of particular views and the setting of the local cricket field.
POLICY GTO4: GREEN/BLUE WILDLIFE CORRIDORS AND WILDLIFE-FRIENDLY DEVELOPMENT	174, 179	A key objective of the NPPF is to conserve and enhance the natural environment and this policy ensures that development proposals meet this objective by having the provision for local wildlife to thrive.
POLICY GTO5: RECREATIONAL DISTURBANCE AND MITIGATION	174, 175, 179	This policy requires mitigation measures where development is within the zone of influence of coastal habitats, thereby meeting the NPPF objective of conserving and enhancing the natural environment.
POLICY GTO6: ENERGY EFFICIENCY OF BUILDINGS AND RENEWABLES	152, 154	The policy supports the NPPF objective of meeting the challenge of climate change by promoting development that represents an exemplar in sustainable living, matching the ambitions of the Paris Agreement to minimise energy use.
POLICY GTO7: PARKING PROVISION	107, 127, 130	The policy supports the NPPF objective of achieving well-designed places by directing how parking provision can effectively be made so that it does not have a detrimental impact on the character of residential areas or on pedestrian safety due to high levels of on-street parking.
POLICY GTO8: PEDESTRIAN AND CYCLE ACCESS	104, 106	The policy supports the NPPF objective of promoting sustainable transport. The NPPF encourages Neighbourhood Plan to exploit opportunities for the use of sustainable transport modes in a safe layout that minimises conflicts between traffic and cyclists or pedestrians. Priority is given to proposal that encourage cycling and walking as an alternative sustainable transport mode to driving.

<b>Policy Title and Reference</b>	<b>NPPF Reference (paragraph)</b>	<b>Commentary</b>
POLICY GTO9: EXPANSION OF COMMUNITY AND LEISURE FACILITIES	92, 93	The policy contributes to the NPPF objective of promoting healthy and safe communities. It seeks to enhance the provision of particular community buildings and specifically to enable them to expand and adapt where necessary.
POLICY GTO10: PLAY FACILITIES IN TOTHAM NORTH AND TOTHAM SOUTH	98	The policy contributes to the NPPF objective of promoting healthy and safe communities by encouraging the expansion of the existing play areas in Great Totham.

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

- 3.1. The NPPF states in paragraph 14 that a presumption in favour of sustainable development is at the heart of the NPPF and ‘should be seen as a golden thread running through both plan-making and decision-taking’.
- 3.2. Table 3.1 below summarises how the objectives and policies in the Plan contribute towards sustainable development, as defined in the NPPF. Many of the objectives of the Plan overlap the three strands of sustainability, so for the purposes of this document, the most relevant strand has been taken to illustrate conformity.

**Table 3.1: Assessment of Great Totham NP objectives and policies against sustainable development**

<b>Deliver economic sustainability</b>	
<b>NPPF definition – ‘Contribute to building a strong, responsive economy’ and support growth, innovation and improved productivity; and ‘identifying and coordinating the provision of infrastructure’.</b>	
<b>Great Totham NP Objectives</b>	<ul style="list-style-type: none"> <li>• Help leisure and community activities in North Totham and South Totham to thrive</li> <li>• Ensure high quality design of development which is in keeping with local, Arcadian character</li> </ul>
<b>Great Totham NP Policies</b>	POLICY GTO6: ENERGY EFFICIENCY OF BUILDINGS AND RENEWABLES POLICY GTO9: EXPANSION OF COMMUNITY AND LEISURE FACILITIES
<b>Commentary</b>	In a small rural community, its community assets are of importance to the community and its economy. They provide important services, both economically and socially. Policy GTO9 seeks to ensure that these facilities can thrive and grow. Separately, having a low energy building stock reduces the reliance on fossil fuels which is an important consideration for the economy. Policy GTO6 encourages new development to minimise its energy use through its design.
<b>Deliver social sustainability</b>	
<b>NPPF definition – ‘Support strong, vibrant and healthy communities’</b>	
<b>Great Totham NP Objectives</b>	<ul style="list-style-type: none"> <li>• Evaluate all opportunities to meet identified housing needs</li> <li>• Improve and cycle access between North and South Totham and improve access into the surrounding countryside, including for equestrian users</li> <li>• Address road safety and traffic interactions with pedestrians and cyclists</li> <li>• Help leisure and community activities in North Totham and South Totham to thrive</li> </ul>
<b>Great Totham NP Policies</b>	POLICY GTO1: SPATIAL STRATEGY POLICY GTO7: PARKING PROVISION POLICY GTO8: PEDESTRIAN AND CYCLE ACCESS POLICY GTO9: EXPANSION OF COMMUNITY AND LEISURE FACILITIES POLICY GTO10: PLAY FACILITIES IN TOTHAM NORTH AND TOTHAM SOUTH
<b>Commentary</b>	The spatial strategy in Policy GTO1 seeks to provide a flexible approach to supporting growth, with the focus being on housing development to address needs. Alongside this, new development must be designed to minimise the impact of parking (Policy GTO2), including for pedestrians, and Policy GTO8 separately seeks to provide safer routes for cyclists. Policies GTO9 and GTO10 seek to protect and allow the enhancement of important community facilities for users of all ages.
<b>Deliver environmental sustainability</b>	
<b>NPPF definition – ‘Contribute to protecting and enhancing our natural, built and historic environment’ and ‘mitigate and adapt to climate change’</b>	
<b>Great Totham NP Objectives</b>	<ul style="list-style-type: none"> <li>• Ensure high quality design of development which is in keeping with local, Arcadian character</li> <li>• Protect important green spaces, woodlands and valued open views</li> </ul>
<b>Great Totham NP Policies</b>	POLICY GTO2: HIGH QUALITY ARCADIAN DESIGN POLICY GTO3: IMPORTANT VIEWS AND SETTING OF TOTHAM CRICKET FIELD POLICY GTO4: GREEN/BLUE WILDLIFE CORRIDORS AND WILDLIFE-FRIENDLY DEVELOPMENT

