

# **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**

**May 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 submitted Basic Conditions Statement was prepared in July 2025, before the relevant provisions of the Levelling-up and Regeneration Act 2023 came into force. This addendum does not replace the submitted Statement but supplements it by addressing the additional and amended requirements now applicable to the examination of the Docking Neighbourhood Plan.

Analysis of the implications of sections 98 and 99 of the Levelling-up and Regeneration Act 2023 for the submitted Docking Neighbourhood Plan are set out in the table below:

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Docking Neighbourhood Plan</b>
<b>Section 98(1): Section 38B of PCPA 2004 (provision that may be made by neighbourhood development plans) is amended as follows.</b>	
<p>(2) Before subsection (1) [of PCPA 2004 section 38B] insert—</p> <p>“(A1)A neighbourhood development plan may include—</p> <p>(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;</p> <p>(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;</p> <p>(c)details of any infrastructure requirements, or requirements for affordable housing, to which</p>	<p>The Docking Neighbourhood Plan contains policies of the type now expressly described in section 38B as amended.</p> <p>The Plan includes non-strategic locally-specific policies relating to biodiversity and green ecological corridors, trees, local green spaces, important local views, dark skies, design, housing mix, affordable housing, principal residence, community facilities, employment opportunities, and access and movement. The Plan also draws on the Docking Design Codes and Guidance Report where relevant.</p> <p>These are all matters which relate to the particular characteristics and circumstances of Docking and are properly the subject of neighbourhood plan</p>

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Docking Neighbourhood Plan</b>
<p><i>development in accordance with the policies, included in the plan under paragraph (a) or (b), would give rise; (d) requirements with respect to design that relate to development, or development of a particular 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>policies. Nothing in the submitted Plan appears to fall outside the scope of provision now permitted for neighbourhood development plans.</p>
<p><i>(3) After subsection (2A) [of PCPA 2004 section 38B] insert— “(2B) So far as the qualifying body considers appropriate, having regard to the subject matter of the neighbourhood development 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, <b>climate change</b>, and (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) the areas identified in the strategy as areas which— (A) are, or could become, of particular importance for biodiversity, or (B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits, (ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and (iii) the proposals set out in the strategy as to potential measures relating to those priorities. (2C) The neighbourhood development plan must not—</i></p>	<p>The Docking Neighbourhood Plan 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, the Plan’s policies on biodiversity and green ecological corridors, trees, design, access and movement, and related design code requirements support green infrastructure, habitat connectivity, sustainable drainage, walkability, and a high quality local environment. The Plan’s wider emphasis on landscape character, environmental quality and locally distinctive development also supports <b>a proportionate contribution to climate mitigation and adaptation</b>, having regard to the nature and scope of the Plan.</p> <p>At the time the Docking Neighbourhood Plan was prepared, the Norfolk Local Nature Recovery Strategy was still emerging, and the Plan refers to it on that basis. Since producing the Regulation 15 Basic Conditions Statement, the <b>Norfolk Local Nature Recovery Strategy</b> has been published. 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 Docking Neighbourhood Plan</b>
<p><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><i>(b) be inconsistent with or (in substance) repeat any national development management policy.”</i></p>	<p>The final Norfolk Local Habitat Map identifies areas within and around Docking which are either of particular importance for biodiversity or could become of importance to biodiversity. These include mapped areas associated with existing woodland, plantation, hedgerow, trackway and habitat-corridor features around the village and towards the wider countryside, including areas to the south and south-east of Docking around Halfway Plantation, Hare Wood, Docking Common and Massie Plantation.</p> <p>This is consistent with the evidence already used to inform the submitted Plan. The Plan identifies local ecological assets in Docking, including Docking Borrow Pit County Wildlife Site, priority habitats such as deciduous woodland, good quality semi-improved grassland and traditional orchard, and local features including ponds, trees and hedgerows. Policy 1 identifies green ecological corridors informed by NBIS data, Natural England and Norfolk County Council mapping, species records, priority habitat information and local evidence.</p> <p>Policy 1 seeks to protect, restore and improve habitat connectivity by requiring relevant proposals within or adjacent to the identified green ecological corridors to enhance or restore the function of the corridor and to mitigate features which could reduce wildlife movement, such as buildings, hard surfaces, redirected watercourses, artificial lighting and insensitive habitat management. Community Action 1 also supports local action with landowners and the community to improve habitats, including within the green corridors, through measures such as insect-friendly planting, bird and bat boxes, wild patches, pond maintenance, less frequent mowing and tree planting.</p> <p>Having regard to the subject matter of the submitted Plan, the approach taken through Policy 1 and the supporting green ecological corridor evidence is</p>

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Docking Neighbourhood Plan</b>
	consistent with the Norfolk LNRS and final Local Habitat Map. The Plan supports the strengthening of habitat networks, the restoration and enhancement of biodiversity, and the identification of locations where nature recovery can also deliver wider environmental benefits. The Plan therefore takes account of the Norfolk Local Nature Recovery Strategy in a proportionate way.
<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 Docking Neighbourhood Plan.
<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 Docking Neighbourhood Plan <b>does not prevent housing development</b> proposed in the development plan from coming forward.</p> <p>The revised basic condition requires consideration of whether the making of the neighbourhood plan would result in the development plan for the area proposing that less housing is provided by means of development taking place in that area than if the neighbourhood plan were not made. The Docking Neighbourhood Plan does not allocate less housing than the Local Plan, delete or amend any strategic housing allocation, or introduce a policy which would prevent housing proposed through the development plan from coming forward. Its housing policies provide local detail on housing mix, affordable housing and principal residence, to be applied alongside the strategic policies of the Borough Council’s Local Plan. <b>The Plan would therefore not result in less housing being provided than would be the case if the Neighbourhood Plan were not made</b></p>
<i>(1) (b) after paragraph (f) (but before the “and” at the end of that paragraph) insert—</i>	As at May 2026, although the Levelling-up and Regeneration Act 2023 has inserted a basic condition referring to <b>Environmental Outcomes Report</b>

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Docking 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><b>requirements</b>, there are no Environmental Outcomes Report requirements in practical operation that apply to the submitted Docking Neighbourhood Plan. The Plan has therefore been considered through the existing Strategic Environmental Assessment and Habitats Regulations Assessment screening framework.</p> <p>The 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,”</i> and</p> <p><i>(iii) sub-paragraphs (3) to (5) were omitted.”</i></p>	<p>The Docking Neighbourhood Plan 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 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>The Docking Neighbourhood Plan 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 applies equally here.</p>

<b>2023 LURA (relevant section)</b>	<b>Analysis: implications for Docking Neighbourhood Plan</b>
<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 development taking place in that area than if the draft plan were not to be made,”;</i></p>	
<p><i>(3)(b) after paragraph (d) (but before the “and” at the end of that paragraph) insert— “(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 at May 2026, although the Levelling-up and Regeneration Act 2023 has inserted a basic condition referring to <b>Environmental Outcomes Report requirements</b>, there are no Environmental Outcomes Report requirements in practical operation that apply to the submitted Docking Neighbourhood Plan. The Plan has therefore been subject to Strategic Environmental Assessment and Habitats Regulations Assessment screening, in accordance with the existing SEA and HRA framework</p> <p>The SEA and HRA Regulations remain in force until regulations regarding EORs are implemented.</p>

The analysis above reveals that the Docking Neighbourhood Plan 2023–2039, 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 submitted Basic Conditions Statement dated July 2025 for the purposes of the examination.