

Broomfield Neighbourhood Plan 2022 – 2036

Basic Conditions Statement

January 2024

Broomfield Parish Council



January 2024

Prepared for Broomfield Parish Council by
Places4People Planning Consultancy

Contents

1	Introduction	3
2.	Legal Requirements	4
3.	Compliance with Basic Conditions	8
	Table 1 - Compatibility of the Plan's objectives and policies against the NPPF Core Principles	9
4.	Compatibility with European Union Obligations and Human Rights	17
	Impact of Objectives of Broomfield Neighbourhood Development Plan on Persons with Protected Characteristics	18
	APPENDIX A	23
	Adopted development plan policies that do not apply to Broomfield Neighbourhood Plan	23

1 Introduction

1.1 As part of the formal submission of the Broomfield Neighbourhood Plan for Examination, there is a requirement for the Parish 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, Chelmsford City Council, of the Broomfield 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.

Sections 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 61E(2), 61J and 61L,
- c) whether any period specified under section 61L(2)(b) or (5) is appropriate,
- 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 Broomfield Parish Council, a qualifying body (as defined in the Localism Act 2011).
	Section 38A(2) A "Neighbourhood Development Plan is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."	The NP sets out Policies that relate to the development and use of land for the Neighbourhood Area covering the Parish of Broomfield, as designated by Chelmsford City Council on 12 July 2022. The boundary of the Neighbourhood Area is shown in the NP (Map 1).
	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 plan period of the NP is from 2022 to 2036.
	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 Chelmsford City Council on 12 July 2022.
	Section 38B(2)	There are currently no other NP's in place in this neighbourhood area.

Requirement	Interpretation	NP response
	<p>Only one Neighbourhood Development Plan may be made for each neighbourhood area.</p>	
	<p>Section 38B(3)</p> <p>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.</p>	<p>There are no conflicts within the NP</p>
	<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 the LPA concluded that there were not likely to be any significant environmental effects arising directly from the Broomfield Neighbourhood Plan. However, Natural England advised otherwise and an SEA was completed by AECOM on behalf of the Qualifying Body in January 2024. This concluded that overall, no potential significant negative effects were identified with some significant positive effects highlighted in terms of SEA topic 'community wellbeing' through the promotion of community led housing and various improvements to community infrastructure. With minor positive effects in relation to SEA topics – biodiversity, climate change, landscape and transport. There was a recommendation to refer to</p>

Requirement	Interpretation	NP response
		in policy 'to enhance protections to areas of tranquillity'.
	Section 38B, which include paragraphs 38B(4)(c), 5 & 6,	The remaining requirements of Section 38B are not of relevance to this Basic Conditions Statement
4B 8 (1)(d) Whether The Referendum Should Extend Beyond The NP Area	This requires the examiner to consider whether the area for any referendum should extend beyond the NP Area to which it relates.	The NP relates solely to land that falls within the Parish of Broomfield.
4B 8 (1)(e) Other Matters 3.28.	This requires the examiner to consider such other matters as may be prescribed	There are no other prescribed matters.
Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018	These Regulations require an Appropriate Assessment of the Plan to be carried out should the SEA and HRA Screening Opinion deem it necessary.	The SEA/HRA Screening Opinion concluded that a full SEA was required and this was completed in January 2024.

