

Policy Number	HPNP Policy Text	Inspectors recommendation	Inspector Comments
GNE1	<p>Policy GNE1: Designation of Local Green Space</p> <p>Development should aim to protect and enhance existing green/open spaces and the local environment. Development should also aim to:</p> <ul style="list-style-type: none"> • Provide on-site, where appropriate, new green/open public spaces or contribute to off-site projects to enhance existing public realm. • Promote biodiversity and nature conservation. • Allow for the planting of new trees. <p>All Local Green Space Areas (see Appendix 2) will be given long term protection and development proposals on land designated as Local Green Space will be refused unless they are solely to facilitate the use of the land for recreational purposes in keeping with the character and existing use of the site.</p> <p>The Plan supports development that results in the strengthening of the grounds in 4.9 below as centres for sports excellence but improvements should not result in the loss of green or open</p>	<p><i>“The following green spaces and areas (identified on the location plan(s) at Fig xx and the site plans at Appendix xx) are designated as Local Green Space:</i></p> <p><i>[list with matching unique numbers to plans</i></p> <ul style="list-style-type: none"> • <i>Green Corridor</i> • <i>Green Pockets</i> • <i>The Highams Park</i> • <i>Mallinson Park</i> • <i>Larkswood Park and Playing Fields</i> • <i>Vincent Road Open Space</i> • <i>Allotments]</i> <p><i>New development will not be supported other than in very special circumstances.”</i></p> <p><i>This is translated into actual sites in plan which are now:</i></p> <p><i>The following green spaces and area (identified on the location plans at Figs xx and Fig xxx below and the site plans in Appendix 2) are designated as Local Green Space</i></p> <p><i>1. All green areas bounding Brookfield Path, including the hedgerow adjacent to the northern boundary of Highams Park School.</i></p>	<p>The LGS mapping needs resolution: None of the proposed sites is covered by individual mapping; my recommendation (is) that each designated site is represented on an accurate, individual, OS-based site plan.</p> <p>The text of Policy GNE1 covers more than LGS designation. Some text is in fact justification and the future of the café/structure known as Humphry’s does not belong in this section. LGS is equivalent to green belt and national policy applies; so the guidance on development (paras 4.1 4) is not appropriate. Nevertheless, I consider the text is capable of being significantly modified to enable it to suit the purposes of LGS in the Framework.</p> <p>The mapping in the submitted plan is wholly inadequate to enable designation of the specific sites. I recommend that all finally designated sites be shown on individual OS-based plans (with clear boundary outlines) - as well a being</p>

	<p>space. Development will only be permitted on these sites for uses which support recreation, sporting and amenity use.</p> <p>Designation of Local Green Space – The Highams Park The Highams Park is defined in this Policy GNE1 as an area of Local Green Space. The reuse, or appropriate redevelopment, of the building in the park (currently known as “Humphry’s”) shall only be allowed for the improvement of its existing uses as a community hub with community toilets and a café. Should Humphry’s be demolished and redeveloped, any replacement development should be of a high quality design that enhances the character and respects the history of The Highams Park. The development should take into consideration the open character of the wider public space and should not exceed the footprint of the existing building.</p> <p>Designation of Local Green Space – Sports Grounds Seven non-school Sports Grounds in the Area are defined in this Policy GNE1 as areas of Local Green Space:</p>	<ol style="list-style-type: none"> 2. <i>The green area bounded by the back gardens of Beechwood Drive, Crealock Grove, Charter Road and Henry’s Avenue.</i> 3. <i>The green area between the playing field of Woodford County High School and the back gardens of Nesta Road.</i> 4. <i>The grassy area in front of Falmouth Avenue Sheldon House flats.</i> 5. <i>The grassed area in front of Gordon Avenue flats.</i> 6. <i>The grassed area in front of Beechwood Drive flats.</i> 7. <i>The grassed area in front of Chingford Lane flats.</i> 8. <i>The Highams Park.</i> 9. <i>Mallinson Park.</i> 10. <i>Larkswood Park and Playing Fields.</i> 11. <i>Vincent Road Open Space (known locally as Vincent Green).</i> 12. <i>Beechwood Allotments, Larkshall Road, Chingford.</i> 13. <i>Hollywood Way Allotments, Hale End Road, Highams Park.</i> 14. <i>Brookfield Allotments, Alders Avenue, Woodford Green.</i> 15. <i>Wickham Road Allotments, Wickham Road, Highams Park.</i> 	<p>identified by the same number as in the policy. The mapping provided to me for the accompanied site visit had a number of errors, which need to be corrected. In conclusion, I recommend that Policy GNE1 – and the associated mapping - be modified</p>
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	<ul style="list-style-type: none"> • Rolls Sports Ground, Hickman Avenue • Silverthorn Bowls Club, Ropers Avenue • Jubilee Sports Ground, The Avenue • Peter May Sports Field, Wadham Road • Cavendish Sports Field, Cavendish Road • Whitehall Tennis Club, Larkshall Road • Woodford Rugby Club, Woodford New Road <p>15</p> <p>Designation of Local Green Space - Allotments</p> <p>Four allotment sites are defined in this Policy GNE1 as areas of Local Green Space:</p> <ul style="list-style-type: none"> • Beechwood • Hollywood Way • Brookfield • Wickham Road <p>Development on these sites will only be permitted for use pertaining to the horticultural activities of the allotment holders.</p>	<p><i>New development will not be supported on these sites other than in very special circumstances.</i></p>	
PCF1	<p>Policy PCF1: Public & Community Facilities</p> <p>Development should aim to contribute to the provision of public and community facilities in</p>	No Change	

