

Basildon Borough Council

BASILDON BOROUGH LOCAL PLAN (2014-2034)

**Compliance with the National Planning Policy
Framework (NPPF) 2021**

Implications of the National Planning Policy Framework (July 2021) for the Basildon Local Plan 2014-34

The Government published a new version of the National Planning Policy Framework in July 2021. The new version supersedes the earlier February 2019 version. The NPPF is a material consideration for the determination of planning applications, and its text does not need to be repeated in great detail within the Local Plan. Any references to the NPPF in the Local Plan (and evidence base documents under preparation) will need to ensure they clearly refer to either the NPPF 2021, to the correct paragraph numbers, or to individual chapters within it.

The new 2021 NPPF is, essentially, an amended version of the 2019 NPPF rather than a whole new version. The main topic areas of change are a strengthened approach to the themes of design and environmental protection. Other minor wording changes have been made throughout the new version, but these do not have soundness implications. Similarly, a handful of additional paragraphs were added to the 2021 version discussing different aspects of design and tree provision, but these do not necessarily lead to a need for changes to policies and it is not considered that they result in soundness issues.

For example, the introduction of references to ‘beautiful places’ and ‘place making’ follow the recommendations of the “Building Better, Building Beautiful Commission”. However, such concepts are already largely inherent within the policies of the submitted Local Plan policies on design. It is important to note that, outside of the Design and Natural Environment chapters, the majority of paragraphs remain unchanged from text which appeared in the 2019 version.

The table below sets out the revised text, and shows where these amendments occur within the Framework together with any likely implications for soundness of the Local Plan. For completeness, other than minor changes (or references to documents) all of the changes are set out, including footnotes where the text has changed.

Text shown in Blue underline shows additional text added to the NPPF 2021.

Text in **Green** indicates text which has been moved from one paragraph in the 2019 version to another in the 2021 version.

Text in ~~Red Strikethrough~~ indicates text which was deleted.

Table showing changes and their implications

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 7	<p>The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.</p>	N/A	N/A
Para 8 (b)	<p>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 a-well-designed, beautiful and safe built environmentplaces, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</p>	<p>The Local Plan already contains policies on design, and promotes the creation of high quality, well designed, safe developments.</p> <p>There are no references to ‘beautiful’ in the way it is used by the NPPF 2021. A minor amendment may be needed to fully reflect the NPPF text, however this is not a soundness issue.</p>	<p>Within Chapter 12 of the Local Plan, ensure that policies and supporting text refer to “beautiful and safe places”, rather than just to safe places.</p>

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 8 (c)	<p>c) an environmental objective – to contribute to protectingprotect and enhancingenhance our natural, built and historic environment; including making effective use of land, helping to improveimproving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	<p>None. The Local Plan is considered to be fully compliant with the amended para 8c). Strategic Objective SO1 is titled ‘protecting and enhancing the quality of the local environment’. This includes commitments to “protect, enhance, conserve, increase and positively manage the borough’s biodiversity resources”. It also looks to “enhance the quality of the natural historic and built environment”.</p> <p>Strategic Objective SO3 promotes the efficient use of resources by, among others, improve energy and water efficiency, minimize pollution and design environments so they are more resilient to a changing climate.</p> <p>Within the Natural Environment chapter, policies NE4 to NE9 set out the criteria against which development that affect sites will be considered. NE5 is concerned with protecting and enhancing the landscape and landscape features, NE6 deals with pollution control and residential amenity. Policy CC1 addresses responding to climate change, while CC5 and 6 address sustainable buildings.</p>	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 11 (a)	<p>For plan-making this means that:</p> <p>a) all plans should positively seek opportunities <u>promote a sustainable pattern of development that seeks</u> to: meet the development needs of their area,; <u>align growth</u> and be sufficiently flexible to <u>infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas)</u> and adapt to rapid change <u>its effects</u>;</p>	<p>N/A. Despite the wording changes, the Local Plan still achieves the objectives in the revised para 11 (a). This is not a soundness issue.</p>	N/A
Para 20	<p>Strategic policies should set out an overall strategy for the pattern, scale and <u>design</u> quality of development <u>places</u>, and make sufficient provision for:</p>	<p>Despite the amended wording, the Local Plan's Strategic Policies are considered to be fully compliant with revised NPPF Paragraph 20. SD1 sets out the scale for housing and employment development, and SD2 provides a settlement hierarchy and distribution of growth.</p> <p>It is not entirely clear as to what is meant by '<i>set out an overall strategy for the design quality of places</i>' in this context, but Local Plan policies DES 1 and DES4 promote "high quality design".</p>	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 22	Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.	The Local Plan does not propose any new settlements. In the Council's view, the strategic site allocations are deliverable within the Plan period.	N/A
Para 35 (d)	Plans are 'sound' if they are: d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.	The Council holds the view that, overall, the Local Plan is consistent with the NPPF, and the Planning Policy Guidance for Traveller Sites. It is therefore a 'sound' strategy, as evidenced by the Soundness and Legal Self-Assessment checklists. Further details have been published in relation to First Homes. This includes guidance on plan and decision-making. Transitional arrangements included within the First Homes guidance means that it is not applicable to the Basildon Local Plan, as the Plan was submitted for Examination in 2019. Some wording amendments would be required to housing policies (including H26) and associated supporting text to accommodate First Homes as an affordable housing typology.	Transitional arrangements are in place. This matter can be addressed through a review of the Plan.

