

# **BASIC CONDITIONS ADDENDUM:**

**In response to the implementation of The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026, with effect from 25<sup>th</sup> March 2026**

**April 2026**

## Introduction

In response to the implementation of [The Levelling-up and Regeneration Act 2023 \(Commencement No. 11 and Saving and Transitional Provisions\) Regulations 2026](#), the Examiner has requested that the qualifying body (Parish Council) should prepare an addendum to the submitted Basic Conditions Statement, setting out how the Neighbourhood Plan fulfils the legal and regulatory requirements, in view of the legal changes that came into force on 25<sup>th</sup> March 2026 regarding the basic conditions.

The legal changes are set out in sections 98 and 99 of the 2023 Levelling-Up and Regeneration Act (LURA). An analysis of the changes introduced through sections 98 and 99 are set out in the table below:

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Walpole Cross Keys Neighbourhood Plan</b>
<p><b>Section 98(1): Section 38B of PCPA 2004 (provision that may be made by neighbourhood development plans) is amended as follows.</b></p>	
<p><i>(2) Before subsection (1) [of PCPA 2004 section 38B] insert—</i></p> <p><i>“(A1)A neighbourhood development plan may include—</i></p> <p><i>(a)policies (however expressed) in relation to the amount, type and location of, and timetable for, development in the neighbourhood area in the period for which the plan has effect;</i></p> <p><i>(b)other policies (however expressed) in relation to the use or development of land in the neighbourhood area which are designed to achieve objectives that relate to the particular characteristics or circumstances of that area, any part of that area or one or more specific sites in that area;</i></p> <p><i>(c)details of any infrastructure requirements, or requirements for affordable housing, to which development in accordance with the policies, included in the plan under paragraph (a) or (b), would give rise;</i></p> <p><i>(d)requirements with respect to design that relate to development, or development of a particular</i></p>	<p>The Walpole Cross Keys Neighbourhood Plan Review contains policies of the type now expressly described in section 38B as amended.</p> <p>The Plan includes non-strategic policies relating to the location and form of development in the neighbourhood area, including Policy 1 on new residential development, together with detailed locally specific policies on design, flood risk and water management, important local views, dark skies, employment uses, community services and transport and access.</p> <p>The Plan also draws on locally prepared design guidance and a design checklist. These are all matters which relate to the particular characteristics and circumstances of Walpole Cross Keys and are properly the subject of neighbourhood plan policies.</p> <p>Nothing in the submitted Plan appears to fall outside the scope of provision now permitted for neighbourhood development plans.</p>

2023 LURA (relevant section)	<b>Analysis: implications for Walpole Cross Keys Neighbourhood Plan</b>
<p><i>description, throughout the neighbourhood area, in any part of that area or at one or more specific sites in that area, which the qualifying body considers should be met for planning permission for the development to be granted.”</i></p>	
<p><i>(3) After subsection (2A) [of PCPA 2004 section 38B] insert—</i>  <i>“(2B) So far as the qualifying body considers appropriate, having regard to the subject matter of the neighbourhood development plan, the plan must—</i>  <i>(a) be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, <b>climate change</b>, and</i>  <i>(b) take account of any <b>local nature recovery strategy</b>, under section 104 of the Environment Act 2021, that relates to all or part of the neighbourhood area, including in particular—</i>  <i>(i) the areas identified in the strategy as areas which—</i>  <i>(A) are, or could become, of particular importance for biodiversity, or</i>  <i>(B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,</i>  <i>(ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and</i>  <i>(iii) the proposals set out in the strategy as to potential measures relating to those priorities.</i>  <i>(2C) The neighbourhood development plan must not—</i>  <i>(a) include anything that is not permitted or required by or under subsections (A1) to (2A) or regulations under subsection (4), or</i></p>	<p>The Walpole Cross Keys Neighbourhood Plan Review contributes to <b>climate change mitigation and adaptation</b> in a way that is proportionate to the scope and subject matter of the Plan.</p> <p>In particular, Policy 7 on Flood Risk and Water Management supports development that responds appropriately to flood risk and drainage constraints, thereby contributing to climate adaptation.</p> <p>Policy 13 on Transport and Access supports safe access, protection of public rights of way and sustainable movement in the parish context, and the existing Basic Conditions Statement also identifies this policy as relevant to <b>climate change</b>.</p> <p>The Plan’s broader emphasis on sustainable development, careful design, protection of landscape character and locally distinctive development also supports a proportionate contribution to climate mitigation and adaptation, having regard to the nature and scope of the Plan.</p> <p>At the time the Walpole Cross Keys Neighbourhood Plan Review was prepared, the Norfolk Local Nature Recovery Strategy was still emerging, and the Plan refers to it on that basis. Since the August 2025 Regulation 15 Basic Conditions Statement, the <b>Norfolk Local Nature Recovery Strategy</b> has been adopted. The qualifying body has had regard to that final Strategy in preparing this addendum.</p>