	<p>the Area and bring improvements to meet the needs of the growing population.</p> <p>The community facilities listed below, together with their halls, other subsidiary buildings and grounds, are important community assets. Should development be proposed which affects any of the sites, there should be no reduction in the space available for community facilities and activities on the site:</p> <ul style="list-style-type: none">• Hale End Library; and this site should also retain the existing number of customer car parking spaces.• All Saints Church, Church Avenue.• Highams Park Baptist Church, Cavendish Road.• Seventh Day Adventist Church, Malvern Avenue.• St Andrew's Church, 56 Chingford Lane.• St Anne's Church, 200A Larkshall Road• Winchester Road Methodist Church, Winchester Road• Michael Mallinson Scout Facility, The Charter Road• The Boat House at Highams Park Lake.• Wingrove Hall, Beech Hall Road		
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PCF2	<p>Policy PCF2: Public & Community Facilities - D1 Uses</p> <p>Development proposals which affect premises within the Plan Area currently in the following D1 uses:</p> <ul style="list-style-type: none"> • Dental surgery • GP clinic • Nursery or crèche <p>may retain that use under any new proposals or convert to A1, A2 or A3, provided that there is no unsubstituted or net loss of social, or health infrastructure within the Plan Area. Any such proposal must be accompanied by justification which must identify the local provision of such services and demonstrate that the proposal does not result in the loss of provision identified above.</p>	No change	
BED1	<p>POLICY BED1: Business, Commercial & Employment Sites</p> <p>Development of existing sites designated for employment use should aim to promote and support a successful local economy.</p> <p>Development shall allow for economic growth and</p>	<p>POLICY BED1: Business, Commercial & Employment Sites</p> <p>Development of existing sites designated for employment use should aim to promote and support a successful local economy.</p> <p>Omit</p>	I consider this policy needs an overhaul so that it is clear, justified and meets the plan's objectives in its operation as a development management tool to meet the Basic Conditions. In proposing modifications I am judging that the plan authors intended to promote economic development and to generally