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Footnote 24	<p>During the transitional period for emerging plans submitted for examination (set out in paragraph 214220), consistency should be tested against the previousoriginal Framework published in March 2012.</p>	<p>Paragraph 220 states that policies in the original NPPF published in March 2012 would apply for the purpose of examining plans where those Local Plans were submitted on or before 24th January 2019. Basildon’s Local Plan was submitted in March 2019. Consequently, the 2012 to 2019 transitional arrangements do not apply.</p> <p>However, there are no such arrangements within the NPPF 2021 for Plans which are currently at Examination. Unless further guidance is published to clarify this point, the Basildon Local Plan will need to be considered against the current version of the Local Plan published in July 2021.</p> <p>This table will assist in that process.</p>	<p>References to the NPPF throughout the Local Plan need to be updated to reflect the new NPPF 2021. There are no transitional arrangements between the 2019 and 2021 versions of the NPPF.</p>

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 53	<p>The use of Article 4 directions to remove national permitted development rights should:</p> <ul style="list-style-type: none"> • where they relate to change from non-residential use to residential use, be limited to situations where this an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine vitality and viability, but would be very unlikely to extend to the whole of a town centre) • in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities) • in all cases, be based on robust evidence, and apply to the smallest geographical area possible 	<p>None. The Local Plan does not deal with Article 4 Directions, while the scope for using them over larger areas is lessened through the toughening of rules in Para 53 of the NPPF 2021.</p>	<p>N/A. If the Council makes any new A4 directions throughout the lifetime of the Local Plan, para 53 would be applicable.</p>
Para 65	<p>64. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of</p>	<p>H26 provides for 30% intermediate affordable housing within the 70/30 split. Therefore, 9.7% of total housing delivery is for affordable home ownership. It is not apparent how this new requirement acknowledges that the viability of development can vary on a scheme-by-scheme basis or what is 'affordable' for those on housing registers.</p>	<p>Modification to H26 to increase the proportion of affordable home ownership products to 10% of total housing (33% affordable home ownership/ 67% affordable housing)</p>

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
	<p>affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:</p> <ul style="list-style-type: none"> a) provides solely for Build to Rent homes; b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students); c) is proposed to be developed by people who wish to build or commission their own homes; or d) is exclusively for affordable housing, an entry-level exception site or a rural exception site. 		
Para 70	<p>Neighbourhood planning groups should also considergive particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 6869a) suitable for housing in their area.</p>	<p>This is a matter for neighbourhood plans, and therefore does not affect the Local Plan.</p>	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 73	<p>The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such</p> <p>a) development where this can help to meet identified needs in a sustainable way. In doing so, they should: consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains;</p> <p>b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;</p> <p>c) set clear expectations for the quality of the developmentplaces to be created and how this can be maintained (such as by following Garden City principles),; and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community will be provided;</p>	<p>The Council considers that the Local Plan is aligned with these changes. References to the use of design guides/codes are already covered by the Essex Design Guide. Various policies highlight the importance of the availability of infrastructure and accessibility of sustainable transport options for new development, including policies SD2, R1, T3 and T4 which seek improvements to infrastructure including open space and community facilities, public transport, to footpaths, cycling and bridleway infrastructure respectively.</p>	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 79 (d & e)	<p>d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations)³⁵³⁷; and</p> <p>e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.</p> <p>d) the development would involve the subdivision of an existing residential dwelling<u>building</u>; or</p> <p>e) the design is of exceptional quality, in that it:</p> <ul style="list-style-type: none"> - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. 	<p>This minor change does not have soundness implications for the Local Plan.</p> <p>'Dwelling' refers to traditional homes, while the insertion of 'building' is likely to reflect Government policies promoting easier changes of use to residential - including where buildings were originally designed for an alternative purpose. This is therefore a point of technicality.</p>	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 92 (b)	are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed , clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and	The Design policies are considered to cover the matters raised in the amendments to the NPPF, in particular the strategic policy DES1 ‘Achieving Good Design’.	N/A
Para 96	To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.	The Council prepared and submitted an Infrastructure Delivery Plan (2018) to support the Local Plan. However, while the IDP notes hospitals, colleges and schools, it does not mention prisons, which were a new addition to the ‘public service infrastructure’ category in 2021. This is unlikely to be a soundness matter.	N/A
Para 98	Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change . Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.	Policy NE1 ‘Green Infrastructure’ part c) refers to delivering green infrastructure and new wildlife habitat creation. Policy NE5 sets out the criteria to protect, conserve and enhance landscaping schemes. This does not refer to addressing tackling climate change. A modification to this policy would be necessary to reflect the new NPPF. ‘Responding to Climate Change’ is addressed through Policy CC1. Policy HC2 sets out the approach to securing	Suggested amendment to NE5 to include a new subparagraph g) ‘to contribute towards addressing climate change’ Possible amendment to Policy HC2 part 1 to include a new subparagraph f) ‘Seek improvements which help to mitigate climate change.’

