

The Salings Neighbourhood Plan

Basic Conditions Statement

May 2020

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The Salings Neighbourhood Plan – Basic Conditions Statement

1. Introduction

1.1 As part of the formal submission of the Salings Neighbourhood Plan (SNP) for Examination, there is a requirement for the Parish Council, as the “Qualifying Body” to demonstrate that it has complied with a series of “basic conditions” as set out in the Town and Country Planning Act 1990 (as amended). This Statement accompanies the submission to the local planning authority, Braintree District Council, of the SNP under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”). Regulation 15 requires a submission neighbourhood development plan to be accompanied by “a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act” (The Basic Conditions Statement).

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

Section 2 identifies the legal requirements for neighbourhood plans including the basic conditions;

Section 3 explains how the Salings Neighbourhood Plan meets the legal requirements;

Sections 4 sets out the basic conditions that neighbourhood plans must meet;

Sections 5 to 8 demonstrate how the Salings Neighbourhood Plan meets the basic conditions.

1.3 As demonstrated in this Statement it is considered that the Salings Neighbourhood Plan complies with the requirements of paragraph 8(2) of Schedule 4B to the 1990 Act and therefore meets the basic conditions.

2. Legal Requirements

2.1 Paragraph 8 of Schedule 4B of the Town and Country Planning Act (as amended) sets out the “basic conditions” that the neighbourhood plan must meet.

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

- (a) whether the draft neighbourhood development plan meets the basic conditions;
- (b) whether the draft neighbourhood plan complies with the provisions made under sections 38A and 38B of this Act (these are explained in the Table below);
- (c) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- (d) such other matters as may be prescribed.

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

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

2.4 Paragraph 8(6) stipulates that the Examiner is not to consider any matter that does not fall within sub-paragraph (1) (set out in para. 2.2 above) apart from considering whether the draft neighbourhood plan is compatible with the Convention rights (see para. 7.5 below).

2.5 On 28th December 2018 the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force and amongst other things amended the basic condition relating to habitats to:

“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.”

3. Meeting the Legal Requirements

3.1 Details of how the SNP complies with the individual elements of the legal requirements are set out in the Table below.

Requirement	Interpretation	SNP Response
4B 8 (1)(a) Whether the Draft NP meets the Basic Conditions (see 2.3 above)	This requires the NP to demonstrate compliance with para 8(2) of Schedule 4B of the Town and Country Planning Act 1990	This is considered in detail in sections of 5 to 8 of this Statement.
4B 8 (1)(b)	This requires the draft plan to comply with Sections 38A and 38B of the Compulsory Purchase Act 2004. Section 38A sets out the meaning of “Neighbourhood Development Plan”	Compliance with sections 38A and 38B is demonstrated in the following rows.
	Section 38A(1) “any qualifying body is entitled to initiate a process of requiring a Local Planning Authority in England to make a Neighbourhood Development Plan”	The Neighbourhood Plan has been prepared by The Salings Parish Council a qualifying body as defined in the Localism Act 2011.
	Section 38A(2) A “neighbourhood development plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the Plan.”	The SNP sets out policies that relate to the development and use of land for the Neighbourhood Area covering the parishes of Great Saling and Bardfield Saling as designated by Braintree District Council on 6 th February 2017. The boundary of the Neighbourhood Area is shown in the SNP.
	Section 38A, sub-sections (3) to (12)	These provisions are not of relevance to the submission stage of the SNP
	Section 38B (1)(a)	The plan period of the SNP is from 2019 to 2034.

Requirement	Interpretation	SNP Response
	The Neighbourhood Plan “must specify the period for which it is to have effect”,	
	Section 38 (1) (b) A Neighbourhood Development Plan “may not include provision about development that is excluded development”.	The SNP does not contain policies relating to excluded development as defined in Section 61K of the Planning and Compulsory Purchase Act 2004.
	Section 38 (1)(c) A Neighbourhood Development Plan may not relate to more than neighbourhood area	The SNP does not relate to more than one neighbourhood area. It solely relates to the Neighbourhood Plan Area as designated by Braintree District Council on 6 th February 2017.
	Section 38B (2) Only one Neighbourhood Development Plan may be made for each neighbourhood area.	There are currently no other NPs in place in this neighbourhood area.
	Section 38B (3) If to any extent a policy set out in a Neighbourhood Development Plan conflicts with any other statement or information in the Plan, the conflict must be resolved in favour of the policy.	There are no conflicts within the SNP.
	Section 38B (4)(a) Regulations made by the Secretary of State may make provision for “restricting the provision that may be included in Neighbourhood Development Plans about the use of land.”	The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the SNP.