<p>BED2</p>	<p>POLICY BED2: Shops & Restaurants within HPDC</p> <p>The Plan actively supports ground floor change of use within HPDC to A1 (shops) and other uses appropriate to a town centre and which would support the vitality and viability of that centre.</p> <p>To enhance the vitality and viability of HPDC, new office, retail, technological and creative industry uses will be supported in upper floor accommodation above existing commercial premises, provided:</p> <ul style="list-style-type: none"> • the existing use of the upper floors is not residential; • the site is well integrated with the primary and secondary retail frontages and is in accordance with the most recent Council shop front design guidance; and • there would be no adverse impact on the amenities of neighbouring occupiers. <p>Development of sites within HPDC should ensure that there is no loss of retail space on those sites.</p> <p>An application for development which proposes alterations to the</p>	<p>POLICY BED2: Shops & Restaurants within HPDC</p> <p>The Plan actively supports ground floor change of use within Highams Park District Centre (HPDC) to A1 (shops) and other uses appropriate to a town centre and which would support the vitality and viability of that centre.</p> <p>To enhance the vitality and viability of HPDC, new office, retail, technological and creative industry uses will be supported in upper floor accommodation above existing commercial premises, provided:</p> <ul style="list-style-type: none"> • the existing use of the upper floors is not residential; • the site is well integrated with the primary and secondary retail frontages and is in accordance with the most recent Council shop front design guidance; and • there would be no adverse impact on the amenities of neighbouring occupiers. <p>Development of sites within HPDC should ensure that there is no loss of retail space on those sites.</p> <p>An application for development which proposes alterations to the</p>	<p>Policy BED2 deals with shops, restaurants and other uses in Highams Park District Centre. The GLA requests that the plan be clear that additional residential development is supported (as per LP ploy SD8). The district centre is covered by CS Policy DC3, and elsewhere, so the plan has tended to repeat this and to add little by way of a local perspective. The exceptions are in relation to upper floors – supporting alternative uses – and the evidence on healthy high streets – in relation to the number of takeaways. The evidence for restricting betting shops, however understandable from consultation responses, was not there. The reference to policies outwith the plan that may well change should be omitted, for clarity. Accordingly, I recommend that Policy BED2 be modified</p>
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	<p>appearance of a shop front should be seen as an opportunity to improve and enhance the street scene. Accordingly, all such developments should adhere to the most recent Council Shop Front Design Guidance or any other design code that may supplement or replace the guidance referred to.</p> <p>The number of hot food take away shops (A5 –“takeaways”) within the Plan Area should not exceed 5% of the total number of units and each must adhere to the Council requirement of being no closer than 400 metres to an educational establishment. The total number of takeaways currently exceeds this threshold and some are within the 400 metres limit. Proposals for new takeaways will not be permitted whilst the threshold is exceeded. Should the number fall below this threshold in future, then proposals for new hot food takeaways will be considered on their merits in accordance with Council policies and those within the Plan.</p>	<p>appearance of a shop front should be seen as an opportunity to improve and enhance the street scene.</p> <p>The number of hot food take away shops (A5 –“takeaways”) within the Plan Area should not exceed 5% of the total number of units and each must adhere to the Core Strategy requirement of being no closer than 400 metres to an educational establishment. The total number of takeaways currently exceeds this threshold and some are within the 400 metres limit. Proposals for new takeaways will not be permitted whilst the threshold is exceeded. Should the number fall below this threshold in future, then proposals for new hot food takeaways will be considered on their merits in accordance with Core Strategy policies and those within the Plan.</p>	
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	Proposals for new betting shops shall be allowed provided that such approval does not result in there being more than two betting shops in the Plan Area.	Omit	
BED3	<p>POLICY BED3: Shops outside of HPDC</p> <p>As designated below, small parades of shops and isolated units that are within the Plan Area but outside the Highams Park District Centre are to be retained as A1, A2 or A3 uses only (shops, professional & financial services and restaurants):</p> <ul style="list-style-type: none"> • Oak Hill. Unit numbers: 93A, B, 95, 97-99, 101, 103, 105A. • Hale End Road. Unit numbers: 168, 170, 281-283, 385, 387, 389, 391. • Winchester Road. Unit numbers: 190, 192, 194, 196, 198, 200, 202 • 95 Selwyn Avenue • 33 Newbury Road 	<p>POLICY BED3: Shops outside of HPDC</p> <p>As designated below, small parades of shops and isolated units that are within the Plan Area but outside the Highams Park District Centre are to be generally retained as A1, A2 or A3 uses only (shops, professional & financial services and restaurants):</p> <ul style="list-style-type: none"> • Oak Hill. Unit numbers: 93A, B, 95, 97-99, 101, 103, 105A. • Hale End Road. Unit numbers: 168, 170, 281-283, 385, 387, 389, 391. • Winchester Road. Unit numbers: 190, 192, 194, 196, 198, 200, 202 • 95 Selwyn Avenue • 33 Newbury Road 	<p>Policy BED3 deals with shops outside the district centre. This seeks to restrict the range of uses to A1, 2 or 3 categories. This is understandable but the plan and its supporting documents do not provide robust and proportionate evidence to justify this. In any event the aims are mainly covered by development plan policy. I recommend that the word “generally” be inserted before the word “retained” for clarity, to meet the Basic Conditions</p>
TPR1	<p>POLICY TPR1: Transport</p> <p>Development shall aim to support and contribute towards enhancing the provision of sustainable modes of transport -</p>	No Change	

