

Stisted Neighbourhood Plan

Basic Conditions Statement

Final report

Prepared by LUC

February 2024

Stisted Neighbourhood Plan

Basic Conditions Statement

Project Number
13056

Version	Status	Prepared	Checked	Approved	Date
1.	Draft Report	R. Myerscough	C Bowden	M Kurihara	12.02.2025
			Click to enter initial + surname.	Click to enter initial + surname.	Click here to enter a date.

Bristol
Cardiff
Edinburgh
Glasgow
London
Manchester
Sheffield

landuse.co.uk

Land Use Consultants Ltd
Registered in England
Registered number 2549296
Registered office:
250 Waterloo Road
London SE1 8RD

100% recycled paper

Landscape Design
Strategic Planning & Assessment
Development Planning
Urban Design & Masterplanning
Environmental Impact Assessment
Landscape Planning & Assessment
Landscape Management
Ecology
Historic Environment
GIS & Visualisation
Transport & Movement Planning
Arboriculture



Contents

Chapter 1	
Introduction	1
Key Statements	2
Supporting documents and evidence	2

Chapter 2	
Basic Condition (i) – Conformity with National Planning Policy	4
National Planning Policy Framework	4

Chapter 3	
Basic Condition (iv) – Contribution to Sustainable Developments	7

Chapter 4	
Basic Condition (v) – General Conformity with the Strategic Policies of the Development Plan	9

Chapter 5	
Basic Condition (vi) – Conformity with EU Obligations	12

Chapter 6	
Basic Condition (vii) – Conformity with the Prescribed Conditions	13

Chapter 7	
Conclusion	14

Chapter 1

Introduction

1.1 This Basic Conditions Statement (BCS) has been produced to accompany Stisted Neighbourhood Plan (SNP).

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 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.

Key Statements

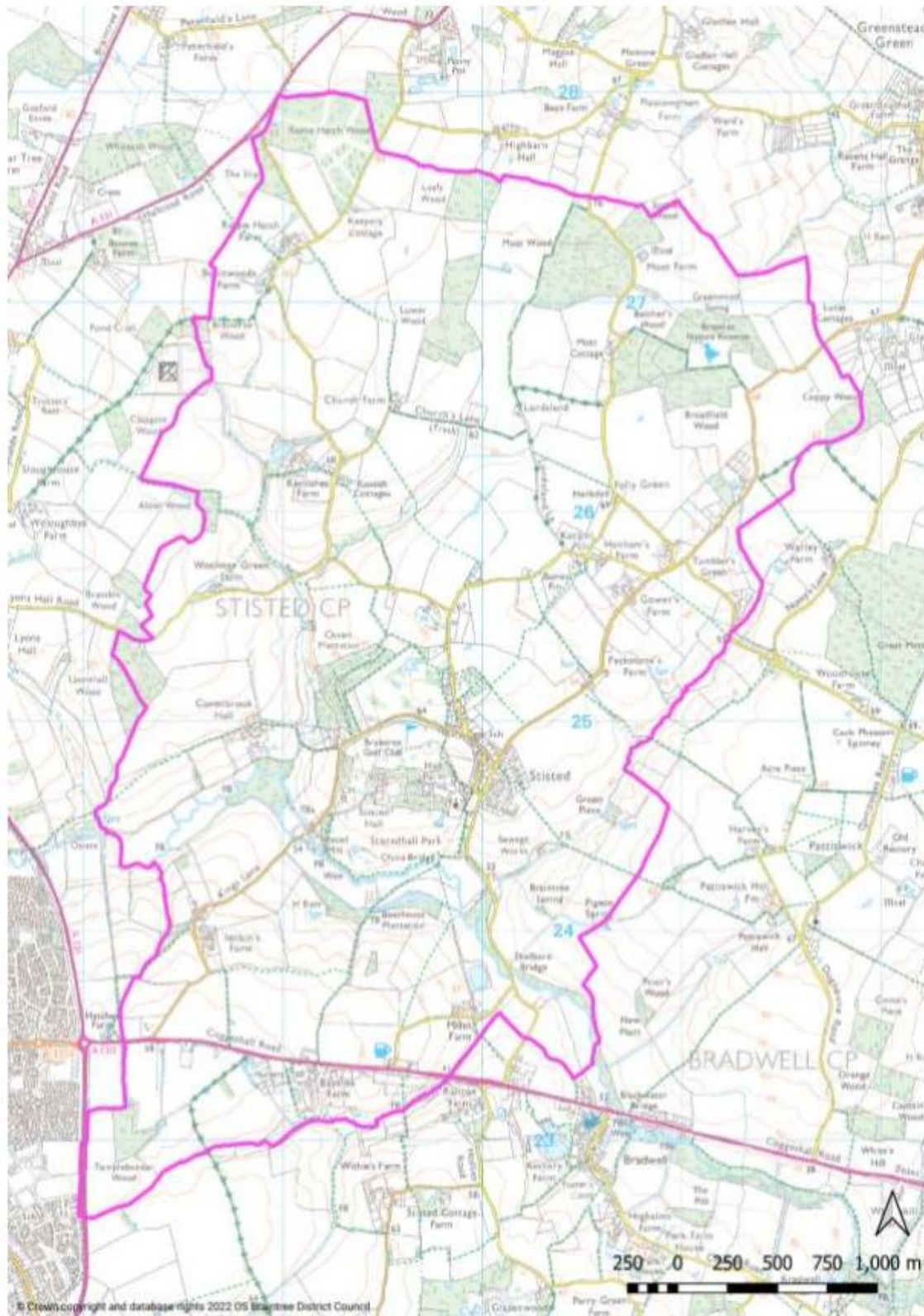
1.5 Braintree District Council (BDC), as the local planning authority, designated the Stisted Neighbourhood Area in December 2017. This enabled Stisted Parish Council to prepare the Stisted Neighbourhood Plan (SNP). The Plan has been prepared by the community through the Stisted Neighbourhood Plan Steering Group.