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Walpole Cross Keys Neighbourhood Plan</b>
<p><i>(b) be inconsistent with or (in substance) repeat any national development management policy.”</i></p>	<p>The Walpole Cross Keys Neighbourhood Plan Review has had regard to the Norfolk Local Nature Recovery Strategy in a manner proportionate to the scope and content of the Plan.</p> <p>In particular, Policy 7 (Flood Risk and Water Management) supports sustainable drainage, water-sensitive design and the effective management of flood risk within the parish, which aligns with LNRS priorities relating to wetland enhancement, floodplain function and the use of nature-based solutions to improve water management and biodiversity.</p> <p>The Plan’s approach to landscape character, important local views and the distribution of development supports the retention of undeveloped land and the open character of the farmed landscape. This assists in maintaining habitat connectivity and avoids fragmentation, consistent with LNRS objectives to create more joined-up ecological networks across rural areas.</p> <p>Design and environmental policies within the Plan also support the retention of existing landscape features, including trees, hedgerows and waterbodies, which contribute to wider habitat networks identified in the LNRS.</p> <p>In addition, Policy 13 (Transport and Access) supports the protection of Public Rights of Way and improvements to movement through the parish, which aligns with LNRS objectives relating to green infrastructure, access to nature and the integration of ecological networks with active travel routes.</p> <p>Having regard to the subject matter of the Plan, it is considered that the Neighbourhood Plan takes account of the Norfolk Local Nature Recovery Strategy in a proportionate and locally relevant way and does not conflict with its priorities or proposed measures.</p>

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Walpole Cross Keys Neighbourhood Plan</b>
	The Plan contains locally specific planning policies and community actions relevant to the designated neighbourhood area. Nor does the Plan, in substance, simply repeat national policy. Rather, it provides local detail and a distinct local approach on non-strategic matters relevant to Walpole Cross Keys, consistent with the role of a neighbourhood plan.
<i>(4) In subsection (4)(b) [of PCPA 2004 section 38B], after “requiring” insert “or permitting”.</i>	This amendment does not give rise to any separate issue for the Walpole Cross Keys Neighbourhood Plan Review.
<b>Section 99: Neighbourhood development plans and orders: basic conditions</b>	
<p><i>(1) In paragraph 8(2) of Schedule 4B to TCPA 1990 (basic conditions for making neighbourhood development order or neighbourhood plan)—</i></p> <p><i>(a) for paragraph (e) substitute—</i></p> <p><i>“(ea) the making of the order would <b>not have the effect of preventing development</b> from taking place which—</i></p> <p><i>(i) is proposed in the development plan for the area of the authority (or any part of that area), and</i></p> <p><i>(ii) if it took place, would provide housing,”;</i></p>	<p>The Walpole Cross Keys Neighbourhood Plan Review <b>does not prevent housing development</b> proposed in the development plan from coming forward.</p> <p>The submitted Plan explains that the Borough Council’s Local Plan identifies Walpole Cross Keys as a Rural Village but does not allocate any land in the parish. The Plan does not seek to reduce the amount of housing proposed through the development plan. Instead, Policy 1 provides a criteria-based framework for considering new residential development within or adjacent to the development boundary, including infill and small-scale starter homes in suitable locations.</p> <p>The August 2025 Regulation 15 Basic Conditions Statement also explains that Policy 1 adds local detail to the strategic policy framework rather than undermining it. As such, the Plan <b>would not result in the development plan proposing that less housing is provided</b> than would be the case if the neighbourhood plan were not to be made.</p>
<i>(1) (b) after paragraph (f) (but before the “and” at the end of that paragraph) insert—</i>	As of April 2026, the requirement relating to <b>Environmental Outcomes Reports</b> is not currently in practical operation. The Walpole Cross Keys