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 Broomfield Neighbourhood Plan must have appropriate regard to national policy. The following section describes how the Plan relates to the National Planning Policy Framework (NPPF), the latest iteration of which was published in December 2023. It is the most recent 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 well-designed, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving 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	Broomfield NP Objectives (as identified in Section 1 of the Plan)	Broomfield NP Policies
Delivering a sufficient supply of homes	<p>To set out a suite of planning policies, in general conformity with the strategic policies of the Chelmsford Local Plan, that address the particular planning issues which apply in Broomfield</p> <p>To ensure an adequate supply of housing to meet the needs of the Parish</p> <p>To ensure there is an integrated mix of housing types, sizes and tenures to meet local need</p> <p>To encourage a focus on providing genuinely affordable housing for existing residents and those with an existing connection with Broomfield</p> <p>To promote sustainable housing that provides for home-working and other environmentally friendly initiatives</p>	<p>BFD8 Housing Mix</p> <p>BFD9 Adaptable Homes</p> <p>BFD10 land east of Saxon Way</p>
Building a strong, competitive economy	<p>To protect the existing community, educational, leisure and retail facilities</p> <p>To create new community facilities where feasible and appropriate</p>	<p>BFD14 Land south of Broomfield Place</p>
Ensuring the vitality of town centres	<p>To protect the existing community, educational, leisure and retail facilities</p> <p>To create new community facilities where feasible and appropriate</p>	<p>BFD14 Land south of Broomfield Place</p>
Promoting healthy and safe communities	<p>To encourage cycling and walking by creating new safe cycle paths and footpaths and by protecting existing pavements, footpaths and public rights of way</p> <p>To promote measures to improve safety and to reduce the impact of traffic</p> <p>Where appropriate, to create ‘home zones’ and similar areas that help to re-balance priority between cars and other users</p>	<p>BFD11 Development Design Considerations</p> <p>BFD15 Public Rights of Way</p>
Promoting sustainable transport	<p>To support measures that reduce the need for travel by private cars, such as cycling, walking and public transport</p> <p>To encourage cycling and walking by creating new safe cycle paths and footpaths and by protecting existing pavements, footpaths and public rights of way</p> <p>To promote measures to improve safety and to reduce the impact of traffic</p>	<p>BFD11 Development Design Considerations</p> <p>BFD15 Public Rights of Way</p>

NPPF Topic	Broomfield NP Objectives (as identified in Section 1 of the Plan)	Broomfield NP Policies
	Where appropriate, to create 'home zones' and similar areas that help to re-balance priority between cars and other users	
Supporting high quality communications	No specific objectives apply	
Making effective use of land	To ensure new development is designed to reflect the character and setting of Broomfield in general and of the immediate locality	BFD1 Preventing Coalescence BFD11 Development Design Considerations
Achieving well-designed places	<p>To ensure new development is designed to reflect the character and setting of Broomfield in general and of the immediate locality</p> <p>To promote an awareness of locally-important design features and encourage their use</p> <p>To identify, conserve and enhance areas of special character</p> <p>To encourage new development to incorporate measures that reduce environmental impact</p> <p>Where appropriate, to create 'home zones' and similar areas that help to re-balance priority between cars and other users</p>	BFD1 Preventing Coalescence BFD2 Protecting Broomfield's landscape character BFD11 Development Design Considerations BFD12 Sustainable Construction Practices BFD13 Special Character Areas
Protecting Green Belt land	Not applicable to Broomfield	None
Meeting the challenge of climate change, flooding and coastal change	<p>To protect and enhance biodiversity, responding to the threat of climate change</p> <p>To ensure that there is a consistent thread of policies and actions throughout the Neighbourhood Plan that will help respond to the Climate and Ecology Emergency</p> <p>To initiate a Parish Council strategy to meet the Climate and Ecology Emergency through supporting measures to encourage energy efficiency and green energy generation</p>	BFD16 Flood Risk Mitigation BFD17 Micro Hydroelectricity Schemes
Conserving and enhancing the	<p>To ensure that valued and sensitive landscapes are conserved and enhanced</p> <p>To ensure that the village of Broomfield remains a distinct settlement, separate from the Chelmsford urban settlement area</p>	BFD1 Preventing Coalescence BFD2 Protecting Broomfield's Landscape Character BFD3 Recreational Disturbance Avoidance and Mitigation BFD4 Tree, Woodlands and Hedgerows

