

WEST MERSEA

Your Neighbourhood Plan



**BASIC CONDITIONS
STATEMENT**
WEST MERSEA TOWN COUNCIL

APRIL 2021



West Mersea

Planning for Mersea's future

Prepared for West Mersea Town Council by
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June 2021



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1 Introduction

1.1 As part of the formal submission of the West Mersea Neighbourhood Plan for Examination, there is a requirement for the Town Council, as the 'qualifying body' to illustrate that they have complied with a series of 'basic conditions' as set out in the Town & Country Planning Act 1990 (as amended). This Statement accompanies the submission to the local planning authority, Colchester Borough Council, of the West Mersea Neighbourhood Plan 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*".

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

Section 2 identifies the legislative requirements for the 'basic conditions'

Section 3 identifies how the Plan Objectives and Policies are in general conformity with the National Planning Policy Framework and the Strategic Policies of the adopted Local Plan.

Section 4 confirms that the neighbourhood plan is compatible with the Convention Rights.

It is considered that the Neighbourhood Plan complies with the requirements of the basic conditions as set out in Paragraph 8(1)(a) of Schedule 4B of the Act.

2. Legal Requirements

2.1 Paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) identifies the “Basic Conditions” that the neighbourhood plan must comply with.

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

- (a) whether the draft neighbourhood development plan meets the basic conditions (see sub-paragraph (2)),
- (b) whether the draft neighbourhood development plan complies with the provision made by or under sections 38A and 38B of this Act,
- (d) whether the area for any referendum should extend beyond the neighbourhood area to which the draft neighbourhood development plan relates, and
- (e) 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 by the Secretary of State, it is appropriate to make the neighbourhood development plan,
- (d) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
- (e) 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),
- (f) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
- (g) 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.

The requirements of Paragraph 8(2)(b), (2)(c) (3), (4) and (5) are not of relevance to the compliance with the basic conditions test.

2.4 Paragraph 8 (6) stipulates that the examiner is not to consider any matter that does not fall within subparagraph (1) apart from considering whether the draft neighbourhood plan is compatible with the Convention rights.

2.5 On 28 December 2018 the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The Regulations substitute this with a new basic condition which states:

- 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.

Meeting the Legal Requirements

Compliance with the individual elements of the legal requirements is set out below.

Requirement	Interpretation	NP response
4B 8 (1)(a) Whether the Draft NP meets the Basic Conditions	This requires the NP to demonstrate compliance with paragraph 8(2) of Schedule 4B of the T&CP Act.	This is considered in detail in later sections of this Statement.
4B 8 (1)(b) Whether the Draft Order Complies with Sections 38A & 38B of the Compulsory Purchase Act 2004	This requires the draft order to comply with Sections 38A & 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 for the purpose of requiring a Local Planning Authority in England to make a Neighbourhood Development Plan."	The Neighbourhood Plan has been submitted by West Mersea Town 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 NP sets out Policies that relate to the development and use of land for the Neighbourhood Area covering the Parish of West Mersea, as designated by Colchester Borough Council in November 2016. The boundary of the Neighbourhood Area is shown in the NP.
	Section 38A, Paragraphs (3) - (12)	These paragraphs are not of relevance to the submission phase of the NP.
	Section 38B1(a) The Neighbourhood Development Plan "Must specify the period for which it is to have effect."	The Neighbourhood Plan runs to 2033.
	Section 38B1(b) A Neighbourhood Development Plan "may not include provision about development that is excluded development."	The NP does not contain policies relating to excluded development as defined in Section 61K of the Planning and Compulsory Purchase Act 2004
	Section 38B1(c) A Neighbourhood Development Plan may not relate to more than one neighbourhood area	The NP does not relate to more than one neighbourhood area. It solely relates to the Neighbourhood Plan Area as designated by Colchester Borough Council in November 2016.
	Section 38B(2) Only one Neighbourhood Development Plan may be made for each neighbourhood area.	There are currently no other NP's 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 NP

Requirement	Interpretation	NP response
	<p>Section 38B(4)(a)</p> <p>Regulations made by the Secretary of State may make provisions for “restricting the provision that may be included in Neighbourhood Development Plans about the use of land.”</p> <p>These Regulations are set out in Statutory Instrument 2012 No 637, The Neighbourhood Planning (General) Regulations 2012.</p>	<p>The Neighbourhood Planning (General) Regulations 2012 have been used to inform the process of making the NP.</p>
	<p>Section 38B(4)(b)</p> <p>Regulations made by the Secretary of State may make provisions “requiring Neighbourhood Development Plans to include such matters as are prescribed in the Regulations.”</p>	<p>A screening process was carried out by the local planning authority to determine whether a Strategic Environment Assessment (SEA) or Habitat Regulations Assessment (HRA) would be required in support of the Neighbourhood Plan. In both cases it was considered that the West Mersea Neighbourhood Plan will not have significant environmental effects and that no European sites would be affected by the policies described in the NP.</p>
	<p>Section 38B, which include paragraphs 38B(4)(c), 5 & 6,</p>	<p>The remaining requirements of Section 38B are not of relevance to this Basic Conditions Statement</p>
<p>4B 8 (1)(d) Whether The Referendum Should Extend Beyond The NP Area</p>	<p>This requires the examiner to consider whether the area for any referendum should extend beyond the NP Area to which it relates.</p>	<p>The NP relates solely to land that falls within the Parish of West Mersea.</p>
<p>4B 8 (1)(e) Other Matters 3.28.</p>	<p>This requires the examiner to consider such other matters as may be prescribed</p>	<p>There are no other prescribed matters.</p>
<p>Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018</p>	<p>These Regulations require an Appropriate Assessment of the Plan to be carried out should the SEA and HRA Screening Opinion deem it necessary.</p>	<p>The SEA and HRA Screening Opinion concluded that an Appropriate Assessment of the Plan was not required.</p>

