

# Burnham-on-Crouch Neighbourhood Plan

Basic Conditions Statement  
October 2016



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### 1. Introduction

This Statement has been prepared by the Burnham on Crouch Neighbourhood Plan Steering Group (“the Steering Group”), mandated by Burnham Town Council to accompany its submission to the local planning authority, Maldon District Council (MDC) of the Burnham on Crouch Neighbourhood Development Plan (“the Neighbourhood Plan”) under Regulations 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”);

The Neighbourhood Plan has been prepared by Burnham Town Council, a qualifying body, for the Neighbourhood Area covering the whole of the Burnham Town Council administrative area, as designated by Maldon District Council on **22 April 2013**.

The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area. The plan period of the Neighbourhood Plan corresponds with the Maldon District Council Emerging Local Development Plan 2014-2029 and it does not contain policies relating to excluded development in accordance with the Regulations.

The Statement addresses each of the four ‘basic conditions’ required of the Regulations and explain how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- 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),
- the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations. Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan: the making of the neighbourhood plan is not 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 (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

### 2. Background

The preparation of the Neighbourhood Plan for Burnham commenced in the summer of 2013. It has been led by the Steering Group with assistance and technical support from Allies and Morrison and with input and oversight from Maldon District Council.

The series of working groups have been established within the Steering Group, led by the following people:

Community and Social Infrastructure – Natalie Bethany;  
Physical Infrastructure – Ian Sisterson;  
The Economy – Iona Evans;  
The Environment – Jean Evans;

The River – Babs Owers;  
Heritage and Culture – Peter Layzell; and  
Housing – Wendy Stamp.

The Steering group has also greatly benefitted from the inputs of key members, Iain Corbett, John Hitcham, Ian Sisterson and Wendy Stamp and for the support of David and Eva McNeill, Town Clerk and Neighbourhood Plan clerk respectively.

The Burnham Neighbourhood Plan is supported by a Consultation Statement, Sustainability Appraisal and Scoping Report and this basic conditions statement.

### **3. Conformity with National Planning Policy**

The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of April 2012. It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in March 2014 in respect of formulating neighbourhood plans. The Submission document includes a specific NPPF conformity reference for each relevant policy with further reference in the supporting text. The principles of the NPPF have been embodied throughout the construction of the Neighbourhood Plan, which has had regard to the following key policy areas as evidenced below.

Following a screening opinion provided by Maldon District Council it has been considered that the preparation of a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) specifically for this neighbourhood Plan would not be required. The Neighbourhood Plan properly supplements the Emerging Local Development Plan 2014-2029 and therefore falls within the extensive work which has been carried out to support that document.

The Burnham Neighbourhood plan supports the NPPF objectives in the following ways:

#### Building a strong, competitive economy (NPPF Chapter 1)

The NPPF (Para 20) states that LPA's should plan proactively to encourage sustainable economic growth. The Burnham NDP is in general conformity with building a strong, competitive economy and sets out specific policies (EC.1 Protecting industrial sites for strategic local need and EC.2 Encouraging the provision of river-related trades in identified locations and EC.6 Encourage applications which improve the tourism offer) to support this aspiration.

#### Ensuring the vitality of town centres (NPPF Chapter 3)

The NPPF (Para 23) states that neighbourhood plans should promote competitive town centres with policies to manage growth. The Burnham NDP sets out specific policies (EC3-EC5) which support and protect the high street and retail centre in Burnham.

#### Promoting sustainable transport (NPPF Chapter 4)

The NPPF (Para 29) encourages sustainable transport systems but recognizes that this will need to vary between rural and urban communities. Policy PI.10 sets out the desire for better cycle infrastructure within the town and PI.10 focuses upon delivering a sustainable transport network. Improvements to highways infrastructure are set out in PI.1-PI.9.

#### Supporting high quality communications infrastructure (NPPF Chapter 5)

The NPPF (Para 42) specifically refers to the development of high speed broadband technology which plays a vital role in the provision of local community facilities and services. The Burnham NDP includes Policy PI.8 that supports the provision of high speed broadband in the area to support businesses and residents.

#### Delivering a wide choice of high quality homes (NPPF Chapter 6)

The NPPF (Para 47) sets out that plans should establish a need and identify a supply of new homes. Policy HO.1 and HO.2 set out a desire for a range of homes that meet local needs.

#### Requiring good design (NPPF Chapter 7)

The NPPF (Para 58) states that plans should respond to local character and history. Policies HC.2 and HC.3 define features and characteristics that should be delivered in the design of new homes in the area.

#### Promoting Healthy Communities (NPPF Chapter 8)

The NPPF (Para 69) states that plans should help to identify the facilities a local community needs and play an important role in facilitating inclusive, safe and healthy communities. Policies CS.1 – CS.5 set out the community assets that local people would like to see protected and enhanced including the allotments, new sports facilities and assets in the town centre such as the cinema.