NPPF Topic	Broomfield NP Objectives (as identified in Section 1 of the Plan)	Broomfield NP Policies
natural environment	<p>To protect and enhance biodiversity, responding to the threat of climate change</p> <p>To protect the richest and most versatile agricultural land within the Parish</p> <p>To create and enhance public green open spaces</p> <p>To conserve and enhance identified Local Green Spaces</p> <p>To ensure new development is designed to reflect the character and setting of Broomfield in general and of the immediate locality</p>	<p>BFD5 Protecting the Highest Grade Agricultural Land</p> <p>BFD6 Broomfield Green Wedge</p> <p>BFD7 Local Green Spaces</p>
Conserving the historic environment	<p>To conserve and where possible enhance all aspects of the historic environment - built heritage, archaeology and historic landscape features</p> <p>To identify, conserve and enhance areas of special character</p> <p>To promote awareness of the historic features that help to make Broomfield special</p> <p>By celebrating these historic assets, to promote a sense of place and community</p>	<p>BFD13 Special Character Areas</p>
Facilitating the sustainable use of minerals	<p>Not applicable to the Neighbourhood Plan</p>	<p>None</p>

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
BFD1	Identifies an area where development is to be limited to maintain separation between Chelmsford and Broomfield village.	To ensure the village retains its identity and character.
BFD2	Requires proposals to be supported by proportionate evidence where these lie outside of the defined settlement boundary to assess impact on landscape	Contributes to protecting and enhancing the natural environment, and to maintaining the landscape character of the settlement.
BFD3	Provides a mechanism for the management and mitigation for potential impacts on European wildlife sites	Contributes to protecting and enhancing the natural environment, and requires the provision of financial contributions to mitigate impacts of recreational disturbance to protected sites.
BFD4	Requires proposals to ensure trees, hedgerows and woodlands are not detrimentally impacted from development	Contributes to protecting and enhancing the natural environment, and to maintaining the landscape character of the settlement.
BFD5	To restrict development affecting Grade 2 agricultural land.	To ensure the best quality is land is protected from development.
BFD6	Provides a mechanism for enhanced access for recreational use.	Provides for the provision of new footpaths and cycle paths.
BFD7	Designates 15 local green spaces.	Preserves and enhances the distinctiveness, character and sense of place of the village's built environment.
BFD8	Provides for a mix of house sizes on new developments.	To ensure new housing meets the needs of the local community.
BFD9	Requires new homes to be adaptable.	To ensure new housing meets the needs of the local community.
BFD10	Identifies a site for community open space, a GP surgery and affordable housing for local people.	Responds to both affordable housing and community needs of the local area.
BFD11	Provides detail design considerations to be applied to all new development proposals.	Ensures new development regardless of its scale and location is designed in an appropriate way to positively contribute to the character of the area, in terms of creating a high quality, safe and sustainable environment.
BFD12	Sets out guidance for new planning applications in terms of energy conservation measures to be incorporated into designs.	Ensures best practise is utilised with regard to energy use in the construction and operation of buildings, in recognition that this is a major contributor to emissions.
BFD13	Identifies three areas for specific protection in terms of potential impacts from inappropriate development.	To ensure these areas retain their character and special qualities.

Policy	Purpose	Outcome
BFD14	Identifies a site for non residential day facilities, community uses and local green space.	Provides facilities for the benefit of the local community.
BFD15	Promotes improvement to the public rights of way network.	Contributes to the protection of biodiversity corridors and health and wellbeing of users.
BFD16	To reduce the impact of various sources of flooding in the area.	Ensures development proposals incorporate appropriate sustainable drainage mechanisms.
BFD17	Promotes the use of micro hydroelectric schemes.	Provides a positive strategy for the consideration of this form of renewable energy.

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 currently in force is the Chelmsford Local Plan adopted May 2020.

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

3.8 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"

3.9 There are a number of policies in the Chelmsford Local Plan which are labelled as strategic, these have been assessed in terms of relevancy to the Neighbourhood Area. Those that are not considered relevant are listed in Appendix A of this statement.