3. Compliance with Basic Conditions

3.1 Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act sets out the basic conditions that must be met by a draft Neighbourhood Plan. Subsections (a), (d), (e), (f), and (g) are of relevance to this statement. The Regulations state that the neighbourhood plan will have met the basic conditions if it:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development;
- Is in general conformity with the strategic policies of the development plan for the area; and
- Is compatible with European Union (EU) and European Convention on Human Right (ECHR) obligations.

National Policy

3.2 The West Mersea Neighbourhood Development Plan must have appropriate regard to national policy. The following section describes how the Plan relates to the National Planning Policy Framework (NPPF) which was originally published in 2012 amended in July 2018 and further amended in February 2019. It is the latter version of the NPPF that has been used as the basis to assess the Neighbourhood Plan in terms of its regard to national policies. The NPPF is framed around a basic premise of achieving sustainable development, comprising three main dimensions: economic, social and environmental. It requires the planning system to have regard to three overarching objectives:

- 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."*

3.3 The NPPF contains thirteen topic-based chapters in which more detailed policy guidance is set out for plan making and decision taking. Table 1, below, identifies how the Plan meets the basic condition of having regard to the NPPF by assessing the Plan against the principles for each of the NPPF topic-based chapters

Table 1 - Compatibility of the Plan's objectives and policies against the NPPF Core Principles

NPPF Topic	West Mersea NP Objectives (as identified in Section 3 of the NP)	West Mersea NP Policies
Delivering a sufficient supply of homes	<p>Housing</p> <p>1 - To ensure that new housing meets the needs of West Mersea.</p> <p>2 - To ensure new housing is available, appropriate and accessible to people of all ages and circumstances in order to maintain a balanced, cohesive and diverse population.</p>	<p>Policy WM 1 - Planning Strategy</p> <p>Policy WM 2 – Housing Development</p> <p>Policy WM 3 – Land at Dawes Lane</p> <p>Policy WM 4 - Affordable Housing in Housing Developments</p> <p>Policy WM 5 - Affordable Housing on Exception Sites</p> <p>Policy WM 6 - Housing Mix</p> <p>Policy WM 7 - Loss of bungalows and chalet dwellings</p> <p>Policy WM 9 - Houseboats</p>
Building a strong, competitive economy	<p>Business and Employment</p> <p>8 - To preserve the long-term viability of the harbour area for maritime, commercial and leisure activities.</p> <p>9 - To support the sustainable development of satisfactory, long-term employment on the island for Mersea residents.</p> <p>Tourism</p> <p>16 - To support existing and new tourist facilities and leisure developments which benefit the island's economy and employment and are not contrary to the well-being of the island's residents.</p>	<p>Policy WM 13 - Retention of existing employment centres</p> <p>Policy WM 14 - Co-operative workspaces</p> <p>Policy WM 15 - Marine Services</p> <p>Policy WM 16 - Town Centre</p> <p>Policy WM 23 - Tourism and Leisure Development</p> <p>Policy WM 24 - Caravan Parks</p>
Ensuring the vitality of town centres	<p>Infrastructure and Services</p> <p>11 - To maintain the town centre's character and focal point for commerce and the community with its cafés, Community Centre and historical heritage.</p>	<p>Policy WM 16 - Town Centre</p>
Promoting healthy and safe communities	<p>Open Space, Sport and Recreation</p> <p>5 - To make parks and open spaces accessible to a wider range of people.</p> <p>6 - To provide for more attractive communal areas for informal and formal recreation.</p> <p>Traffic and Transport</p> <p>7 - To ensure that any proposed development provides footpath and cycleway links to the town, coastal and recreational areas to encourage residents to walk and cycle easing congestion, pollution and parking problems.</p>	<p>Policy WM 10 - Open Space, Sport and Recreation Sites</p> <p>Policy WM 11 - The Glebe Sports Grounds</p> <p>Policy WM 17 - New Health Facilities</p> <p>Policy WM 18 - Health and Wellbeing</p> <p>Policy WM 19 - Education Infrastructure Capacity</p> <p>Policy WM 25 - The Coastal Footpath</p>
Promoting sustainable transport	<p>Traffic and Transport</p>	<p>Policy WM 12 - Development Access</p> <p>Policy WM 29 - Design Considerations</p>