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
		<p>improvements to open space and preventing recreational disturbance. It does not identify other climate change mitigation opportunities, which appears to be the intent of the modification.</p> <p>A modification to this policy may therefore be necessary to reflect the new NPPF text, although it does not necessarily have soundness implications given the context of CC1.</p>	
Para 106 (d)	d) provide for high-quality <u>attractive and well-designed</u> walking and cycling networks and <u>with</u> supporting facilities such as <u>secure</u> cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);	The Council has an LCWIP in place. Policy T3 seeks the provision of footpaths, cycle paths and bridleways but this does not mention “attractive and well-designed” as per the wording of Para 106. Policy T8 expects development to make provision for ‘safe and secure’ cycle parking, while T3 seeks its provision but again does not mention ‘attractive and well-designed’. It is not considered that this has soundness implications.	Refer to “attractive and well designed pedestrian and cycle access “ in part d of T3.
Para 110 (c)	“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: <u>c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46;</u>	This text requires compliance with new national design standards. This does not require any amendments to the Local Plan.	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 125	<p>Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:</p>	<p>The Local Plan seeks masterplans and design briefs to be prepared for some strategic sites. This is consistent with the new text at Para 125.</p>	N/A
Para 126	<p>The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.</p>	<p>Local Plan Policy DES1 sets out the general design principles that will apply to development proposals in the borough.</p> <p>Part 2 of the policy refers to ‘high quality design’. It seeks for development to contribute positively towards visual and architectural character, sustainability but does not reference ‘beautiful’ or ‘sustainable’.</p> <p>A modification to Part 1 of this policy would therefore be needed to replicate the text of the NPPF, although the absence of ‘beautiful and sustainable’ in policy DES 1 is not necessarily a soundness issue.</p>	<p>Refer to Place Services’ Design review for suggested modifications, but the change to Para 126 is not considered to present soundness issues.</p>

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 127	<p>Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Neighbourhood plans planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.</p>	<p>This is a matter for neighbourhood plans and is not for the Local Plan to address.</p>	N/A
Para 128	<p>To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes. These provide a local framework for creating beautiful and distinctive places, with a consistent and high quality standard of design.</p>	<p>This relates to the preparation of design guidance and is not directly for the Local Plan to address, therefore there are no soundness implications.</p> <p>The Local Plan also proposes the preparation of masterplans or development briefs on certain key sites. Master Plans and Development Briefs for key sites will establish design principles relevant to the specific sites, among other matters.</p>	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
	<p>However their <u>Their geographic coverage</u>, level of detail and degree of prescription should be tailored to the circumstances <u>and scale of change</u> in each place, and should allow a suitable degree of variety where this would be justified.</p>	<p>In terms of beauty in design, the Council (as with other Essex authorities) use the Essex Design Guide when assessing planning applications. Essex County Council and Essex Planning Officers' Association have jointly produced a series of guides setting out how the EDG is consistent with the NPPF and with the national design code.</p> <p>The EDG and the National Model Design Code Essex Design Guide NPPF and Achieving Quality Essex Design Guide</p>	
Para 129	<p><u>Design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes</u></p>	As above.	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 131	<p><u>Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.</u></p>	<p>Policies on landscaping do not specifically set out a requirement for street trees. This is a new national policy requirement within the 2021 NPPF, and modifications to text and policy would be required to bring the Local Plan in line with the NPPF, although it is not necessarily a soundness matter.</p>	<p>Within NE5, changes would be needed to make it clear that trees should form a key element of the landscaping of development. Existing trees must be retained where possible and new streets should be tree lined.</p>
Footnote 50	<p><u>Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate</u></p>	<p>As text for Para 131 above.</p>	<p>N/A</p>