3.10 The table below provides details of the policies in the development plan, 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
Chelmsford Local Plan 2020		
S1 Spatial Principles.	All policies apply	The Policy sets out a range of principles to be applied to development proposals. The Neighbourhood Plan policies reflect the principles that are relevant to Broomfield.
S2 Addressing Climate change and Flood Risk	BFD12 Sustainable Construction Practices BFD16 Flood Risk Mitigation Strategy BFD17 Micro Hydroelectric Schemes	The policy is broad covering various matters to seek to mitigate and adapt to climate change. The Neighbourhood Plan does not conflict with this policy.
S3 Conserving and Enhancing the Historic Environment	BFD13 Special Character Areas	The policy sets out a strategy for the historic environment. The Neighbourhood Plan provides a positive response to this policy with the identification of three specific areas to be protected.
S4 Conserving and Enhancing the Natural Environment	BFD1 Preventing Coalescence BFD2 Protecting Broomfield's Landscape Character BFD3 Recreational Disturbance Avoidance and Mitigation BFD4 Trees, Woodland and Hedgerows BFD5 Protecting the Highest Grade Agricultural Lane BFD6 Broomfield Green Wedge BFD7 Local Green Spaces	The policy allocates covers a range of landscape and biodiversity matters and the Neighbourhood Plan reflects these where relevant to the Neighbourhood Area.
S5 Protecting and Enhancing Community Assets	BFD10 land east of Saxon Way BFD14 Land south of Broomfield Place	The policy sets out how new facilities will be funded from new development. The Neighbourhood Plan does not conflict with this policy.
S6 Housing and Employment Requirements	BFD8 Housing Mix BFD9 Adaptable Homes	The policy sets out quantum of new development. The Neighbourhood Plan does not conflict with this policy.
S7 The Spatial Strategy	All policies apply	The policy identifies Broomfield as a key service settlement (outside of the green belt). The Neighbourhood Plan does not conflict with this policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
S8 Delivering Economic Growth	No specific policies apply	The Neighbourhood Plan does not conflict with the Local Plan in respect of monitoring.
S9 Infrastructure Requirements	BFD6 Broomfield Green Wedge BFD10 land east of Saxon Way BFD14 land south of Broomfield Place BFD15 Public Rights of Way BFD16 Flood Risk Mitigation Strategy BFD17 Micro Hydroelectric Schemes	The policy references new infrastructure schemes and including flood risk management, community facilities and green infrastructure. The Neighbourhood Plan does not conflict with this approach.
S10 Securing Infrastructure and Impact Mitigation	BFD3 Recreational Disturbance Avoidance and Mitigation	The policy identifies various mechanisms to secure both infrastructure and mitigation from new development. The Neighbourhood Plan does not conflict with this approach.
S11 The Role of the Countryside	BFD6 Broomfield Green Wedge BFD5 Protecting the Highest Grade Agricultural Land	The policy specifically refers to the Green Belt (not applicable to Broomfield) but also The Green Wedge and wider rural area, in terms of character and appearance of the area. The Neighbourhood Plan does not conflict with this approach.
S12 Role of City, Town and Neighbourhood Centres	No specific policies apply	The policy defines a range of centres in terms of their retail function. The Neighbourhood Plan does not conflict with this approach.
S13 Monitoring and review	No specific policies apply	The Neighbourhood Plan does not conflict with the Local Plan in respect of monitoring.
Strategic Growth Site Policy 8 – North of Broomfield	BFD2 Protecting Broomfield’s Landscape Character BFD3 recreational Disturbance Avoidance and Mitigation BFD6 Broomfield Green Wedge BFD7 Local Green Spaces BFD8 Housing Mix BFD9 Adaptable Homes BFD11 Development Design Considerations BFD15 Public Rights of Way	This policy allocates land for about 450 new homes in a landscape led development. The Neighbourhood Plan reinforces a number of aspects expressed in the policy.

Local Plan Strategic Policy	Neighbourhood Plan Policy	Comment
Policy SPA1 – Broomfield Hospital Special Policy Area	No specific policies apply	The policy supports health related proposals and links to the above policy for new residential development. The Neighbourhood Plan does not conflict with this approach.