Requirement	Interpretation	SNP Response
	These Regulations are set out in Statutory Instrument 2012 No. 637, The Neighbourhood Planning (General) Regulations 2012.	
	Section 38B(4)(b) Regulations made by the Secretary of State may make provisions “requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations.”	It is considered that the SNP will not have significant environmental effects and that SNP policies provide for mitigation of any effects on European sites. The SNP has been screened to determine whether a Strategic Environmental Assessment (SEA) or a Habitats Regulation Assessment (HRA) is required. In both cases the content of the SNP has been screened out for further assessment.
	Section 38B, which includes paragraphs 38B(4)(c), 5 and 6	The remaining requirements of Section 38B are not of relevance to this Basic Conditions Statement
4B 8(1)(d) Whether the Referendum should extend beyond the Plan area	This requires the Examiner to consider whether the area for any referendum should extend beyond the NP area to which it relates.	The SNP relates solely to land that falls within the parishes of Great Saling and Bardfield Saling.
4B 8(1)(e) Other matters	This requires the Examiner to consider such other matters as may be prescribed.	There are no other prescribed matters.
Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018	These Regulations require an Appropriate Assessment of the Plan to be carried out should the SEA and HRA Screening Opinion deem it necessary.	It is considered that the SNP will not have significant environmental effects and that SNP policies provide for mitigation of any effects on European sites. The SNP has been screened to determine whether a

Requirement	Interpretation	SNP Response
		<p>Strategic Environmental Assessment (SEA) or a Habitats Regulation Assessment (HRA) is required. In both cases the content of the SNP has been screened out for further assessment. An Appropriate Assessment of the Plan is not therefore required.</p>

4. The Basic Conditions

4.1 As indicated in paragraph 2.3 above paragraph 8(2) of Schedule 4(B) of the Town and Country Planning Act sets out the basic conditions that must be met by a draft Neighbourhood Plan. The basic conditions are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
- The making of the neighbourhood plan contributes to the achievement of sustainable development;
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area;
- The making of the neighbourhood plan does not breach and is otherwise compatible with European Union (EU) obligations
- Prescribed matters are met in relation to the plan and prescribed matters have been complied with, in connection with the proposal for the plan

4.2 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28th December 2018. The additional condition is:

- 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.

4.3 Each of these basic conditions is considered in the following sections.

5. Having Regard to National Policies and Advice and Conformity with the Strategic Policies of the Development Plan

National Policy

5.1 The Salings Neighbourhood Plan policies have been drafted to have regard to national policies and advice. This is primarily set out in the National Planning Policy Framework (NPPF), originally published in 2012, revised in July 2018 and further amended in February 2019. The NPPF is framed around a basic premise of the presumption in favour of sustainable development, comprising three main dimensions: economic, social and environmental. The table below assesses the degree of regard that the Salings Neighbourhood Development Plan policies have had to the NPPF 2019 (Column B).

Strategic Local Policy

5.2 The SNP and this Basic Conditions Statement have been produced against a complex local planning policy context. BDC currently has a Local Plan Review (LPR) adopted in 2005 and a Core Strategy adopted in 2011. Relevant policies within these two documents form part of the statutory Development Plan for the District against which the SNP will be examined. However, Braintree District Council is in the process of preparing a new Local Plan and the Publication Draft (Regulation 19) Braintree District Local Plan (BDLP) was published for consultation in summer 2017 and submitted to the Secretary of State in October 2017. The BDLP includes Strategic Section 1, which is shared by all three North Essex local authority areas of Braintree, Colchester, and Tendring. The section 1 includes policies on strategic cross boundary issues including infrastructure and housing numbers and includes proposals for three new Garden Communities, including the West of Braintree Garden Community, part of which is within the area of the SNP. The Garden Communities are intended to provide a large proportion of housing growth included within the BDLP. Section 1 of the BDLP is subject to a joint examination with Colchester and Tendring which began in 2018. The examination was suspended to allow further evidence base work and amendments to the Sustainability Appraisal to be undertaken. The examination hearing resumed in January 2020. As a result, the SNP and the Basic Conditions Statement also refers to the emerging BDLP which will eventually constitute the new and up to date statutory development plan for the District, subject to being found sound following completion of the independent examination.