NPPF Topic	West Mersea NP Objectives (as identified in Section 3 of the NP)	West Mersea NP Policies
	7 - To ensure that any proposed development provides footpath and cycleway links to the town, coastal and recreational areas to encourage residents to walk and cycle easing congestion, pollution and parking problems.	
Supporting high quality communications	<p>Infrastructure and Services</p> <p>10 - To support maintenance and improvement of Water, Gas, Electricity, Broadband, Mobile Telephone, Waste Disposal and Recycling services, to provide satisfactory utility infrastructure, emphasising Mersea Island's unique situation.</p>	<p>Policy WM 8 - Measures for New Housing Development</p> <p>Policy WM 29 - Design Considerations</p>
Making effective use of land	<p>Natural Environment and Landscape</p> <p>14 - To protect and enhance the unique landscape of the island from inappropriate development.</p> <p>Development Design</p> <p>19 - To minimise the impact of new development on the environment.</p>	<p>Policy WM 1 – Spatial Strategy</p> <p>Policy WM 22 - Mitigating Landscape Impact</p> <p>Policy WM 29 - Design Considerations</p>
Achieving well-designed places	<p>Development Design</p> <p>18 - To preserve the Town Centre character, the Strood Causeway and Packing Marsh Island</p> <p>19 - To minimise the impact of new development on the environment.</p>	<p>Policy WM 29 - Design Considerations</p>
Protecting Green Belt land	<p>Not applicable to West Mersea</p>	<p>None</p>
Meeting the challenge of climate change, flooding and coastal change	<p>Development Design</p> <p>19 - To minimise the impact of new development on the environment.</p>	<p>Policy WM 29 - Design Considerations</p> <p>Policy WM 30 - Sustainable Construction Practices</p>
Conserving and enhancing the natural environment	<p>Natural Environment and Landscape</p> <p>12 - To preserve and enhance existing wildlife corridors and ensure that any new development meets the NPPF requirements.</p> <p>13 - To protect and enhance the international, nationally and locally designated habitats in their own rights and from the impact of new development.</p> <p>14 - To protect and enhance the unique landscape of the island from inappropriate development.</p> <p>Development Design</p> <p>18 - To preserve the Town Centre character, the Strood Causeway and Packing Marsh Island</p> <p>19 - To minimise the impact of new development on the environment.</p>	<p>Policy WM 20 - Essex Coast Recreational Disturbance and Avoidance Mitigation Strategy</p> <p>Policy WM 21 – Biodiversity</p> <p>Policy WM 22 - Mitigating Landscape Impact</p> <p>Policy WM 28 - Minimising Light Pollution</p> <p>Policy WM 29 - Design Considerations</p>

NPPF Topic	West Mersea NP Objectives (as identified in Section 3 of the NP)	West Mersea NP Policies
Conserving the historic environment	<p>Heritage</p> <p>17 - To conserve and enhance the town's many heritage assets and ensuring that any new development serves to makes a positive contribution to the existing historic environment.</p>	<p>Policy WM 26 - Heritage Assets Policy WM 27 - Local Heritage Assets</p>
Facilitating the sustainable use of minerals	Not applicable to the Neighbourhood Plan	None

How the purpose of the Neighbourhood Plan policies achieve sustainable development

3.6 The table below identifies the purpose of each policy in the Plan and its intended outcome in relation to achieving sustainable development as defined by the NPPF.

Policy	Purpose	Outcome
WM 1	To provide a strategy for the location of new development within the neighbourhood plan area.	Ensures that new development is located close to existing facilities and minimises the loss of agricultural land in remote locations.
WM 2	Identifies the amount of new housing growth that will take place in the neighbourhood area and how this growth will be delivered.	Provides certainty in terms of the amount and location of new housing in the village to ensure that the identified housing needs are met.
WM 3	Allocates a site for housing development.	Contributes to meeting the housing need on a site in close proximity to services and facilities.
WM 4	Identifies requirements for affordable housing in larger developments.	Will help people that are unable to enter the housing market remain in West Mersea rather than move away to find affordable homes.
WM 5	Provides a mechanism for the delivery of affordable housing to meet local needs.	Will help people with a local connection remain in West Mersea rather than move away to find affordable homes.
WM 6	Sets requirements for house sizes.	Seeks to redress an imbalance in the size of homes in the village in order to support an identified need for homes for smaller families,
WM 7	Prevent the loss of bungalows	Ensures a range of house types remains in the Plan Area.
WM 8	Sets internal floorspace standards and standards for ancillary measures in new homes	Ensures that new housing meets current national standards as well as providing for appropriate storage and facilities.
WM 9	Provides a framework for how proposals for houseboats will be considered.	Addresses an issue local to West Mersea.
WM 10	Supports the improvement and protection of open space, sport and recreation facilities.	Ensures that adequate and suitable sports and recreation facilities are provided in the Neighbourhood Plan Area.
WM11	Enables the improvement and extension of The Glebe Sports and Recreation Ground.	Ensures that adequate and suitable sports and recreation facilities are provided in the Neighbourhood Plan Area.
WM12	Sets out criteria for the consideration of highways proposals as part of a development.	Ensures priority is given to delivering safe and sustainable travel measures.
WM13	Protects existing employment sites from loss to other uses	Contributes towards building a strong and competitive economy
WM14	Promotes the delivery of co-operative working space	Contributes towards building a strong and competitive economy
WM 15	Protects and promotes marine related employment uses	Contributes towards building a strong and competitive economy
WM 16	Supports the retention and promotion of town centre uses	Contributes towards building a strong and competitive economy
WM 17	Promotes the provision of new health facilities.	Promotes healthy and safe communities.