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, Broomfield Parish Council requested Chelmsford City Council, as the responsible body, to consider whether an environmental assessment of the emerging Neighbourhood Plan is required. Initial screening was undertaken on the draft Broomfield NDP during November 2022 to January 2023, including consultation with the prescribed consultation bodies for SEA purposes. However, Natural England advised otherwise and an SEA was undertaken by AECOM in October 2023. This concluded that overall, no potential significant negative effects were identified with some significant positive effects highlighted in terms of SEA topic 'community wellbeing' through the promotion of community led housing and various improvements to community infrastructure. With minor positive effects in relation to SEA topics – biodiversity, climate change, landscape and transport. There was a recommendation to refer to in policy 'to enhance protections to areas of tranquillity'.
- 4.4 In line with Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) these documents are also submitted to Chelmsford City Council alongside the Neighbourhood Development Plan.

Human Rights

- 4.3 The public consultation process for the Broomfield 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.
- 4.4 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, and to meet the needs expressed and address the issues identified. 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 Broomfield Parish 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 Broomfield Neighbourhood Development Plan on Persons with Protected Characteristics

Neighbourhood Plan Objectives	Outcome for persons with Protected Characteristics
<p>Overarching Neighbourhood Plan Objective To set out a suite of planning policies, in general conformity with the strategic policies of the Chelmsford Local Plan, that address the particular planning issues which apply in Broomfield</p>	<p>Provides a useful starting point for the Neighbourhood Plan</p> <p>Neutral impact for persons with protected characteristics.</p>
<p>Landscape Setting To ensure that valued and sensitive landscapes are conserved and enhanced</p> <p>To ensure that the village of Broomfield remains a distinct settlement, separate from the Chelmsford urban settlement area</p>	<p>Protects and enhances the landscape setting of the parish for the benefit of residents.</p> <p>Neutral impact for persons with protected characteristics.</p>
<p>Housing To ensure an adequate supply of housing to meet the needs of the Parish</p> <p>To ensure there is an integrated mix of housing types, sizes and tenures to meet local need</p> <p>To encourage a focus on providing genuinely affordable housing for existing residents and those with an existing connection with Broomfield</p> <p>To promote sustainable housing that provides for home-working and other environmentally friendly initiatives</p>	<p>Provides housing to support the needs of the community.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Natural Environment To protect and enhance biodiversity, responding to the threat of climate change</p> <p>To protect the richest and most versatile agricultural land within the Parish</p> <p>To create and enhance public green open spaces</p> <p>To conserve and enhance identified Local Green Spaces</p>	<p>Protects and enhances the natural environment for the benefit of residents.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Historic Environment To conserve and where possible enhance all aspects of the historic environment - built heritage, archaeology and historic landscape features</p> <p>To identify, conserve and enhance areas of special character</p>	<p>Promotes the preservation of the character and historic assets of the village.</p> <p>Neutral impact for persons with protected characteristics.</p>

Neighbourhood Plan Objectives	Outcome for persons with Protected Characteristics
<p>To promote awareness of the historic features that help to make Broomfield special</p> <p>By celebrating these historic assets, to promote a sense of place and community</p>	
<p>Development Design</p> <p>To ensure new development is designed to reflect the character and setting of Broomfield in general and of the immediate locality</p> <p>To promote an awareness of locally-important design features and encourage their use</p> <p>To identify, conserve and enhance areas of special character</p> <p>To encourage new development to incorporate measures that reduce environmental impact</p>	<p>Promotes development that is designed in a way to minimise impact on the environment and locality and meets the needs of the community.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Community Services and Facilities</p> <p>To protect the existing community, educational, leisure and retail facilities</p> <p>To create new community facilities where feasible and appropriate</p>	<p>Ensures local infrastructure and services are retained, maintained and enhanced.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Transport and Travel</p> <p>To support measures that reduce the need for travel by private cars, such as cycling, walking and public transport</p> <p>To encourage cycling and walking by creating new safe cycle paths and footpaths and by protecting existing pavements, footpaths and public rights of way</p> <p>To promote measures to improve safety and to reduce the impact of traffic</p> <p>Where appropriate, to create 'home zones' and similar areas that help to re-balance priority between cars and other users</p>	<p>Promotes improvement of road safety and enhancement of routes through the parish.</p> <p>Broadly positive impact for persons with certain protected characteristics.</p>
<p>Climate Change</p> <p>To ensure that there is a consistent thread of policies and actions throughout the Neighbourhood Plan that will help respond to the Climate and Ecology Emergency</p> <p>To initiate a Parish Council strategy to meet the Climate and Ecology Emergency through supporting measures to encourage energy efficiency and green energy generation</p>	<p>Promotes development that responds to the climate and ecology emergency.</p> <p>Neutral impact for persons with protected characteristics.</p>