	POLICY GTO5: RECREATIONAL DISTURBANCE AND MITIGATION POLICY GTO6: ENERGY EFFICIENCY OF BUILDINGS AND RENEWABLES
<b>Commentary</b>	Policy GTO2 seeks to retain the high quality built environment of Great Totham, with Policy GTO3 providing clarity over which views are the most important and should therefore be preserved. The importance of nature is recognised, with Policy GTO4 assisting with the identification of wildlife corridors and encouraging development to make provision for wildlife to thrive. The encouragement in Policy GTO6 of environmentally-friendly design helps to reduce the impact of development on the environment.

- 3.4 As demonstrated in Table 3.1, the strategic objectives of the Plan are considered to comprise a balance of social, economic and environmental goals. The policies in the Plan demonstrably contribute to sustainable development in respect of building a strong, responsive economy, supporting a strong, vibrant and healthy community and protecting and enhancing the natural and historic environment.

## **4. Basic Condition (v) – General Conformity with the Strategic Policies of the Development Plan**

- 4.1. The development plan currently consists of the following:
  - Maldon Local Development Plan (adopted in 2017)
  - Essex Minerals Local Plan (adopted 2014)
  - Essex and Southend-on-Sea Waste Local Plan (adopted 2017)
- 4.2. Table 4.1 details the Great Totham Neighbourhood Plan policies alongside a consideration of how they are in general conformity with the policies in the Maldon Local Development Plan.
- 4.3. Where a policy is not identified in Table 4.1, it is considered that the Neighbourhood Plan does not contain any policies that directly relate to it.

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

Great Totham NP Policy	Maldon Local Development Plan policy	Commentary
POLICY GTO1: SPATIAL STRATEGY	Policy S1: Sustainable development Policy S8: Settlement boundaries and the countryside Policy H2: Housing mix	This policy conforms to the strategic objectives of (i) providing sufficient, well designed, quality housing to meet housing needs, and focussing future development in sustainable locations within settlement boundaries; and (ii) protecting and enhancing the distinctive built and historic environment of the District. The policy provides relevant detail on the requirements for development outside the settlement boundary within the context of sustainable development. It also confirms that residential development proposals should address local housing needs.
POLICY GTO2: HIGH QUALITY ARCADIAN DESIGN	Policy S1: Sustainable development Policy D1: Design quality and Built Environment Policy H4: Effective use of land	This policy conforms to the strategic objective of providing sufficient, well designed, quality housing to meet housing needs. It provides the relevant context that explains what Arcadian design is and how development can reflect the concept and contribute to enhancing the character of Great Totham.
POLICY GTO3: IMPORTANT VIEWS AND SETTING OF TOTHAM CRICKET FIELD	Policy S1: Sustainable development Policy D1: Design quality and Built Environment	This policy conforms to the strategic objective of protecting and enhancing the distinctive natural, built and historic environment of the District. It identifies specific views of value from locations within the parish.
POLICY GTO4: GREEN/BLUE WILDLIFE CORRIDORS AND WILDLIFE-FRIENDLY DEVELOPMENT	Policy S1: Sustainable development Policy D1: Design quality and Built Environment Policy N1: Green infrastructure network Policy N2: Natural Environment, Geodiversity and Biodiversity	This policy conforms to the strategic objective of protecting and enhancing the distinctive natural, built and historic environment of the District. It maps specific wildlife corridors that should be protected and enhanced, and also encourages development to provide for the needs of local wildlife.
POLICY GTO5: RECREATIONAL DISTURBANCE AND MITIGATION	Policy N2: Natural Environment, Geodiversity and Biodiversity	This policy conforms to the strategic objective of protecting and enhancing the distinctive natural, built and historic environment of the District. It requires assessment and delivery of mitigation measures to protect habitats from recreational disturbance.
POLICY GTO6: ENERGY EFFICIENCY OF BUILDINGS AND RENEWABLES	Policy S1: Sustainable development Policy D1: Design quality and Built Environment Policy D2: Climate Change & Environmental Impact of New Development	This policy conforms to the strategic objectives of (i) promoting a reduction in the use of resources, addressing the threat of climate change, improving energy and water efficiency and promoting the use of renewable energy; and (ii) minimising the negative impacts of climate change by encouraging zero or low carbon development across the District. The policy specifically identifies technologies and approaches that can help development to minimise its impact on the environment and maximise the use of renewable sources of