Policy	Purpose	Outcome
WM 18	Promotes development that enables healthy lifestyles.	Promotes healthy and safe communities.
WM 19	Ensures that there is sufficient school capacity available to meet demand.	Promotes healthy and safe communities.
WM 20	Provides measures to mitigate against the impact of development on protected habitats	Contributes towards conserving and enhancing the natural environment.
WM 21	Provides a framework for the mitigation of development impacts and for the enhancement of biodiversity	Contributes towards conserving and enhancing the natural environment.
WM 22	Mitigates the impact of development on the landscape setting of the Plan Area	Contributes towards conserving and enhancing the natural environment.
WM 23	Provides criteria for the management of tourism related uses	Contributes towards building a strong and competitive economy.
WM 24	Puts in place matters for the consideration of proposals at or for holiday caravan parks.	Contributes towards building a strong and competitive economy while conserving and enhancing the natural environment.
WM 25	Supports the maintenance and enhancement of the Coastal Footpath.	Promotes healthy and safe communities.
WM 26	Provides measures for the consideration of development proposals in relation to the conservation and enhancement of the historic environment.	Contributes to the conservation of the historic environment.
WM 27	Supports the retention and protection of local heritage assets.	Contributes to the conservation of the historic environment.
WM 28	Provides measures for minimising light pollution from development.	Contributes to achieving well designed places.
WM 29	Provides criteria for the consideration of the design and impact of development proposals.	Contributes to achieving well designed places.
WM 30	Provides for the delivery of best practice in energy conservation in new development.	Contributes to achieving well designed places.

General conformity with the strategic policies contained in the development plan

3.7 The Neighbourhood Plan must demonstrate that it is in general conformity with the development plan for the local authority area concerned. The development plan in force at the time of submitting the West Mersea Neighbourhood Plan comprises:

- i. Colchester Borough Local Plan 2013-2033: North Essex Authorities' Shared Strategic Section 1 Plan (adopted February 2021);
- ii. Colchester Core Strategy (adopted 2008, amended 2014);
- iii. Site Allocations DPD (adopted 2010);
- iv. Development Policies DPD (adopted 2010, amended 2014)

3.8 In April 2021 hearings were conducted into Section 2 of the emerging Colchester Local Plan. It is unclear as to whether Section 2 will be adopted prior to the examination of the Neighbourhood Plan. However, as Section 2 does not contain strategic policies, there is no requirement for the Neighbourhood Plan to be in accordance with it.

Compatibility of the Neighbourhood Plan with the Strategic Policies of the Development Plan

3.9 The Government's Planning Practice Guidance states:

"Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic"

3.10 The Basic Conditions Statement has therefore assessed the Neighbourhood Plan against the strategic policies of the development plan as contained, firstly in the Section 1 Plan adopted in February 2021.

3.11 The table below provides details of the strategic policies in Section 1, a link to the Neighbourhood Plan policy (where relevant) and a narrative of conformity of the Neighbourhood Plan with the development plan.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Colchester Borough Local Plan 2013-2033: North Essex Authorities' Shared Strategic Section 1 Plan		
Policy SP 1 Presumption in Favour of Sustainable Development	All policies apply	All policies in the Neighbourhood Plan are positively worded to encourage sustainable development to take place in the village
Policy SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)	Policy WM 20 - Essex Coast Recreational Disturbance and Avoidance Mitigation Strategy	The policies complement each other.
Policy SP 3 Spatial Strategy for North Essex	Policy WM 1 - Planning Strategy	The local plan policy notes that development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. The Neighbourhood Plan Spatial Strategy accords with this policy.
Policy SP 4 Meeting Housing Needs	Policy WM 2 - Housing Development Policy WM 3 - Land at Dawes Lane Policy WM 4 - Affordable Housing in Housing Developments Policy WM 5 - Affordable Housing on Exception Sites	The local plan policy identifies the minimum housing requirements across the district for the period to 2033. The Neighbourhood Plan allocates sites in accordance with the Section 2 Local Plan document and therefore is in accordance with Policy SP 04.
Policy SP 5 Employment	Policy WM 13 - Retention of existing employment centres Policy WM 14 - Co-operative workspaces Policy WM 15 - Marine Services Policy WM 16 - Town Centre	The local plan notes that Section 2 of the local plan will allocate employment land to ensure that provision is made within growth scenario ranges. The Neighbourhood Plan safeguards existing employment areas and provides enabling policies to support employment growth commensurate with the role of West Mersea in the Settlement Hierarchy of the district.
Policy SP 6 Infrastructure & Connectivity	Policy WM 12 - Development Access Policy WM 17 - New Health Facilities Policy WM 18 - Health and Wellbeing Policy WM 19 - Education Infrastructure Capacity	The local plan policy notes that all development must be supported by the provision of the infrastructure, services and facilities that are identified to serve the needs arising from the development. The