Impact of Broomfield Neighbourhood Development Plan Policies on Persons with Protected Characteristics

Policy	Purpose	Outcome
BFD 1	Identifies an area where development is to be limited to maintain separation between Chelmsford and Broomfield village.	To protect the landscape setting of Broomfield. Neutral impact for persons with certain protected characteristics
BFD 2	Requires proposals to be supported by proportionate evidence where these lie outside of the defined settlement boundary to assess impact on landscape character.	To protect the landscape setting of Broomfield. Neutral impact for persons with certain protected characteristics.
BFD 3	Provides a mechanism for the management and mitigation for potential impacts on European wildlife sites	Protection of habitats and achievement of biodiversity net gain. Neutral impact for persons with certain protected characteristics.
BFD 4	Requires proposals to ensure trees, hedgerows and woodlands are not detrimentally impacted from development proposals.	Contributes to protecting and enhancing the landscape setting and natural environment. Neutral impact for persons with certain protected characteristics.
BFD 5	To restrict development affecting Grade 2 agricultural land.	Contributes to protecting and enhancing the landscape setting and natural environment. Neutral impact for persons with certain protected characteristics.
BFD 6	Provides a mechanism for enhanced access for recreational use.	Provides for improved access for recreational use to Broomfield Green Wedge. Broadly positive impact for persons with certain protected characteristics.
BFD 7	Designates 15 local green spaces.	Ensures valued local spaces are retained in an open form. Broadly positive impact for persons with certain protected characteristics.
BFD 8	Provides for a mix of house sizes on new developments.	Provides for housing types that meet local needs. Broadly positive impact for persons with certain protected characteristics.
BFD 9	Requires new homes to be adaptable.	Provides for housing types that meet local needs. Broadly positive impact for persons with certain protected characteristics.

Policy	Purpose	Outcome
BFD 10	Identifies a site for community open space, a GP surgery and affordable housing for local people.	Provides for the provision of valued local services and facilities, including affordable housing. Broadly positive impact for persons with certain protected characteristics.
BFD 11	Provides detail design considerations to be applied to all new development proposals.	Ensures new development regardless of its scale and location is designed in an appropriate way to positively contribute to the character of the area, in terms of creating a high quality, safe and sustainable environment. Broadly positive impact for persons with certain protected characteristics.
BFD 12	Sets out guidance for new planning applications in terms of energy conservation measures to be incorporated into designs.	Ensures best practise is utilised with regard to energy use in the construction and operation of buildings, in recognition that this is a major contributor to emissions. Broadly positive impact for persons with certain protected characteristics.
BFD 13	Identifies three areas for specific protection in terms of potential impacts from inappropriate development.	Ensures only appropriate development is allowed for in the designated areas and that this respects the special characteristics. Neutral impact for persons with certain protected characteristics.
BFD 14	Identifies a site for non residential day facilities, community uses and local green space.	Ensure provision of valued services and facilities for the benefit of the community. Broadly positive impact for persons with certain protected characteristics.
BFD 15	Promotes improvement to the public rights of way network.	Provides for the existing network to be retained and maintained. Broadly positive impact for persons with certain protected characteristics.
BFD 16	To reduce the impact of various sources of flooding in the area.	Ensures new development is located to mitigate any adverse impacts of flooding. Broadly positive impact for persons with certain protected characteristics.
BFD17	Promotes the use of micro hydroelectric schemes.	Provides for small scale local energy schemes Broadly positive 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.