1.6 The SNP sets out policies that relate to the development and use of land within only the Stisted Neighbourhood Area. This area is shown in **Figure 1.1**.

1.7 The Plan refers only to the administrative boundary of the parish of Stisted. There are no other adopted Neighbourhood Development Plans that cover the Stisted Neighbourhood Area.

1.8 Stisted Parish Council has prepared the Plan to establish a vision for the future of the parish. The community has set out how that vision will be realised through planning and controlling land use and development change over the plan period 2024 to 2033.

Figure 1.1 Stisted Neighbourhood Plan (SNP) Area



Chapter 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:

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

2.3 This Basic Conditions Statement (BCS) explains how the Plan contributes to meeting these objectives. It also explains how the policies within the Neighbourhood Plan intend to meet, support and supplement specific national policies.

2.4 The Plan has 7 objectives (Objectives 1 – 7). These objectives are summarised in **Table 2.1** alongside the NPPF goals that each objective seeks to address.

2.5 **Table 2.2** sets out each policy of the SNP 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 2.1 Assessment of the Stisted Neighbourhood Plan objectives against NPPF goals

Objective	Relevant NPPF goal
Objective 1: Ensure development is of the highest quality and retains the character that represents the best of Stisted.	Achieving well-designed places
Objective 2: Ensure development reflects the highly sensitive rural environment in which it sits.	- Conserving and enhancing the natural environment - Conserving and enhancing the historic environment
Objective 3: Ensure development is low carbon and enables biodiversity to thrive.	Meeting the challenge of climate change, flooding and coastal change
Objective 4: Protect spaces of value to the community	Promoting healthy and safe communities
Objective 5: Preserve and enhance the heritage of Stisted.	- Conserving and enhancing the historic environment - Meeting the challenge of climate change, flooding and coastal change
Objective 6: Preserve and enhance access to the countryside.	- Promoting sustainable transport - Promoting healthy and safe communities
Objective 7: Address the housing needs of Stisted residents	- Delivering a sufficient supply of homes - Promoting healthy and safe communities

Table 2.2 Assessment of how each policy in the Stisted Neighbourhood Plan conforms to the NPPF