	<p>as well as improving movement around the Area and where appropriate will include the provision of:</p> <ul style="list-style-type: none"> • Car Club spaces. • Charging point stations for electric cars. • Loading bays where regular deliveries are required for commercial use. • Secure cycle parking. 		
TPR2	<p>POLICY TPR2: Parking</p> <p>In order to encourage the safe movement of traffic on roads in the Area and accepting the more suburban nature of the Area compared with other parts of the Borough development outside of HPDC will be supported which includes the provision of the maximum number of parking spaces allowed in the adopted London Plan.</p>	Delete	<p>Policy TPR2 is concerned to encourage the safe movement of traffic on local roads. The plan's concern is that as there is a finite supply of on-street parking, reasonable provision must be made off-site in order to support highway safety and the safe movement of traffic. As TfL point out, this approach "<i>...takes no account of accessibility or local connectivity and in effect seeks to adopt minimum standards.</i>" The Council makes similar points and also object to this policy. I agree that it is not sufficiently justified and recommend that it be deleted.</p>
HDA1	<p>POLICY HDA1: Housing Types & Affordability</p> <p>Development in Highams Park shall provide a range of locally specific housing appropriate for</p>	<p>POLICY HDA1: Housing Types & Affordability</p> <p>Provision of locally specific housing appropriate for all sections of the community,</p>	<p>In my view, the first part is a positive policy and simply needs to be expressed in clearer terms to meet the Basic Conditions. The second part is more problematic, as it includes (third</p>

	<p>all sections of the community, including affordable housing.</p> <p>Residential development shall meet the local need for particular home types:</p> <ul style="list-style-type: none"> • In HPDC apartments suitable for downsizing older households and younger, locally-connected first-time buyers shall be supported. • Family housing outside HPDC will be welcomed and should be comprised principally of three and four bedroom houses with gardens suitable for families. • Affordable housing provided as part of any development within the Area should be occupied in the first instance by people who have strong local connections and can demonstrate that they have satisfied at least one of the following criteria: <ul style="list-style-type: none"> ◦ lived in the Area for a minimum of two years ◦ worked in the Area for a minimum of four years ◦ have immediate family (grandparent, parent, child or sibling) who have lived in the Area for a minimum of six years 	<p>including affordable housing, will be supported.</p> <p>Residential development in Highams Park District Centre (HPDC) that meets the local need for particular home types will be supported, including:</p> <ul style="list-style-type: none"> • Apartments suitable for downsizing for older households and for younger first time buyers • Family housing outside HPDC comprised mainly of three and four bedroom houses with gardens suitable for families 	<p>bullet) a local occupancy condition. Whilst the intention is understood and it can be seen as a way to focus the limited number of development sites to locally connected first-time buyers and families, there isn't the robust and proportionate evidence to justify such a policy approach. That part of the policy, and supporting text 8.10, therefore, needs to be removed to comply with the Basic Conditions. Accordingly, I recommend that Policy HDA1 be modified</p>
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	<ul style="list-style-type: none"> • Applications for development of Self-build or Custom-build homes shall be supported. 	Developments of self-build or custom-built homes will be supported.	
HDA2	<p>POLICY HDA2: Sub-Division of Homes</p> <p>Conversions of buildings to smaller self-contained homes (C3), will only be permitted where in addition to the criteria set out in LBWF Policy DM6B, the following standards are met:</p> <ul style="list-style-type: none"> • The conversion provides a minimum of one ground floor home of at least 74sqm, suitable for 4 person occupation and with access to a dedicated rear garden area of no less than 50sq metres. • All other homes within the development should have a floor area of at least 50sqm. • It provides parking provision in line with Policy TPR2. 	Delete	<p>Policy HDA2 concerns the sub-division of homes, a matter already covered in some detail by development plan Policy DM6B. The plan seeks to finesse that policy due to local concerns about the condition of some properties in the area that have been converted under it. Thus, minimum space standards are introduced as well as linking it to plan Policy TPR2 on parking standards. The GLA point out that this policy is at odds with London Plan policy 3.5 and that the in the national Space Standards the minimum threshold is 39 sqm. However, in seeking to support the choice of a specific space standard there is no adequate explanation nor is it robustly justified; and I recommend that the parking policy be deleted. Accordingly I recommend that the whole policy be deleted.</p>

	<p>POLICY CDP1: Heritage Assets</p> <p>There shall be a presumption in favour of development that enhances or preserves Conservation Areas, Areas of Special Character and listed buildings.</p> <p>Development proposals within Conservation Areas or Areas of Special Character should respect the features and distinctive elements in respect of those areas and have regard to the Character Assessments within this Neighbourhood Plan.</p>		
	<p>POLICY CDP2: Character & Design</p> <p>Development shall be of high-quality design and should complement the existing character and appearance of the Area. In all development there shall be a presumption in favour of preserving the distinct character and appearance of the Area, as well as the views across it.</p>	No change	