5.3 Although regard is had to the emerging Local Plan in the SNP and this Basic Conditions Statement, it is considered that its policies and proposals carry little weight at present until the statutory process is further advanced. There is no requirement for a neighbourhood plan to be examined against emerging policy. However, national Planning Practice Guidance (PPG para 009 ref id 41-009-20160211) advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Neighbourhood Plan is tested. The SNP has therefore been prepared to reflect the emerging Publication Draft Local Plan although it is recognised that this could change significantly before it is adopted.

5.4 The Essex and Southend Waste Local Plan adopted in 2017 and the Essex Minerals Local Plan adopted in 2014 also form part of the Development Plan for the area. These do not contain policies of direct relevance to the SNP and therefore the SNP has not been assessed for general conformity with strategic policies in these plans.

5.5 Therefore, the policies in the SNP have been assessed for their general conformity with the strategic policies contained in the existing Development Plan i.e. the saved policies of the Review Local Plan adopted in 2005 and the Core Strategy adopted in 2011. This is set out in columns D and C respectively in the attached table. Column E assesses the SNP policies against the emerging Publication Draft Local Plan, although as noted above this does not form part of the statutory development plan.

5.6 In summary it is the view of the Salings Parish Council (as the relevant Qualifying Body) that this appraisal demonstrated that the SNP has had appropriate regard to national policies and advice and is in general conformity with the strategic policies contained in the development plan for the area.

5.7 The Table below provides an appraisal of the extent to which the Salings Neighbourhood Plan has regard to national policy and is in general conformity with strategic local policy.

Regard to National Policies and Advice and Conformity with the Strategic Policies of the Development Plan

A Salings Neighbourhood Plan Policy	B 2019 NPPF	C Braintree District Core Strategy 2011	D Braintree Review Local Plan 2005	E Publication Draft Local Plan 2017
SAL 1 – Conserving Our Historic Heritage	This policy reflects: - section 16 of the NPPF Conserving and Enhancing the Historic Environment; and - section 15 of the NPPF Conserving and Enhancing the Natural Environment	This Policy is consistent with CS9 Built and Historic Environment	This Policy reflects RLP 2 Town Development Boundaries and Village Envelopes, RLP 90 Layout and Design of Development, RLP 95 Preservation and Enhancement of Conservation Areas,	This Policy is consistent with Policy LLP 50 Built and Historic Environment, LPP 55 Layout and Design of Development, LPP 56 Conservation Areas, LPP 60 Heritage Assets and Their Settings, LPP 81 External Lighting
SAL – 2 Conserving Our Landscape and Its Key Ecological Features	This policy reflects: - section 15 of the NPPF Conserving and Enhancing the Natural Environment	This Policy is consistent with CS8 Natural Environment and Diversity	This Policy reflects RLP 80 Landscape Habitats and Features, RLP 81 Trees, woodlands and Hedgerows	This Policy is consistent with LPP 70 Protection, Enhancement, Management and Monitoring of Biodiversity, LPP 71 Landscape Character and Features
SAL 3 – Protecting Key Views and Ensuring Visual Connectivity with the Surrounding Countryside	This policy reflects NPPF para. 127 b) and c) which require local planning policies to ensure that developments are “visually attractive as a result of “appropriate and effective landscaping” and are sympathetic to ... the surrounding built environment and landscape setting.” In	This Policy is consistent with CS8 Natural Environment and Diversity	This Policy reflects RLP 80 Landscape Habitats and Features	This Policy is consistent with LPP 71 Landscape Character and Features