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
		Neighbourhood Plan makes specific provision for the consideration of infrastructure capacity when making decisions in the Plan Area.
Policy SP 7 Place Shaping Principles	Policy WM 8 - Measures for New Housing Development Policy WM 28 - Minimising Light Pollution Policy WM 29 - Design Considerations Policy WM 30 - Sustainable Construction Practices	The local plan policy provides a number of place shaping principles against which proposals will be considered. The Neighbourhood Plan policies complement these principles as appropriate to the special circumstances in the Plan Area.
Policy SP 8 Development & Delivery of a New Garden Community in North Essex	No specific policies apply.	The local plan policy specifically identifies a strategy for the delivery of a new garden on the Tendring/Colchester Borders. This is not within the Neighbourhood Plan Area.
Policy SP 9 Tendring/Colchester Borders Garden Community	No specific policies apply.	The local plan policy specifically identifies a strategy for the delivery of a new garden on the Tendring/Colchester Borders. This is not within the Neighbourhood Plan Area.
Colchester Core Strategy 2008 (as revised 2014) – policies not superseded by above policies		
Policy SD3 – Community Facilities	Policy WM 10 - Open Space, Sport and Recreation Sites Policy WM 11 - The Glebe Sports Grounds Policy WM 17 - New Health Facilities Policy WM 18 - Health and Wellbeing	The local plan policy identifies how the local planning authority will facilitate the delivery of key community facilities. The Neighbourhood Plan complements this approach to the Neighbourhood Area.
Policy CE2 – Mixed Use Centres	Policy WM 13 - Retention of existing employment centres Policy WM 14 - Co-operative workspaces	The local plan policy promotes mixed use development in specified centres including the Rural District Centre of West Mersea. The Neighbourhood Plan supports this approach by enabling the retention and promotion of employment opportunities in West Mersea.
Policy CE2a – Town Centre	No specific policies apply	The local plan promotes the growth of Colchester Town Centre. The policy is not relevant to the Neighbourhood Plan.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Policy CE2b – District Centres	Policy WM 16 - Town Centre	The local plan identifies West Mersea as a Rural District Centre and makes provision for an additional 173 square metres of retail floorspace in West Mersea. Policy WM16 is in line with this approach.
Policy CE2c – Local Centres	No specific policies apply	The local plan policy refers to neighbourhood centres. The policy is not relevant to the Neighbourhood Plan.
Policy CE3 – Employment Zones	No specific policies apply	The local plan policy relates primarily to strategic employment zones, which are not located in the Neighbourhood Area.
Policy H2 - Housing Density	Policy WM 3 - Land at Dawes Lane Policy WM 6 - Housing Mix	The local plan policy seeks housing densities that make efficient use of land and relate to the context. The Neighbourhood Plan policies complement this approach while recognising locally specific needs.
Policy H3 - Housing Diversity	Policy WM 4 - Affordable Housing in Housing Developments Policy WM 5 - Affordable Housing on Exception Sites Policy WM 6 - Housing Mix Policy WM 7 - Loss of bungalows and chalet dwellings Policy WM 8 - Measures for New Housing Development Policy WM 9 – Houseboats	The local plan policy seeks to secure a range of housing types and tenures on developments as well as an appropriate mix and contributions towards affordable housing and housing that meets the needs of older persons, persons with disabilities and those with special needs. The suite of Neighbourhood Plan policies complements this strategic approach based upon locally specific evidence for West Mersea.
Policy H4 – Affordable Housing	Policy WM 4 - Affordable Housing in Housing Developments Policy WM 5 - Affordable Housing on Exception Sites	The local plan policy sets out criteria for the delivery of affordable housing across the Borough including how this will be sought in West Mersea. The Neighbourhood Plan policies do not conflict with this approach but have been formulated to be in compliance with the emerging Local Plan policies while having regard to the more recent requirements of the NPPF.
Policy H% - Gypsies, Travellers, and Travelling Showpeople	No specific policies apply	The local plan policy identifies how the Borough Council will identify sites for these uses. The Neighbourhood Plan does not conflict with this approach.