	<p>This shall be achieved by development:</p> <ul style="list-style-type: none">• Positively contributing to the character of existing buildings and taking into account the predominant local character, setting and any distinctive building design features as described in the relevant Character Assessment (as per Appendix 3) for the area in which the development is located. <p>New development proposals should actively demonstrate how proposals have taken into account and been informed by the local character context with reference to the context explanation in paragraph 9.9.</p> <ul style="list-style-type: none">• Ensuring that mechanical plant such as air-source heat-pumps is appropriately sited and screened so as to not be visually intrusive or to cause a noise nuisance.• Having regard to the form, materials, scale, height, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.• Respecting the building lines and the predominant character of the road in which the property is located.		
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	<ul style="list-style-type: none"> • Respecting Locally Significant Views as detailed in Appendix 4. • Providing, where possible, public realm improvements. • Contributing to the delivery of quality homes and streets that are attractive, functional and sustainable in accordance with the criteria set out in Building for Life 12. 		
SUS1	<p>POLICY SUS1: Biodiversity and Nature Conservation</p> <p>All development shall:</p> <ul style="list-style-type: none"> • Identify wildlife habitats within, and in areas immediately adjacent to, the development site and, where practical, provide green landscaping as a continuation with these areas, linking as green corridors across the site and taking account of the type of habitat best suited for such a continuation. • Maintain and enhance existing on-site biodiversity assets, and provide for wildlife needs on site, where possible. • Avoid a design that will have a detrimental effect on wildlife habitats by robust assessment of local biodiversity, pollution and other significant environmental factors. 	<p>Addition to supporting text only from EA consultation response to include</p> <p>The following measures should also be considered for proposed development near the River Ching / Ching Brook, and would complement the supporting text of this policy:</p> <ul style="list-style-type: none"> □ A naturalised buffer zone of at least 8 metres from the top of the bank of the River Ching / Ching Brook The buffer zone should be designed and managed for the benefit of biodiversity, e.g. by planting of locally appropriate species native to the UK, and otherwise ‘undisturbed’ by development i.e. no fencing, footpaths or other development and should not include formal landscaping. A buffer zone will provide multiple benefits 	<p>The Environment Agency (EA) welcomes the specific mention of the River Ching/Ching Brook. They consider that the supporting text could be strengthened to give specific mention to WFD, which includes causing no overall deterioration in water quality or the ecological status of any water body in line with para 174 of the Framework. They recommend that certain measures should also be considered for proposed development near the River Ching/Ching Brook, which would complement the supporting text of this policy, including references to a buffer zone, invasive species and light spill – see reps. I recommend that their three bullets are added to the supporting text, say after 10.11.</p>