#### Meeting the challenge of climate change, flooding and coastal change (NPPF Chapter 10)

The NPPF states that proactive strategies should be adopted in order to mitigate climate change and take account of flood risk. Policy EN.4 states that the Town Council would support renewable energy production in the Dengie Peninsula. Flood impact has also been considered in policy EN.1 and EN.2 in the design of new public realm along the riverside and in new development.

#### Conserving and enhancing the natural environment (NPPF Chapter 11)

The NPPF states the planning system should contribute to and enhance the natural and local environment. Burnham's unique riverside environment will be protected and enhanced by Policy RI.1 and Policy EN.2 guards against development on areas at risk of flooding. Policy EN.4 provides support for renewable energy projects in the Dengie Peninsula.

#### Conserving and enhancing the historic environment (NPPF Chapter 12)

The Burnham NDP supports the aspirations of the NPPF through policies such as HC.1 which encourages the sensitive design of shop fronts, in keeping with the historic character of the town centre.

## **4. Contribution to Achieving Sustainable Development**

International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The Neighbourhood Plan's vision for Burnham reflects this approach:

"Burnham-on-Crouch will grow to meet the needs of its community through sustainable developments in its infrastructure, employment, housing, retail and leisure facilities which enhance, respect and reinforce its history and environment to create an accessible, thriving and vibrant experience for residents and visitors."

The Neighbourhood Plan is accompanied by a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) of its environmental, social and economic effects which was prepared for the Maldon Local Development Plan. Following a screening opinion provided by Maldon District Council it has been considered that the preparation of a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) specifically for this neighbourhood Plan would not be required.

## **5. General Conformity with the Local Development Plan**

The Neighbourhood Plan has been prepared to ensure its general conformity with the Local Development Plan for Maldon.

The Maldon District Local Development Plan has been through the following stages:

- Examination in Public 2015 - Part 1 of the Examination in Public (EiP) took place in January and February 2015 covering matters of legal compliance and housing. These hearings followed the submission of additional evidence on objective assessed needs for housing which were submitted in October 2014.
- Local Development Plan called in by Secretary of State 2015 - The Rt Hon Greg Clark MP, Secretary of State for Communities and Local Government, following a request from Maldon District Council, has directed that the

Maldon District Local Development Plan is submitted to the Secretary of State for approval. Please see the [DCLG](#) updates page for more news.

- The Secretary of State has found the interim findings to be disproportionate and has ordered that the Maldon District Local Development Plan examination can continue. The Planning Inspectorate has appointed Simon Berkley BA MA MRTPI to undertake the examination of the Local Development Plan ([LDP](#)) and the Community Infrastructure Levy ([CIL](#)).

The Parish Council believes the Neighbourhood Plan, as is highlighted below, is in general conformity with all the relevant policies in the Draft Local Development Plan (LDP) and adopted Replacement Local Plan 2005 (RLP).

The Burnham Neighbourhood Plan is in general conformity with all of the relevant policies in the following ways:

#### Economy, jobs and a healthy town centre

Draft LDP	RLP 2005
S1 Sustainable Development	E1 Protection of Employment Sites
E1 Employment	E6 Protection of Existing Employment Uses
E5 Tourism	SH1 Core Retail Areas
E2 Retail provision (MODS)	SH2 Town Centres
	SH5 Local Shopping Centres

The Maldon draft LDP highlights that the Council will take a positive approach that reflects the presumption in favour of sustainable development and apply a series of key principles that proposals in the Neighbourhood Plan are in broad conformity with. Policy E1 protects a series of employment sites which the neighbourhood plan also seeks to protect (EC.1). In support of LPD policy E5 the neighbourhood plan sets out policies EC6 and EC6.1 that seek to improve the tourism offer in the town.

Policy E2 of the draft LDP and policies SH1, SH2 and SH5 of the RLP set out policies that promote healthy town centres. The Burnham NDP sets out specific policies (EC3-EC5) which support and protect the high street and retail centre in Burnham.

#### Transport and communication infrastructure

Draft LDP	RLP 2005
S1 Sustainable Development	T1 Sustainable Transport
T1 Sustainable Transport	BE19 Telecommunication Development
I1 Infrastructure & Services	T2 Transport in New Development

Policy T1 of the draft LDP states that the Council will work with other partners to deliver a more sustainable transport network including better access to railway services and investment in cycle routes within the district. The Neighbourhood Plan policies contribute to these aspirations including policy PI.10 which sets out the desire for better cycle infrastructure within the town and PI.10 which focuses upon delivering a sustainable transport network. Improvements to highways infrastructure are set out in PI.1-PI.9 of the Neighbourhood Plan. The Burnham NDP includes Policy PI.8 that supports the provision of high speed broadband in the area to support businesses and residents.