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 133	<p>Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life⁴⁷⁵¹. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments.</p> <p>(Footnote 51 refers to “Building for a Healthy Life” which is the latest edition of - and new name for Building for Life 12).</p>	This change has no implications for the Local Plan.	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 134	<p>PermissionDevelopment that is not well designed should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, <u>especially where it fails to reflect local design policies and government guidance on design,</u> taking into account any local design standards or style guides in plans or <u>guidance and supplementary planning documents such as design guides and codes.</u> Conversely, where the design of a development accords with clear expectations in plan policies, <u>design should not be used by the decision-maker as a valid reason to object to development.</u> <u>significant weight should be given to:</u></p> <ul style="list-style-type: none"> a) <u>development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes;</u> and/or b) <u>outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.</u> 	These changes do not affect the soundness of the current design policies.	N/A
Old para 131	<p>In determining applications, <u>great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.</u></p>	This text is now within para 134	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Footnote 52	<p>Contained in the National Design Guide and National Model Design Code.</p>	<p>The Council must have regard to the National Design Guide and National Model Design Code going forwards. Neither is referenced in the Local Plan as they were only published in 2021.</p>	<p>Minor modifications to supporting text needed which namecheck to 'the new National Design Guide and National Model Design Code'. This is not considered to be a soundness issue.</p>
Para 150 (f)	<p>development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.</p>	<p>This minor change is not considered to affect the soundness of the Local Plan.</p>	<p>N/A</p>
Para 160	<p>Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.</p> <p>All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.</p> <p>They should do this, and manage any residual risk, by:</p>	<p>The Local Plan accounts for of all sources of flood risk. An SFRA has been prepared.</p> <p>Part C of para 160 is addressed in Local Plan policy CC2.</p>	<p>N/A</p>

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
	<p>a) applying the sequential test and then, if necessary, the exception test as set out below;</p> <p>b) safeguarding land from development that is required, or likely to be required, for current or future flood management;</p> <p>c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (where appropriate through the making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and</p> <p>d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.</p>		

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 162	<p>The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.</p>	<p>The Local Plan Policies on flood risk remain consistent with this approach. The addition of the words ‘from any source’ does not change the thrust of the policy. Policy CC2a) seeks to guide development to areas with the lowest risk of flooding.</p>	N/A
Para 163	<p>If it is not possible for development to be located in zonesareas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidanceAnnex 3.</p>	<p>The Flood Risk Vulnerability Tables previously set out in planning practice guidance have been moved to Annex 3 of the NPPF, but are otherwise unchanged. There are no implications for the Local Plan arising from this amendment to the NPPF.</p>	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 167(b)	the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment ;	<p>Policies do not contain specific references to development being designed to be “flood resistant and resilient”. Policy CC2 promotes the use of sequential and exceptions testing, promotes use of SuDS, and guides development to areas with the lowest risk of flooding and safeguards areas of flood risk 3b.</p> <p>This should be sufficient to comply with the 2021 NPPF, as the important of development being ‘flood resilient and resistant’ is tacitly supported within these points. Ensuring that new development is ‘appropriately flood resistant and resilient’ seems to be the intent of paragraph 167.</p>	Insert a reference in supporting text clarifying that flood ‘resilient’ also refers to the ability of a development to be brought quickly back into use.
Para 176	Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads ⁵⁴⁵⁹ . The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to	N/A. Basildon Borough does not contain these designations.	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
	avoid or minimise adverse impacts on the designated areas.		
Para 177	When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty , permission should be refused for major development ⁵⁵⁶⁰ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:	N/A. Basildon Borough does not contain these designations.	N/A
Para 180 (c)	development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate improve biodiversity improvements in and around developments should be encouraged integrated as part of their design , especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate .	The Natural Environment policies already seek to secure biodiversity net gain, and seek recreation benefits for local people. These amendments are already covered by text within the policies.	N/A
Para 198	In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.	The Local Plan does not specifically address a provide a framework for the removal of historic monuments.	N/A

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
Para 210 (c)	safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas ⁷⁰ ; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);	This does not affect the Local Plan.	N/A
Para 211 (f)	consider how to meet any demand for small-scale the extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and	This does not affect the Local Plan.	N/A
Para 218	The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.	N/A	N/A
Para 220	The policies in the previous original National Planning Policy Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted 69 on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.	The Basildon Local Plan was submitted in March 2019, and therefore the 2012-2019 NPPF transitional arrangements did not apply to it. However, there are no transitional arrangements included within the NPPF July 2021 for plans submitted against earlier versions of the NPPF. Therefore, the Local Plan must be assessed against	References to the NPPF throughout the Local Plan need to be updated to reflect the NPPF July 2021. There are no transitional arrangements compared to the NPPF February 2019 against which the plan was prepared.