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
STIS1: Character and design	131, 132, 134, 135	This policy contributes to the NPPF requirement of achieving well designed places. 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.
STIS2: Local landscape character	131, 135, 180	This policy contributes to the NPPF requirements of achieving well designed places and conserving and enhancing the natural environment. It identifies that Stisted village is adjacent to areas where the landscape is sensitive to development and guides how the design of development should address this.
STIS3: Key local views	131, 135, 180	This policy contributes to the NPPF requirements of achieving well-designed places. It seeks to protect and enhance key local views identified on its Policies Map.
STIS4: Low energy and energy efficient design	157, 158, 159, 160, 175	This policy contributes to the NPPF requirement of meeting the challenge of climate change and flooding. It seeks to encourage the design of buildings to minimise energy and resource consumption and to maximise energy efficiency. This includes the provision of SuDS.
STIS5: Wildlife-friendly development	180, 185	This policy contributes to the NPPF requirements of meeting the challenge of climate change and conserving and enhancing the natural environment. It seeks to encourage the incorporation of design features into new development to enable biodiversity to thrive.
STIS6: Local green spaces	105, 106, 107	This policy meets the NPPF requirement to promote healthy communities. National policy enables local communities to identify, for special protection,

Policy Title and Reference	NPPF Reference (paragraph)	Commentary
		green areas of importance to them known as Local Green Spaces. This policy designates five areas, identified by the local community as important, as Local Green Spaces which will be protected.
STIS7: Access into the countryside	96, 108, 109, 110	This policy contributes to the NPPF objectives of promoting sustainable transport and promoting healthy and safe communities. The policy seeks to enhance public rights of way and cycleways.
STIS8: Non-designated heritage assets	195, 196	This policy contributes to the NPPF objective of conserving and enhancing the historic environment. It identifies two non-designated heritage assets in the Neighbourhood Plan area and seeks to protect such assets.
STIS9: Affordable housing on rural exception sites	82, 83	This policy contributes to the NPPF objective of delivering a sufficient supply of homes. It seeks to fulfil the housing needs of its community by supporting affordable housing on rural exception sites for locals.

Chapter 3

Basic Condition (iv) – Contribution to Sustainable Developments

3.1 The NPPF states in paragraph 10 that a presumption in favour of sustainable development is at the heart of the NPPF.

3.2 For the Plan, sustainable development has been the fundamental basis of each of its policies. The National Planning Practice Guidance advises that *‘sufficient and proportionate evidence should be presented on how the draft neighbourhood plan ... guides development to sustainable solutions’*. The evidence base presented alongside the Plan, coupled with the reasoned justification for each policy in the Plan, demonstrates how the Plan guides development towards sustainable solutions.

3.3 **Table 3.1** summarises how the objectives and policies in the SNP contribute towards sustainable development, as defined in the NPPF. Many of the objectives of the SNP overlap the three strands of sustainability, so for the purposes of this document, the most relevant strands have been taken to illustrate conformity.

Table 3.1 Assessment of Stisted Neighbourhood Plan objectives and policies against sustainable development

Deliver economic sustainability	
NPPF definition – ‘Contribute to building a strong, responsive economy’	
SNP Objectives	Objective 7: Address the housing needs of Stisted residents.
SNP Policies	STIS9: Affordable housing on rural exception sites
Commentary	The NPPF seeks to secure economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the twin challenges of global competition and of a low carbon future. The SNP seeks to contribute to the delivery of this national aim by addressing the residential needs of the community, including by supporting affordable housing on rural exception sites for locals. (Policy STIS9).
Deliver social sustainability	
NPPF definition: ‘Supporting strong, vibrant and healthy communities’ and ‘support its health, social and cultural well-being’	
SNP Objectives	Objective 1: Ensure development is of the highest quality and retains the character that represents the best of Stisted. Objective 3: Ensure development is low carbon and enables biodiversity to thrive. Objective 4: Protect spaces of value to the community. Objective 5: Preserve and enhance the heritage of Stisted. Objective 6: Preserve and enhance access to the countryside. Objective 7: Address the housing needs of Stisted residents.