A Salings Neighbourhood Plan Policy	B 2019 NPPF	C Braintree District Core Strategy 2011	D Braintree Review Local Plan 2005	E Publication Draft Local Plan 2017
	addition, para. 170 of the NPPF advocates “protecting and enhancing valued landscapes”.			
SAL 4 – Protecting Local Green Spaces	Paras. 99-101 of the NPPF advocate “The designation of land as Local Green Space... allows communities to identify and protect green areas of particular importance to them”. The spaces proposed for protection have been assessed against the criteria in the NPPF	There is no specific reference in the Core Strategy to Local Green Spaces as it pre-dates the NPPF	There is no specific reference in the Review Local Plan to Local Green Spaces as it pre-dates the NPPF	No specific policy relating local green spaces
SAL 5 – Local Landscape Protection Zone	Follows principles set out in section 12 Achieving Well Designed Places which states: “Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.”	No reference as the West of Braintree Garden Community is a new proposal in the emerging Braintree Local Plan.	No reference as the West of Braintree Garden Community is a new proposal in the emerging Braintree Local Plan.	This Policy reflects SP10 which states: “The new community will also address its relationship with existing communities close to its boundaries and maintain separation between them including Gt. Saling, Stebbing Green and Rayne”
SAL 6 – Spatial Policy for Housing Development	Paragraph 29 of the NPPF states “Neighbourhood Plans should not promote less development than that set	Compatible with Policy CS1. Gt. Saling is classified as an “other village” where limited development which can	RLP Policies relating to housing location have been superseded.	Gt. Saling is classified as a third-tier village where the tests of sustainable development will not normally be met. Plan

A Salings Neighbourhood Plan Policy	B 2019 NPPF	C Braintree District Core Strategy 2011	D Braintree Review Local Plan 2005	E Publication Draft Local Plan 2017
	<p>out in the strategic policies for the area or undermine those strategic policies.</p> <p>Paragraph 176 of NPPF provides for SPAs and RAMSAR sites to be protected.</p>	<p>be justified by local need to support local services should be located". The Plan includes a village envelope for Gt. Saling. Bardfield Saling is classified as "countryside" where development is normally restricted to that which supports countryside uses.</p>		<p>includes same village envelope for Gt. Saling as in the Core Strategy. Bardfield Saling is classified as "countryside" where development is normally restricted to that which supports countryside uses.</p>
<p>SAL 7 – Priority for those with a Local Connection</p>	<p>The NPPF states: "Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection." Para. 61 states: "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students,</p>	<p>Core Strategy policies have been superseded by the NPPF</p>	<p>RLP policies for housing provision have been superseded.</p>	<p>No specific policy relating to local connection.</p>

A Salings Neighbourhood Plan Policy	B 2019 NPPF	C Braintree District Core Strategy 2011	D Braintree Review Local Plan 2005	E Publication Draft Local Plan 2017
	people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).			
SAL 8 – Design Policy for Infill Development	NPPF para. 127 states that planning policies should ensure that developments: - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive,	Policy CS9 requires the highest possible standards of design and layout in all new development.	RLP 90 seeks a high standard of layout and design in all developments, large and small	LPP 55 seeks a high standard of layout and design in all developments in the District

A Salings Neighbourhood Plan Policy	B 2019 NPPF	C Braintree District Core Strategy 2011	D Braintree Review Local Plan 2005	E Publication Draft Local Plan 2017
	<p>welcoming and distinctive places to live, work and visit;</p> <ul style="list-style-type: none"> - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” 			
SAL 9 – Design Policy for Strategic Housing Sites	NPPF para. 127 states that planning policies should ensure that developments: - are visually attractive as a result of good	Policy CS8 requires SUDs wherever possible. Policy CS9 requires the highest possible standards of design and	RLP 90 seeks a high standard of layout and design in all developments, large and small	LPP 55 seeks a high standard of layout and design in all developments in the District

A Salings Neighbourhood Plan Policy	B 2019 NPPF	C Braintree District Core Strategy 2011	D Braintree Review Local Plan 2005	E Publication Draft Local Plan 2017
	<p>architecture, layout and appropriate and effective landscaping;</p> <ul style="list-style-type: none"> - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and 	<p>layout in all new development.</p>		

A Salings Neighbourhood Plan Policy	B 2019 NPPF	C Braintree District Core Strategy 2011	D Braintree Review Local Plan 2005	E Publication Draft Local Plan 2017
	<p>- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”</p>			
SAL 10 – Local Business Development	<p>This policy reflects NPPF para 83a which states: Planning policies and decisions should enable:</p> <ul style="list-style-type: none"> - the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; 	No specific policy on rural enterprise	Policies superseded	Consistent with LPP 8 relating to rural enterprise
SAL 11 – Tourism and Leisure Development	<p>NPPF para 83 states: 83. Planning policies and decisions should enable:</p> <ul style="list-style-type: none"> - sustainable rural tourism and leisure developments 	No specific policy on tourism	No specific policy	Consistent with LPP 9 Tourist Development within the Countryside

A Salings Neighbourhood Plan Policy	B 2019 NPPF	C Braintree District Core Strategy 2011	D Braintree Review Local Plan 2005	E Publication Draft Local Plan 2017
	<p>which respect the character of the countryside; NPPF para 104 states that planning policies should: “recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy.”</p>			

6. Achieving Sustainable Development

6.1 The NPPF 2019 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The appraisal of the Salings Neighbourhood Plan policies against NPPF policies presented above demonstrates how policies in the Neighbourhood Plan comply with the NPPF and therefore deliver sustainable development.