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
		the latest version of the NPPF (July 2021). This table will assist in assessing the Local Plan's compliance.	
Para 221	<p>For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point this version is published (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).</p>	Basildon's Local Plan is at Examination. Therefore this paragraph is not applicable.	N/A
Para 222	<p>The Housing Delivery Test will apply from the day following the publication of the results, at which point they supersede previously published results. Until new Housing Delivery Test results in November 2018 are published, the previously published result should be used. For the purpose of footnote 78 in this Framework, delivery of housing which was substantially below the housing requirement means where the Housing Delivery Test results published in: November 2018 indicate that delivery was below 25% of housing required over the previous three years; b) November 2019 indicate for years 2016/17 to 2018/19 (Housing Delivery Test: 2019 Measurement, published 13 February 2020), indicated that delivery was below 45% of housing required over the previous three years; a) for years 2017/18 to 2019/20 (Housing</p>	These amendments clarify changes in the approach to reporting Housing Delivery Test results. This does not affect any Local Plan policies.	

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
	<p>Delivery Test: 2020 Measurement, published 19 January 2021), and in subsequent years indicate that delivery was below 75% of housing required over the previous three years.</p> <p>a) up to and including 11 December 2018, paragraph 14a also includes neighbourhood plans that became part of the development plan more than two years before the date on which the decision is made; and b) from November 2018 to November 2019, housing delivery should be at least 25% of that required over the previous three years, as measured by the Housing Delivery Test.</p>		
Annex 2 - Glossary	<p>Article 4 direction: A direction made under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 which withdraws permitted development rights granted by that Order.</p>	This sits outside the Local Plan process.	
	<p>Design guide: A document providing guidance on how development can be carried out in accordance with good design practice, often produced by a local authority.</p>	The definition is a new entry in the 2021 NPPF. In Essex, the Essex Design Guide is produced by Essex County Council	

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
	<p>Green infrastructure: A network of multi-functional green space<u>and blue spaces and other natural features</u>, urban and rural, which is capable of delivering a wide range of environmental, <u>economic, health</u> and quality of life<u>wellbeing</u> benefits for <u>nature, climate</u>, local <u>and wider</u> communities <u>and prosperity</u>.</p>		
	<p>Housing Delivery Test: Measures net additional dwellings provided<u>homes delivered</u> in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.</p>	<p>The HDT is not part of the Local Plan process.</p>	

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
	<p>Minerals resources of local and national importance: Minerals which are necessary to meet society’s needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), coal derived fly ash in single use deposits, cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including conventional and unconventional hydrocarbons), tungsten, kaolin, ball clay, potash, polyhalite and local minerals of importance to heritage assets and local distinctiveness.</p>	<p>This is for Essex County Council to address through the Minerals Local Plan.</p>	
	<p>Mineral Consultation Area: a geographical area based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.</p>	<p>This is for Essex County Council to address through the Minerals Local Plan.</p>	
	<p>Recycled aggregates: aggregates resulting from the processing of inorganic materials previously used in construction, e.g. construction and demolition waste.</p>	<p>This is for Essex County Council to address through the Minerals Local Plan.</p>	
	<p>Secondary aggregates: aggregates from industrial wastes such as glass (cullet), incinerator bottom ash, coal derived fly ash, railway ballast, fine ceramic waste (pitcher), and scrap tyres; and industrial and minerals by-products, notably waste from china clay, coal and slate extraction and spent foundry sand. These can also include hydraulically bound materials.</p>	<p>This is for Essex County Council to address through the Minerals Local Plan.</p>	

NPPF Paragraph No.	Revisions to text in the NPPF 2021	Implications for soundness (where applicable)	Suggested amendments for consistency with the NPPF 2021 (if applicable)
	<p>Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and ultra-lowzero emission vehicles, car sharing and public transport.</p>	<p>There are no implications for the Local Plan arising from this amended definition.</p>	
Annex 3 – Flood Risk Vulnerability Classification	<p>The Flood Risk Vulnerability Tables were previously set out in the Planning Practice Guidance. These have moved to Annex 3 of the new NPPF, but are otherwise unchanged.</p>	<p>There are no implications for the Local Plan arising from this change.</p>	N/A