SNP Policies	STIS1: Character and design STIS2: Local landscape character STIS3: Key local views STIS6: Local green spaces STIS7: Access into the countryside STIS8: Non-designated heritage assets STIS9: Affordable housing on rural exception sites
Commentary	High quality development is important to the community of Stisted, both in terms of what development looks like and how it is laid out. Policies STIS1, STIS2 and STIS3 identify the character of the area and the design principles that will maintain this. In addition, STIS8 protects the village's non-designated heritage assets. There is a recognition that there are affordable housing needs within the parish that new residential development should address. Policy STIS9 identifies how these needs could be met. Policy STIS6 protects a series of local green spaces which are demonstrably special to the local community. In a rural location such as Stisted, access to the countryside is importance for exercise and mental wellbeing. Policy STIS7 seeks to enhance access to the countryside. Within Stisted village, improvements to walking and cycling along specific routes will decrease car use for short journeys.
Deliver environmental sustainability NPPF definition: 'Contributing to protecting and enhancing our natural, built and historic environment'	
SNP Objectives	Objective 1: Ensure development is of the highest quality and retains the character that represents the best of Stisted. Objective 2: Ensure development reflects the highly sensitive rural environment in which it sits. Objective 3: Ensure development is low carbon and enables biodiversity to thrive. Objective 4: Protect spaces of value to the community. Objective 5: Preserve and enhance the heritage of Stisted. Objective 6: Preserve and enhance access to the countryside.
SNP Policies	STIS2: Local landscape character STIS3: Key local views STIS4: Low energy and energy efficient design STIS5: Wildlife-friendly development STIS6: Local green spaces STIS8: Non-designated heritage assets
Commentary	The need for new development to maximise its sustainability and to provide for wildlife is recognised in Policy STIS5. Similarly, Policy STIS4 encourages development to be designed so that it minimises the energy and resources that it uses. Policy STIS6 protects a series of local green spaces from being developed and Policy STIS8 protects Stisted's historic environment.

3.4 As demonstrated in **Table 3.1**, the SNP objectives are considered to comprise a balance of social, economic and environmental goals. The policies of the SNP 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.

Chapter 4

Basic Condition (v) – General Conformity with the Strategic Policies of the Development Plan

4.1 The development plan currently consists of:

- **Adopted Braintree District Local Plan** – section 1 adopted February 2021, section 2 adopted July 2022.
- **Essex Minerals Local Plan** – adopted July 2014
- **Essex and Southend-on-Sea Waste Local Plan** – adopted July 2017.

4.2 **Table 4.1** details the SNP policies alongside a consideration of how they are in general conformity with each strategic policy in the development plan.

4.3 Where a policy is not identified in **Table 4.1**, it is considered that the SNP does not contain any policies that directly relate to it.

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

SNP policy	Braintree District Local Plan	Commentary
STIS1: Character and design	SP7: Place Shaping Principles LPP47: Built and Historic Environment LPP52: Layout and Design of Development	Policy SP7 requires development to respond positively to local character and to protect and enhance assets of historical or natural value. This is supported by Policies LPP47 and LPP52 which require a high standard of design and layout. Policy STIS1 supports development which is high quality design and layout which respects the local character of Stisted, including appropriate use of design, layout, materials and features.
STIS2: Local landscape character	SP7: Place Shaping Principles LPP67: Landscape Character and Features	Policy SP7 requires development to respond positively to local character and to protect and enhance assets of historical or natural value. Policy LPP67 requires development proposals to be informed by the character of the landscape. Policy STIS2 aims to protect and enhance Stisted's landscape character, including by requiring that proposals for development should demonstrate how they have been informed by the special qualities and features in the Stisted Landscape Assessment Study.
STIS3: Key local views	SP7: Place Shaping Principles LPP67: Landscape Character and Features	Policy SP7 requires development to respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy LPP67 requires development proposals to be informed by the character of the landscape. Policy STIS3 includes requirements to protect and, where practicable, enhance key local views as identified on the SNP's Policies Map.
STIS4: Low energy and energy efficient design	SP7: Place Shaping Principles LPP52: Layout and Design of Development LPP71: Climate Change LPP72: Resource Efficiency, Energy Generation and Energy Efficiency LPP76: Sustainable Urban Drainage Systems	Policy SP7 requires development to include measures to promote environmental sustainability including addressing energy and water efficiency and flood mitigation. Similarly, Policy LPP52 requires development to incorporate measures for environmental sustainability, including energy conservation, water efficiency and surface water flood mitigation. Policies LPP71 and LPP72 require development to incorporate measures to lower carbon emissions and increase renewable energy provision. Policy STIS4 encourages a range of specific measures to address these environmental sustainability and energy efficiency issues and, where possible, go beyond the specific requirements.
STIS5: Wildlife-friendly development	SP7: Place Shaping Principles LPP52: Layout and Design of Development LPP66: Protection, Enhancement, Management and Monitoring of Biodiversity	Policy SP7 requires development to incorporate biodiversity creation and enhancement measures. Policy LPP52 requires biodiversity net gain and Policy LPP66 identifies the ways in which built development can enhance biodiversity. Policy STIS5 encourages a range of specific measures to help create and enhance habitats for biodiversity.