Policy H6 - Rural Workers Dwellings	No specific policies apply	The local plan policy identifies how proposals for permanent and temporary rural workers dwellings will be considered. The Neighbourhood Plan does not conflict with this approach.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Policy UR1 – Regeneration Areas	No specific policies apply	The local plan policy identifies Regenerations Areas in Colchester. The Neighbourhood Plan Area does not cover those areas.
Policy UR2 - Built Design and Character	Policy WM 28 - Minimising Light Pollution Policy WM 30 - Sustainable Construction Practices	The local plan policy seeks to promote and secure high quality and inclusive design in all developments. The Neighbourhood Plan complements this approach through providing policies that address matters locally specific to West Mersea.
Policy PR1 – Open Space	Policy WM 10 - Open Space, Sport and Recreation Sites Policy WM11 – The Glebe Sports Grounds	The local plan policy identifies the desire to deliver adequate open spaces across the borough. The Neighbourhood Plan identifies and protects existing open spaces as well as makes provision for the expansion of the Glebe Sports Grounds.
Policy PR2 - People-friendly Streets	Policy WM 12 - Development Access Policy WM 29 - Design Considerations	The local plan policy promotes and secure attractive, safe and people friendly streets which will encourage more walking, cycling, recreation and local shopping. The Neighbourhood Plan policies complement this approach.
Policy TA1 - Accessibility and Changing Travel Behaviour	Policy WM 12 - Development Access Policy WM 29 - Design Considerations	The local plan policy encourages development that is accessible and enabling travel by sustainable means. The Neighbourhood Plan supports this policy through encouraging improvements to the highway network for pedestrians and cyclists.
Policy TA1 – Walking and Cycling	Policy WM 12 - Development Access Policy WM 29 - Design Considerations	The local plan policy promotes measures that will improve infrastructure for walking and cycling. The Neighbourhood Plan supports this policy through encouraging improvements to the highway network for pedestrians and cyclists.
Policy TA3 – Public Transport	Policy WM 12 - Development Access	The local plan policy primarily focuses on measures for the improvement of public transport in Colchester. The Neighbourhood Plan requires development proposals, as appropriate, to provide and enable public transport infrastructure improvements.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Policy TA4 – Roads and Traffic	Policy WM 12 - Development Access Policy WM 29 - Design Considerations	The local plan policy seeks to manage demand for car travel in urban areas. The Neighbourhood Plan is supportive of this approach, while acknowledging the reliance on the motor car to get to places off the island.
Policy TA5 – Parking	Policy WM29 – Design Considerations	The local plan policy primarily focuses on parking in Colchester Town Centre. The Neighbourhood Plan does not conflict with this approach.
Policy ENV1 – Environment	Policy WM 1 - Planning Strategy Policy WM 20 - Essex Coast Recreational Disturbance and Avoidance Mitigation Strategy Policy WM 21 – Biodiversity Policy WM 22 - Mitigating Landscape Impact	The local plan policy includes a range of measures to protect and enhance the natural environment including protecting the open and rural character of the undeveloped coastline, and its historic features, sites of nature conservation importance and wildlife habitats. The Neighbourhood Plan contains a range of policies that complement this strategic approach as applied to the Neighbourhood Plan Area.
Policy ENV2 – Rural Communities (Revised July 2014)	No specific policies apply	The local plan policy applies to identified villages in the Borough. This does not apply to West Mersea.
Policy ER1 Energy, Resources, Waste, Water and Recycling	Policy WM 29 - Design Considerations Policy WM 30 - Sustainable Construction Practices	The local plan policy encourages the introduction of renewable energy projects and the use of sustainable construction techniques, albeit that some of the measures have now been superseded by the NPPF. The Neighbourhood Plan provides policies to encourage the reduction of energy consumption and natural resources in new development.

