

PUCKLECHURCH NDP – BRIEFING ON NEW BASIC CONDITIONS (APRIL 2026)

Updated Regulations March 2026

1. The provisions of the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026 (UK Statutory Instruments 2026 No. 169 (C. 16)) (*'the 2023 Regulations'*) came into force recently on 25th March 2026.
2. The 2023 Regulations have brought into force Section 98 of the Levelling up and Regeneration Act (*LURA*) (contents of a neighbourhood development plan) and section 99 (neighbourhood development plans and orders; basic conditions). These new rules amend parts of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990.
3. The new legal compliance requirements set out in section 98 specify details of the policies a neighbourhood plan may include, as follows: -

So far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must:

- a) be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change, and*
 - b) be designed to take account of any local nature recovery strategy, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area.*
4. In addition, there is a new Basic Condition requirement as set out in Section 99:

the making of the Neighbourhood Plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.
 5. This replaces the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area.

6. The provisions also add a Basic Condition related to the provision of an environmental outcomes reports. However, the framework for environmental outcomes reports has yet to be put in place at the time of writing on 7 April 2026.

Summary of the Basic Conditions from 25 March 2026

7. *Following* the 2023 Regulations (new Basic Conditions are underlined), a draft neighbourhood development plan meets the Basic Conditions if: -
 - a) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan,
 - b) the making of the neighbourhood development plan contributes to the achievement of sustainable development,
 - c) the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not made.
 - d) the making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and
 - e) prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood development plan.
8. In addition, whilst not basic conditions, the qualifying body must demonstrate that, so far as is appropriate having regard to the subject matter of the plan:
 - a) the plan is designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and,
 - b) the plan is designed to take account of any Local Nature Recovery Strategy prepared under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood area.

Compliance with Updated Basic Conditions and other requirements

9. The Neighbourhood Development Plan (NDP) has been assessed against the Basic Conditions as amended on 25 March 2026. In relation to new Basic Condition (c) the plan does not reduce the overall housing delivery proposed in the development plan and does not prevent planned housing from coming forward. The plan complies with all Environmental Outcomes Reports obligations currently in force.

10. The NDP has been prepared within the framework of an adopted development plan which has indicated no significant planned development affecting the Neighbourhood Area directly, but with an emerging plan that will amend the Green Belt and allocate strategic sites for development. The plan has sought to respect existing policy constraints whilst planning for the emerging plan context.
11. In the context of potential planned development far in excess of what the Neighbourhood Plan could plan for, the approach has been to make a positive contribution of policy and information to ensure that planned development meets local community needs as well as wider needs.
12. Specifically, the Pucklechurch NDP sets policies that would ensure that strategic development coming forward in the area positively considers how design of new development can relate well and sympathetically to existing settlements and communities.
13. The plan identifies community infrastructure requirements to meet existing and future needs that, subject to viability considerations, can potentially be contributed to by new planned development.
14. The plan identifies key transport and travel priorities relating to active travel, public transport and traffic management in Pucklechurch. These provide important community input to transport mitigations and actions needed in support of planned development.
15. The making of the neighbourhood development plan would therefore not have the effect of preventing development from taking place which:
 - i. is proposed in the development plan for the area of the authority (or any part of that area), and
 - ii. if it took place, would provide housing,
16. Any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with.
17. With regard to S98 requirements set out in Paragraph 8 above, NDP policy PUCKLE7 (Environmental Performance of Buildings) provides support for the adoption of environmental measures which go as far as possible as soon as possible within viability and other considerations, in the context of the Future Homes Standard. In this way, the NDP makes a small contribution to combating climate change.

18. With regard to nature recovery networks and priority areas identified through the West of England Local Nature Recovery Strategy, there is a local priority corridor running north to south in the western part of the parish. This area is subject to proposed strategic allocations for housing and it will be for South Gloucestershire Council to demonstrate how development can be achieved alongside LNRS objectives through a masterplan approach. In this context, the NDP did not focus on local nature recovery to avoid duplication and potential conflict with the emerging local plan's proposals.

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