6.2 The NPPF states that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). These are:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework.

6.3 The Table below shows how the Plan’s policies contribute to the sustainable development objectives of the NPPF.

NPPF Sustainable Development Objective	Contribution through Salings Neighbourhood Plan Policies
<p>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</p>	<p>SAL 6 – Spatial Policy for Housing Provision – This policy makes provision for the local housing needs of the plan area and identifies where development can take place.</p> <p>SAL 10 – Local Business Development - This policy provides support for new and existing businesses.</p> <p>SAL 11 – Tourism and Leisure Development - This policy provides support for tourism and leisure development and the continued use of Andrewsfield for light aircraft and leisure purposes.</p>

NPPF Sustainable Development Objective	Contribution through Salings Neighbourhood Plan Policies
<p>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</p>	<p>SAL 4 – Protecting Local Green Spaces – This policy seeks to protect specific green spaces that are demonstrably special to the local community</p> <p>SAL 6 – Spatial Policy for Housing Provision – This policy makes provision for the local housing needs of the plan area and identifies where development can take place.</p> <p>SAL 7 – Priority for those with a local connection – This policy seeks to ensure that any new housing meets the needs of local people</p> <p>SAL 8 - Design Policy for Infill Development and SAL 9 – Design Policy for Strategic Housing Sites – These policies support the health and well-being of the community by promoting developments that are safe, well designed and accessible to meet the needs of the local community.</p>
<p>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</p>	<p>SAL 1 – Conserving Our Historic Heritage – This policy seeks to protect and enhance the natural, built and historic environment</p> <p>SAL 2 – Conserving Our Landscape and Its Key Ecological Features – This policy seeks to protect and enhance the local landscape and protect and improve biodiversity</p> <p>SAL 3 - Protecting Key Views and Ensuring Visual Connectivity with the Surrounding Countryside – This policy seeks to protect and enhance the landscape and settlement edges through protecting important views from inappropriate development</p> <p>SAL 4 – Protecting Local Green Spaces – This policy seeks to protect specific green spaces that have a community value as a result of their visual appearance, historic recreational or cultural value.</p> <p>SAL 5 – Local Landscape Protection Zone – This policy seeks to ensure that there is an adequate buffer between the Salings and the West of Braintree Garden Community should it go ahead</p> <p>SAL 8 - Design Policy for Infill Development and SAL 9 – Design Policy for Strategic Housing Sites - These policies contribute to protecting and enhancing the built environment by promoting the creation of high quality developments and safe and sustainable environments</p>

7. Compatibility with EU Obligations

7.1 Although the UK ceased to be a member of the European Union on 31st January 2020 the need to comply with EU obligations remains a requirement for neighbourhood plans at present. These obligations relate primarily to environmental and habitats protection.

7.2 Compliance with EU obligations has been examined by a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening. No significant effects have been identified. Therefore, neither an Environmental Report nor Appropriate Assessment are required. Furthermore, Policy SAL 6 provides for contributions to measures to mitigate any adverse effects from housing development on the Blackwater Special Protection Area (SPA) and RAMSAR site.

7.3 The Salings Neighbourhood Plan is therefore compatible with and does not breach EU obligations.

7.4 In addition, 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. The accompanying Consultation Statement sets out the how the local community and interested bodies have been involved in the preparation of the Plan and how this has influenced its policies and proposals.

8. Additional Basic Condition

8.1 On 28th December 2018 the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations came into force and amongst other things amended the basic condition relating to habitats to:

“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.”

8.2 As indicated in sections 7 above the plan area falls within the Zone of Influence of the Blackwater Estuary SPA and RAMSAR site and its effects have been assessed by the HRA screening process. No significant effects have been identified. Furthermore, Policy SAL 6 provides for contributions to measures to mitigate any adverse effects from housing development on the Blackwater Special Protection Area (SPA) and RAMSAR site.

8.3 The Salings Neighbourhood Plan therefore meets this basic condition.