APPENDIX A

Adopted development plan policies that do not apply to Broomfield Neighbourhood Plan

The following policies in the Chelmsford Local Plan 2020 are not appropriate to Broomfield, as they do not apply to the village and have therefore not been assessed in this Basic Conditions Statement.

Chelmsford Local Plan 2020
Strategic Policy S8- Delivering Economic Growth
Strategic Growth Site Policy 1a – Chelmer Waterside
Strategic Growth Site Policy 1b – Former St Peter’s College, Fox Crescent
Strategic Growth Site Policy 1c – Former Royal Mail Premises, Victoria Road
Strategic Growth Site Policy 1d – Riverside Ice and Leisure land, Victoria Road
Strategic Growth Site Policy 1e – Civic Centre Land, Fairfield Road
Strategic Growth Site Policy 1f – Eastwood House Car Park, Glebe Road
Policy GR1 – Growth Sites in Chelmsford Urban Area
Growth Site Policy 1g – Chelmsford Social Club and Private Car Park, Springfield Road
Growth Site Policy 1h – Ashby House Car parks, New Street
Growth Site Policy 1i – Rectory Lane car park West
Growth Site Policy 1j – Car Park to west of County Hotel, Rainsford Road
Growth Site Policy 1k- Former Chelmsford Electrical and Car wash Brook Street
Growth Site Policy 1l – BT Telephone Exchange Cottage Place
Growth Site Policy 1m – Rectory Lane Car park East
Growth Site Policy 1n – Waterhouse Lane Depot and Nursery
Growth Site Policy 1o – Church Hall Site , Woodhall Road
Growth Site Policy 1p- British Legion, New London Road
Growth Site Policy 1q- Rear of 17 to 37 Beach’s Drive
Growth Site Policy 1r – Garage Site, St Nazaire Road
Growth Site Policy 1s- Garage site and land, Medway Close
Growth Site Policy 1t- Car Park r/o Bellamy Court, Broomfield Road
Growth Site Policy 1u – Rivermead, Bishop Hall Lane
Growth Site Policy 1v- Railway Sidings, Brook Street
Strategic Growth Site Policy 2 – West Chelmsford
Strategic Growth Site Policy 3a – East Chelmsford – Manor Farm
Strategic Growth Site Policy 3b – East Chelmsford – land north of Maldon Road (Employment)
Strategic Growth Site Policy 3c - East Chelmsford – land south of Maldon Road
Growth Site Policy 3d - East Chelmsford – land north of Maldon Road (Residential)
Growth Site Policy 4 – land north of Galleywood Reservoir
Growth Site Policy 5 – land Surrounding Telephone Exchange, Ongar Road, Writtle
Strategic Growth Site Policy 6 – North East Chelmsford
Strategic Growth Site Policy 7a – Great Leighs – Land at Moulsham Hall
Strategic Growth Site Policy 7b – Great Leighs – land east of London Road
Strategic Growth Site Policy 7c – Great Leighs – land north and south of Banters Lane
Strategic Growth Site Policy 7d – Great Leighs – land east of Main Road
Strategic Growth Site Policy 9 – East Of Boreham
Travellers Site Policy GT1
Strategic Growth Site Policy 10 – North of South Woodham Ferrers

Chelmsford Local Plan 2020

Growth Site Policy 11 – South of Bicknacre
--

Growth Site Policy 12 – St Giles, Moor Hall Lane, Bicknacre

Growth Site Policy 13- Danbury

Policy SPA2 Chelmsford City Racecourse Special Policy Area
--

Policy SPA3 – Hanningfield Reservoir Special Policy Area
--

Policy SPA4 – RHS Hyde Hall Special Policy Area

Policy SPA5 – Sandford Mill Special Policy Area

Policy SPA6 – Writtle University College Special Policy Area
--

--