4. Compatibility with European Union Obligations and Human Rights

Environmental Impact and Habitat Regulations

- 4.1 Section 4B 8 (2)(f) states that a draft Neighbourhood Plan will meet the basic conditions if, the making of the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.
- 4.2 European Union Directive 2001/42/EC requires a Strategic Environmental Assessment (SEA) to be undertaken for certain types of plan or programmes that would have a significant environmental effect. The Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations) that this is to be determined by a screening process which should use a specified set of criteria (set out in Schedule 1 of the Regulations). The results of this process must be set out in an SEA Screening Statement, which must be publicly available.
- 4.3 In accordance with Regulation 9 of the Regulations, as amended by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, West Mersea Town Council requested Colchester Borough Council, as the responsible body, to consider whether an environmental assessment of the emerging Neighbourhood Plan is required. The Borough Council subsequently determined that the Plan did not require an environmental assessment.

Human Rights

- 4.4 The public consultation process for the West Mersea Neighbourhood Plan has been wide and inclusive and has included direct engagement with the local community. The policies contained within the plan do not disadvantage any minority group or group with protected characteristics.
- 4.5 The overall purpose of the Neighbourhood Development Plan is to improve the quality of life for people living and working now and in the future in the parish from an environmental, social and economic point of view. The aims and policies in the Neighbourhood Plan have been formulated in response to local people's views and in the light of evidence gathered for the parish, in order to meet the needs expressed and address the issues identified. In order to confirm that the Neighbourhood Plan does not have any unintended consequences for particular groups, the strategic aims and the policies in the Plan have been systematically scrutinised to ensure that they do not disadvantage any potentially vulnerable groups. The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a "protected characteristic" and those who do not. "Protected characteristics" are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 4.5 This section assesses the Submission Draft of the Neighbourhood Plan to ensure that West Mersea Town Council is satisfying its statutory duties in this regard. An assessment has been made on whether the objectives and the policies in the Neighbourhood Plan have a positive, negative or neutral impact on each of the protected characteristics. The purpose of each of the objective and the policies in the Neighbourhood Plan are provided, and their likely impact on persons with protected characteristics is assessed.

Impact of Objectives of West Mersea Neighbourhood Development Plan on Persons with Protected Characteristics

Neighbourhood Plan Objectives	Outcome for persons with Protected Characteristics
<p>Housing</p> <p>1 To ensure that new housing meets the needs of West Mersea.</p> <p>2 To ensure new housing is available, appropriate and accessible to people of all ages and circumstances in order to maintain a balanced, cohesive and diverse population.</p>	<p>Provides for new homes to be provided in the plan area and that they respond to local needs.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Open Space, Sport and Recreation</p> <p>3 To preserve and promote open spaces and recreation.</p> <p>4 To provide a balance between the different types of open space.</p> <p>5 To make parks and open spaces accessible to a wider range of people.</p> <p>6 To provide for more attractive communal areas for informal and formal recreation.</p>	<p>Promotes the retention and improvement of open spaces and sport and recreation facilities.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Traffic and Transport</p> <p>7 To ensure that any proposed development provides footpath and cycleway links to the town, coastal and recreational areas to encourage residents to walk and cycle easing congestion, pollution and parking problems.</p>	<p>Ensures that development provides sustainable solutions to travel.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Business</p> <p>8 To preserve the long-term viability of the harbour area for maritime, commercial and leisure activities.</p> <p>9 To support the sustainable development of satisfactory, long-term employment on the island for Mersea residents.</p>	<p>Promotes the retention and improvement of job opportunities in the Plan Area.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Infrastructure and Services</p> <p>10 To support maintenance and improvement of Water, Gas, Electricity, Broadband, Mobile Telephone, Waste Disposal and Recycling services, to provide satisfactory utility infrastructure, emphasising Mersea Island's unique situation.</p> <p>11 To maintain the town centre's character and focal point for commerce and the community with its cafés, Community Centre and historical heritage.</p>	<p>Ensures that capacity of infrastructure and services is maintained and enhanced.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Natural Environment and Landscape</p> <p>12 To preserve and enhance existing wildlife corridors and ensure that any new development meets the NPPF requirements.</p> <p>13 To protect and enhance the international, nationally and locally designated habitats in their own rights and from the impact of new development.</p> <p>14 To protect and enhance the unique landscape of the island from inappropriate development.</p>	<p>Promotes the protection and enhancement of the natural environment and landscape.</p> <p>Neutral impact on persons with certain protected characteristics.</p>

Neighbourhood Plan Objectives	Outcome for persons with Protected Characteristics
<p>Tourism</p> <p>15 To ensure where tourism is encouraged it respects the character of the rural countryside, coastal character and natural habitat.</p> <p>16 To support existing and new tourist facilities and leisure developments which benefit the island's economy and employment and are not contrary to the well-being of the island's residents.</p>	<p>Ensures appropriate management of tourism development. Neutral impact on persons with certain protected characteristics.</p>
<p>Heritage</p> <p>17 To conserve and enhance the town's many heritage assets and ensuring that any new development serves to makes a positive contribution to the existing historic environment.</p>	<p>Promotes the protection and enhancement of heritage assets. Neutral impact on persons with certain protected characteristics.</p>

Impact of West Mersea Neighbourhood Development Plan Policies on Persons with Protected Characteristics

Policy	Purpose	Outcome
WM 1	To provide a strategy for the location of new development within the neighbourhood plan area.	<p>Ensures that the Neighbourhood Plan is positively prepared for the amount and location of new development required in the village during the plan period.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
WM 2	Identifies the amount of new housing growth that will take place in the neighbourhood area and how this growth will be delivered.	<p>Ensures that the Neighbourhood Area meets its identified housing need.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
WM 3	Allocates a site for housing development.	<p>Policy allocates a site for housing development.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
WM 4	Identifies requirements for affordable housing in larger developments.	<p>Contributes to meeting affordable housing needs on large sites.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
WM 5	Provides a mechanism for the delivery of affordable housing to meet local needs.	<p>Contributes to meeting affordable housing needs in suitable locations in close proximity to the built-up area.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>