SNP policy	Braintree District Local Plan	Commentary
STIS6: Local green spaces	LPP50: Provision for Open Space, Sport and Recreation	Policy LPP50 protects spaces that are of value to the local community. Policy STIS6 protects three such spaces.
STIS7: Access into the countryside	SP6: Infrastructure & Connectivity	Policy SP6 says that the conditions for a healthy community will be provided by spaces and facilities that are accessible by walking and cycling. It also recognises the importance of protecting public rights of way (PROWs). Policy STIS7 takes this further by encouraging the enhancement of the PROW network.
STIS8: Non-designated heritage assets	SP7: Place Shaping Principles LPP57: Heritage Assets and their Settings	Policy SP7 requires development to protect and enhance assets of historical or natural value. Policy LPP57 includes requirements which protect designated and non-designated heritage assets.
STIS9: Affordable housing on rural exception sites	SP4: Meeting Housing Needs LPP31: Affordable Housing LPP32: Affordable Housing in Rural Areas	Policy SP4 encourages the development of a range of housing which meets the needs of the population of Braintree. Policy LPP31 supports the development of affordable housing across the District, while Policy LPP32 supports the development of affordable housing in rural areas in a sustainable manner, such as requiring development to have reasonable access to services and facilities. Policy STIS9 sets out requirements for the development of affordable housing on rural exception sites for people local to Stisted and surrounding areas.

Chapter 5

Basic Condition (vi) – Conformity with EU Obligations

5.1 The Plan and the process under which it was produced conforms to the SEA Directive (EU 2001/42/EC) and the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations).

5.2 In November 2024, Braintree District Council published a draft Strategic Environmental Assessment (SEA) Screening Report, prepared by Place Services. This considered that the Stisted Neighbourhood Plan could be screened out for its requirement of Strategic Environmental Assessment in line with the requirements of Directive 2001/42/EC. This was then consulted on with the statutory bodies (the Environment Agency, Natural England and Historic England). The representations received from the statutory bodies agreed with this assessment and the final Screening Report was published alongside the Submission Version (Regulation 16) of the Stisted Neighbourhood Plan.

Chapter 6

Basic Condition (vii) – Conformity with the Prescribed Conditions

6.1 Under Directive 92/43/EEC, also known as the Habitats Directive, 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.

6.2 In November 2024, Braintree District Council published a draft Habitats Regulations Assessment (HRA) Screening Report, prepared by Place Services. This considered that the Stisted Neighbourhood Plan without mitigation, further consideration was required at the Appropriate Assessment stage to determine whether the Regulation 16 Submission Stisted Neighbourhood Plan either alone or in-combination with other plans and projects, would adversely affect the integrity of Habitats sites as a result of the recreational disturbance potential impact pathway. Specifically the HRA recommended that Policy STIS9 should be re-assessed further due to predicted recreational impacts from the Plan alone.

6.3 The AA testing established that, based on the proximity to Habitats sites and in order to be in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS), mitigation needed to be embedded in the Plan in relation to recreational disturbance to avoid impacts from the Neighbourhood Plan in combination with other plans and projects. Therefore, the HRA recommended that Policy STIS9 and its supporting text be altered.

6.4 This was then consulted on with the statutory body (Natural England) which agreed with the assessment. The amendment was made in the Submission Version (Regulation 16) of the Stisted Neighbourhood Plan. The final HRA and AA was published alongside the Neighbourhood Plan.

Chapter 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 Stisted Neighbourhood Development Plan and all the policies therein. It is therefore respectfully suggested to the Examiner that the Stisted Neighbourhood Development Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act.