#### Healthy communities and the natural environment

Draft LDP	RLP 2005
E3 Community Services and Facilities	PU4 New Healthcare Facilities
N3 Open Space, Sport & Leisure (Minor MODS)	REC 5 Provision of Informal Open Space
I2 Health & Wellbeing (Major MODS)	REC 9 Indoor Sports, Leisure & Recreation Facilities
S1 Sustainable Development	S1 Development Boundaries CON1 Flood risk
S8 Settlement Boundaries & the Countryside	CC1 Development Affecting an Internationally Designated Nature Conservation Site
N1 Green Infrastructure Network	CC2 Development Affecting a Nationally Designated Nature Conservation Site

N2 Natural Environment, Geodiversity and Biodiversity (MODS)	CC3 Development Affecting a Locally Designated Nature Conservation Site
N3 Open Space, Sport & Leisure	CC5 Protection of Wildlife at Risk on Development Sites
D2 Climate Change & Environmental Impact of New Development (MODS)	CC6 Landscape Protection
D4 Renewable and Low Carbon Energy Generation	CC11 Coastal Zone
D5 Flood Risk & Coastal Management (Minor MODS)	REC7 Existing Open Space
	REC 8 Open Spaces in Towns & Villages
	REC 17 Water Recreation Facilities
	CON2 SuDS
	CON3 Coastal Defence
	PU6 Renewable Energy

Policy E3 of the draft LPD sets out that new development will be expected to contribute to the provision of new community facilities and policy N3 sets out that new development should contribute to improving the provision, quality and access to open space. Policies CS.1 – CS.5 in the Neighbourhood Plan set out the community assets that local people would like to see protected and enhanced including the allotments, new sports facilities and assets in the town centre such as the cinema and the creation of new open spaces such as adjacent to St Marys Church.

Policies in the draft LPD (N1, N2, D2, D4 and D5) also seeks to protect the biodiversity and quality of open spaces and reduce the impact of climate change and flood risk. Policy EN.3 particularly promotes the protection and enhancement of Burnham's unique riverside environment and associated biodiversity. Policy RI.1 and Policy EN.2 guards against development on areas at risk of flooding. Policy EN.4 provides support for renewable energy projects in the Dengie Peninsula.

#### Delivering a wide choice of high quality homes

Draft LDP	RLP 2005
S1 Sustainable Development	H1 Location of New Housing
S2 Strategic Growth (Major MODS)	H3 Housing Provision
S6 Burnham-on-Crouch Strategic Growth (MODS) – in particular refer to the table of Developer Contribution Pooling Arrangements for Strategic Infrastructure that follows policy I1.	H6 Housing Density
H1 Affordable Housing (MODS)	H9 Affordable Housing
H2 Housing Mix (MODS)	PU1 Provision of Education Facilities
H4 Effective Use of Land	
I1 Infrastructure & Services	

Policy S2 and S6 set out the strategic growth target for Burnham-on-Crouch which is supported by the Neighbourhood Plan. Policy HO.1 and HO.2 set out a desire for a range of homes that meet local needs which are in broad conformity with policies H1, H2 and H4 of the draft LDP.

#### Good design and the historic environment

Draft LDP	RLP 2005
S1 Sustainable Development	BE1 Design of New Development and Landscaping BE12 Demolition in Conservation Areas
S3 Place Shaping (Minor MODS)	BE8 Lighting
D1 Design Quality & Built Environment	BE13 Development in Conservation Areas
D3 Conservation & Heritage Assets (Minor MODS)	BE14 Demolition of Listed Buildings
	BE17 Archaeology
	CC10 Historic Landscape Features

Policies S3 and D1 of the draft LDP set out a series of principles that are reflected in policies in the neighbourhood plan such as HC.3 and the site specific guidance under HO.7-9 .

Policy D3 of the draft LDP and policies BE12-14 of the RLP set out that any development must preserve or enhance the special character of an area and be in line with the NPPF. The Burnham NDP supports the aspirations of the NPPF through policies such as HC.1 which encourages the sensitive design of shop fronts, in keeping with the historic character of the town centre. Similarly, policy HC.2 sets out local features and materials that new development should have where appropriate.

## **6. Compatibility with EU Legislation**

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.

A screening opinion was issued by Maldon District Council confirming the requirement for the Neighbourhood Plan to be prepared in accordance with EU Directive 2001/42 on Strategic Environmental Assessment (SEA). Following a screening opinion provided by Maldon District Council it has been considered that the preparation of a Sustainability Appraisal and Strategic Environmental Assessment (SA/SEA) specifically for this neighbourhood Plan would not be required. The Neighbourhood Plan properly supplements the Emerging Local Development Plan 2014-2029 and therefore falls within the extensive work which has been carried out to support that document.

The Draft Neighbourhood Plan document was published for consultation with the statutory authorities as well as the general public.

## **7. Conclusion**

The Basic Conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 are considered to be met by the Burnham Neighbourhood Plan. It is therefore considered that the Burnham Neighbourhood Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.