Policy	Purpose	Outcome
WM 6	Sets requirements for house sizes.	Ensures that new homes are constructed to meet the current needs of users. Broadly positive impact for persons with certain protected characteristics.
WM 7	Prevent the loss of bungalows	Ensures a range of house types remains in the Plan Area. Broadly positive impact for persons with certain protected characteristics.
WM 8	Sets internal floorspace standards and standards for ancillary measures in new homes	Ensures that new homes meet Government standards and provide for modern requirements. Broadly positive impact for persons with certain protected characteristics.
WM 9	Provides a framework for how proposals for houseboats will be considered.	Addresses an issue local to West Mersea concerning the location and number of houseboats. Neutral impact for persons with certain protected characteristics.
WM 10	Supports the improvement and protection of open space, sport and recreation facilities.	Ensures that adequate and suitable sports and recreation facilities are provided in the Neighbourhood Plan Area. Broadly positive impact for persons with certain protected characteristics.
WM11	Enables the improvement and extension of The Glebe Sports and Recreation Ground.	Ensures that adequate and suitable sports and recreation facilities are provided in the Neighbourhood Plan Area. Broadly positive impact for persons with certain protected characteristics.
WM12	Sets out criteria for the consideration of highways proposals as part of a development.	Ensures priority is given to delivering safe and sustainable travel measures. Broadly positive impact for persons with certain protected characteristics.
WM13	Protects existing employment sites from loss to other uses	Contributes towards building a strong and competitive economy. Broadly positive impact for persons with certain protected characteristics.
WM14	Promotes the delivery of co-operative working space	Contributes towards building a strong and competitive economy. Broadly positive impact for persons with certain protected characteristics.

Policy	Purpose	Outcome
WM 15	Protects and promotes marine related employment uses	Contributes towards building a strong and competitive economy. Broadly positive impact for persons with certain protected characteristics.
WM 16	Supports the retention and promotion of town centre uses	Contributes towards building a strong and competitive economy. Broadly positive impact for persons with certain protected characteristics.
WM 17	Promotes the provision of new health facilities.	Promotes healthy and safe communities. Broadly positive impact for persons with certain protected characteristics.
WM 18	Promotes development that enables healthy lifestyles.	Promotes healthy and safe communities. Broadly positive impact for persons with certain protected characteristics.
WM 19	Ensures that there is sufficient school capacity available to meet demand.	Promotes healthy and safe communities. Broadly positive impact for persons with certain protected characteristics.
WM 20	Provides measures to mitigate against the impact of development on protected habitats	Contributes towards conserving and enhancing the natural environment. Neutral impact for persons with certain protected characteristics.
WM 21	Provides a framework for the mitigation of development impacts and for the enhancement of biodiversity	Contributes towards conserving and enhancing the natural environment. Neutral impact for persons with certain protected characteristics.
WM 22	Mitigates the impact of development on the landscape setting of the Plan Area	Contributes towards conserving and enhancing the natural environment. Neutral impact for persons with certain protected characteristics.
WM 23	Provides criteria for the management of tourism related uses	Contributes towards building a strong and competitive economy. Neutral impact for persons with certain protected characteristics.

Policy	Purpose	Outcome
WM 24	Puts in place matters for the consideration of proposals at or for holiday caravan parks.	Contributes towards building a strong and competitive economy while conserving and enhancing the natural environment. Neutral impact for persons with certain protected characteristics.
WM 25	Supports the maintenance and enhancement of the Coastal Footpath.	Promotes healthy and safe communities. Broadly positive impact for persons with certain protected characteristics.
WM 26	Provides measures for the consideration of development proposals in relation to the conservation and enhancement of the historic environment.	Contributes to the conservation of the historic environment. Neutral impact for persons with certain protected characteristics.
WM 27	Supports the retention and protection of local heritage assets.	Contributes to the conservation of the historic environment. Neutral impact for persons with certain protected characteristics.
WM 28	Provides measures for minimising light pollution from development.	Contributes to achieving well designed places. Neutral impact for persons with certain protected characteristics.
WM 29	Provides criteria for the consideration of the design and impact of development proposals.	Contributes to achieving well designed places. Broadly positive impact for persons with certain protected characteristics.
WM 30	Provides for the delivery of best practice in energy conservation in new development.	Contributes to achieving well designed places. Neutral impact for persons with certain protected characteristics.

Certain protected characteristics are not affected by the Neighbourhood Plan, namely gender reassignment, race, religion, or sexual orientation. For persons with these characteristics, the Plan has a neutral effect. Where policies in the Plan would adversely affect persons with these protected characteristics, they would not be differently affected than persons without these characteristics. For example, if a person with these protected characteristics were disadvantaged by a policy, it would have the same consequence for a person without the protected characteristic who wished to do the same thing. Similarly, if a person with one of these protected characteristics were to benefit from a policy, it would have the same benefit for a person without the protected characteristic in the same circumstances.