Great Totham NP Policy	Maldon Local Development Plan policy	Commentary
		energy.
POLICY GTO7: PARKING PROVISION	Policy D1: Design quality and Built Environment	This policy conforms to the strategic objective of providing well-designed, quality housing to meet our needs. It provides design guidance for the provision of off-street parking in order to minimise the detrimental visual impact of high levels of on-street parking.
POLICY GTO8: PEDESTRIAN AND CYCLE ACCESS	Policy S1: Sustainable development Policy D2: Climate Change & Environmental Impact of New Development Policy T1: Sustainable transport Policy T2: Accessibility	This policy conforms to the strategic objective of promoting sustainable modes of transport. It identifies specific routes where, with improvements, walking and cycling can be maximised.
POLICY GTO9: EXPANSION OF COMMUNITY AND LEISURE FACILITIES	Policy S1: Sustainable development Policy E3: Community Services and Facilities Policy N3: Open Space, Sport and Leisure Policy I2: Health and Wellbeing	This policy conforms to the strategic objective of ensuring that people and communities enjoy quality sustainable lifestyles by enabling the provision of facilities and services, including essential and green infrastructure, where they are needed in the District. It identifies specific community facilities and assets and provides flexibility in their ability to develop and thrive.
POLICY GTO10: PLAY FACILITIES IN TOTHAM NORTH AND TOTHAM SOUTH	Policy S1: Sustainable development Policy E3: Community Services and Facilities Policy N3: Open Space, Sport and Leisure	This policy conforms to the strategic objective of ensuring that people and communities enjoy quality sustainable lifestyles by enabling the provision of facilities and services, including essential and green infrastructure, where they are needed in the District. It identifies specific play areas and encourages proposals to improve the quality and range of provision.

## 5. Basic Condition (iv) – Conformity with EU Obligations

- 5.1. The Plan and the process under which it was made conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).
- 5.2. In April 2020, prior to Pre-Submission Consultation (Regulation 14 stage), the Neighbourhood Plan was screened for the need for an SEA. In September 2020, following a screening exercise which took on board comments from the statutory bodies (the Environment Agency, Natural England and Historic England), Maldon District Council published an SEA Screening Report. This came to the conclusion that an SEA was not needed. This Screening Report was consulted on at Regulation 14 stage as part of the evidence base for the Plan. It was reviewed following amendment of the Plan prior to submission to Maldon District Council (Regulation 15) but it was not considered that the amendments to the Plan represented a material change that would result in a different outcome to the screening opinion. None of the statutory bodies disagreed with this opinion. The Screening Report has been submitted at Regulation 16 stage as part of the evidence base for the Plan.
- 5.3. In addition to conforming to its EU obligations, the Plan does not breach and is not otherwise incompatible with the European Convention on Human Rights.

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

- 6.1. Under Directive 92/43/EEC, also known as the Habitats Directive<sup>2</sup>, it must be ascertained whether the draft Plan is likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. Assessments under the regulations are known as Habitats Regulation Assessments ('HRA'). An appropriate assessment ("AA") is required only if the Plan is likely to have significant effects on a European protected species or site. To ascertain whether or not it is necessary to undertake an assessment, a screening process is followed.
- 6.2. In April 2020, prior to Pre-Submission Consultation (Regulation 14 stage), the Neighbourhood Plan was screened for the need for an HRA. In September 2020, following a screening exercise which took on board comments from Natural England, Maldon District Council published an HRA Screening Report. This came to the opinion that an HRA was not needed. This Screening Report was consulted on at Regulation 14 stage as part of the evidence base for the Plan. It was reviewed following amendment of the Plan prior to submission to Maldon District Council (Regulation 15) but it was not considered that the amendments to the Plan represented a material change that would result in a different outcome to the screening opinion. This opinion was concurred with by Natural England. The Screening Report has been submitted at Regulation 16 stage as part of the evidence base for the Plan.
- 6.3. Great Totham Parish Council is therefore of the opinion that the Plan is not likely to have significant impacts on European protected species or sites.

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<sup>2</sup> Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora': <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31992L0043>.

## 7. Conclusion

- 7.1. The relevant Basic Conditions as set out in Schedule 4B to the TCPA 1990 are considered to be met by the Great Totham Neighbourhood Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Great Totham Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act.



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