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Walpole Cross Keys Neighbourhood Plan</b>
<p><i>“(fa)any requirements imposed in relation to the order by or under <a href="#">Part 6</a> of the Levelling-up and Regeneration Act 2023 (<b>environmental outcomes reports</b>) have been complied with,”.</i></p>	<p>Neighbourhood Plan Review, as submitted, was therefore considered through the existing Strategic Environmental Assessment and Habitats Regulations Assessment screening framework.</p> <p>The August 2025 Regulation 15 Basic Conditions Statement records that SEA and HRA screening was undertaken and that the Borough Council supported the conclusion that SEA and HRA Appropriate Assessment were not required. The SEA and HRA regulations remain the relevant framework unless and until the <b>Environmental Outcomes Report</b> regime is implemented.</p>
<p><i>(2) In section 38C(5) of PCPA 2004 (neighbourhood development plans: modifications of Schedule 4B to TCPA 1990), in paragraph (d), for the words from “if” to the end substitute “if—</i></p> <p><i>(i) sub-paragraphs (2)(b) and (c) were omitted,</i></p> <p><i>(ii) in sub-paragraph (2), for paragraph (ea) there were substituted—</i></p> <p><i>“(ea) the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that <b>less housing is provided</b> by means of development taking place in that area than if the neighbourhood development plan were not to be made,” and</i></p> <p><i>(iii) sub-paragraphs (3) to (5) were omitted.”</i></p>	<p>The Walpole Cross Keys Neighbourhood Plan Review does not result in the development plan for the area proposing that <b>less housing is provided</b> than would be the case if the neighbourhood plan review were not to be made. For the reasons set out above in relation to section 99(1)(a), no conflict with the revised housing-related basic condition is identified.</p>
<p><i>(3) In paragraph 11(2) of Schedule A2 to PCPA 2004 (modification of neighbourhood development plans: basic conditions)—</i></p> <p><i>(a) for paragraph (c) substitute—</i></p> <p><i>“(ca) the making of the plan would not result in the development plan for the area of the authority proposing that <b>less housing is provided</b> by means of</i></p>	<p>The Neighbourhood Plan Review would not result in the development plan providing for <b>less housing</b> than would be the case if the draft Plan were not made. The analysis set out above in relation to housing therefore applies equally here.</p>

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Walpole Cross Keys Neighbourhood Plan</b>
<i>development taking place in that area than if the draft plan were not to be made,”;</i>	
<p><i>(3)(b) after paragraph (d) (but before the “and” at the end of that paragraph) insert—</i>  <i>“(da)any requirements imposed in relation to the plan by or under <a href="#">Part 6</a> of the Levelling-up and Regeneration Act 2023 (<b>environmental outcomes reports</b>) have been complied with,”.</i></p>	<p>As of April 2026, the 2023 LURA requirement for <b>Environmental Outcomes Reports</b> (EORs) is not currently in force. Therefore, the Neighbourhood Plan, as submitted, was subject to Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) screening, in accordance with the 2004 SEA and 2017 HRA Regulations (as amended).</p> <p>The SEA and HRA Regulations remain in force until regulations regarding EORs are implemented.</p>

The analysis above reveals that the Walpole Cross Keys Neighbourhood Plan Review 2022–2038, as submitted, fulfils the revised basic conditions introduced by sections 98 and 99 of the Levelling-up and Regeneration Act 2023, which came into force on 25<sup>th</sup> March 2026. This addendum should therefore be read alongside the August 2025 Regulation 15 Basic Conditions Statement for the purposes of the examination.