	<ul style="list-style-type: none"> • Include bird and bat boxes, green roofs, green walls and other appropriate green infrastructure measures such as active green spaces and/or pocket parks in the development design. <p>Development shall aim to avoid adverse effects on Epping Forest SAC, the other Green Spaces listed in Appendix 2 and the Ching Brook and its banks by undertaking HRA screening of individual developments (if required) and, if necessary, incorporating measures into scheme designs to avoid potential adverse effects on the SAC and other Local Green Spaces.</p> <p>Landscaping proposals in new development shall be supported by an ecology assessment which will demonstrate how the scheme will contribute to local landscape quality and avoid where possible the introduction of invasive species of flora.</p> <p>Robust justification will need to be provided in any planning application for development which will involve the loss of one or more mature trees.</p> <p>Development which involves the loss of established trees will</p>	<p>including natural flood management, aesthetically pleasing space and improved habitats for local biodiversity.</p> <ul style="list-style-type: none"> □ If invasive species are present, these should be removed with consideration for a long term management and control plan. <p>When visiting any site, work methods should include appropriate biosecurity measures to prevent the spread and contamination of Invasive Non-native Species in order to avoid contravention of the Wildlife and Countryside Act 1981.</p> <ul style="list-style-type: none"> □ The proposed development has the potential to cause light spill onto the River Ching / Ching Brook Light spill from external artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat, and in particular is inhibitive to bats utilising the river corridor. To minimise light spill, development proposals should consider location and direction of external artificial lights to be such that the lighting levels within 8/5 metres of the top of bank of the watercourse are maintained at background levels of 0-2 lux. 	
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	<p>need to demonstrate measures which compensate for the loss of any tree and any habitat lost to the satisfaction of the local planning authority</p>		
GDS1	<p>POLICY GDS1: Guidance for Development of Sites</p> <p>Any development proposals of five homes or more within the Plan Area shall be informed by consultation with residents of nearby homes and the Highams Park Planning Group. Evidence of such consultation and how it has directed the development proposal must be submitted with the planning application.</p>	Delete	<p>Policy GDS1 seeks to ensure that any development of five homes or more is informed by consultation with plan area residents. This is not a land-use policy and so should be added to Annex1. The plan cannot require such consultation. I recommend that it be deleted.</p>
	<p>POLICY DCO1: Developer Contributions</p> <p>Any developer contributions secured against development in the Area should, be allocated to projects within the Area which mitigate the impact of development and, where appropriate, in support of Community Facilities within the Plan Area included in the list in Section 13.</p> <p>Irrespective of the adoption of a S123 list within Waltham Forest,</p>	<p>POLICY DCO1: Developer Contributions</p> <p>Community Infrastructure Levy funds to be expended in the plan area should be focused on the projects listed at Table 2 in Annex 1.</p> <p>Where appropriate, developer contributions should be directed to mitigating impacts on the plan area</p>	<p>Section 2 of Annex 1 sets out, in Table 2, those plan projects which the community seeks to have funded via developer contributions or the Community Infrastructure Levy. Policy DCO1 seeks to achieve this, as explained in section 13 of the plan (Delivery). The Council query how the outcomes from this policy are to be managed. As drafted it is part advocacy and part policy and so needs to be</p>

	<p>funds collected under the provisions of the Community Infrastructure Levy (CIL) should be expended in support of the schemes which are listed in Annex 1.</p> <p>Ring-fenced upfront sums should be paid to the Council for maintenance of any landscaping or other facilities in the public realm secured as part of any development.</p>	<p>Where appropriate, funding for maintenance of landscaping or other facilities, should be secured as an up-front capital contribution.</p>	<p>modified to meet the Basic Conditions I recommend that Policy DCO1 be modified</p>
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Basic Conditions

Basic conditions (paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 and section 38A of the Planning and Compulsory Purchase Act 2004) are:

- (a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan.
- (b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the neighbourhood plan,
- (c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the neighbourhood plan,
- (d) the making of the neighbourhood plan contributes to the achievement of sustainable development.
- (e) the making of the neighbourhood 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 plan does not breach, and is otherwise compatible with, EU obligations, and

(g) that prescribed conditions are met in relation to the neighbourhood plan (Schedule 2 of the 2012 Regulations prescribes the following condition for the purpose of this paragraph (g): 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)

(A) Self explanatory

(B) & (C) Basic conditions (b) and (c) that relate to listed buildings and conservation areas apply to a draft neighbourhood Development Order or a Community Right to Build Order so that making the order will not weaken the statutory protections for listed buildings and conservation areas.

D This basic condition is consistent with the planning principle that all plan-making and decision-making should help to achieve sustainable development. A qualifying body should demonstrate how its plan or Order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).

In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions. There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. However, qualifying bodies may find this a useful approach for demonstrating how their draft plan or order meets the basic condition.

E When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy

whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach

Paragraph 20 of the National Planning Policy Framework sets out the strategic matters about which are expected to be addressed through policies in local plans or spatial development strategies. The basic condition addresses strategic policies no matter where they appear in the development plan. Paragraph 21 sets an expectation that plans should make explicit which policies are strategic policies.

F. A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. There are 4 directives that may be of particular relevance to neighbourhood planning:

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment (SEA) Directive).

This seeks to provide a high level of protection of the environment by integrating environmental considerations into the process of preparing plans and programmes. It may be of relevance to neighbourhood plans.

Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (often referred to as the Environmental Impact Assessment (EIA) Directive).

Environmental Impact Assessment is a procedure to be followed for certain types of proposed development. This is to ensure that decisions are made in full knowledge of any likely significant effects on the environment and that the public are given early and effective opportunities to participate in the decision making procedures. It may be of relevance to Neighbourhood Development Orders.

Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). These aim to protect and improve Europe's most important habitats and species. They may be of relevance to both neighbourhood plans or Orders.

Other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC) may apply to the particular circumstances of a draft neighbourhood plan or Order.

(G) Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe 2 basic conditions in addition to those set out in the primary legislation. These are:

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, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites. (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)