

Basildon Borough Council

**Compliance Review of the Saved Basildon District
Local Plan Policies against the 2023 NPPF**

February 2024



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1. Introduction

Purpose of this Review

- 1.1. In December 2023, the Government published a revised National Planning Policy Framework (NPPF) following a consultation on proposed reforms which it felt were necessary due to the then Levelling Up and Regeneration Bill. Royal Assent was received in October 2023 to the latter, which then became an Act of Parliament.
- 1.2. The NPPF promotes the delivery of sustainable development and sets out a policy framework for local planning authorities and decision-takers to follow, both in drawing up plans and when making and taking decisions about planning applications. The December 2023 iteration replaces the 2021 version. Earlier revisions of the NPPF were published in 2012, 2018 and 2019.
- 1.3. The current adopted policies covering Basildon Borough are policies from the 1998 Basildon District Local Plan, which were ‘Saved’ in 2007 under the provisions of the 2004 Planning and Compulsory Purchase Act.
- 1.4. The NPPF is a material consideration for the determination of development proposals and its policies must be taken into account. Policies are classed as “out-of-date” for the purposes of paragraph 11d of the NPPF if they have been overtaken by events since a Local Plan was adopted, or through changes to national policy (among other reasons). The weighting which can therefore be applied to an out-of-date local policy is dependent on its consistency with the national position, not just the age of the policy per se.
- 1.5. The NPPF expects that strategic policies will need updating at least once every 5 years if their applicable local housing need figure has changed significantly. They are likely to require earlier review if local housing need is expected to change significantly in the near future. Paragraph 31 states that the review of all policies should be underpinned by relevant and up-to-date evidence, which should be adequate and proportionate.
- 1.6. Individuals wishing to make a planning application to the Council are advised to read this review, as it will assist in understanding the level of weight which is applied to the Saved Local Plan Policies relevant to their proposal. It will also be used by Planning Officers and the Planning Committee when determining applications submitted to the Council, until such time that the policies are replaced by the adoption of a new Local Plan.

Implementation of the National Planning Policy Framework

- 1.7. The implementation arrangements for plan making and decision taking activities are set out within Section 3 and Annex 1 of the NPPF. Paragraph 225 clarifies that existing policies should not be considered out-of-date solely because they were adopted prior to the

publication of the NPPF. This position has been reaffirmed by various court cases. Due weight is therefore be given to the policies according to their degree of consistency with the NPPF. The closer a policy is to the NPPF position, the greater the weight that can be afforded to it.

- 1.8. Paragraph 33 of the NPPF expects Local Plans to be reviewed every 5 years. Whilst it is not stipulated in the NPPF, the most appropriate way for local authorities to demonstrate the degree of consistency of their local plan policies with the NPPF is to undertake a compliance review.
- 1.9. This review therefore updates the position to establish consistency or otherwise between the Saved Policies and the December 2023 edition of the NPPF.

2. Local Plan Policies

- 2.1. The Planning and Compulsory Purchase Act 2004 set up a new system for preparing local development plans, to be called 'Local Development Frameworks' (LDFs). At the time of the Act, it was envisaged that LDFs would be prepared and would replace Local Plans within by September 2007. Therefore, the Act made provision to save 'Local Plans' for 3 years until 27 September 2007, or until they were superseded by the relevant LDF, whichever was the earlier. Under direction from the Secretary of State, certain policies in the adopted 1998 Basildon District Local Plan were consequently 'saved' in September 2007.
- 2.2. At the time the policies were saved, they were still considered relevant to managing and controlling development within the Borough. The policies were fully compatible with the applicable suite of national and regional policy documents in force at that time.
- 2.3. In March 2012, the Government published the original NPPF. The NPPF replaced a collection of Planning Policy Guidance notes, Planning Policy Statements and other instruments with a more streamlined framework which presented national planning policy in a simplified manner. The 2012 NPPF also included a one-year transition period during which existing Local Plan policies could be given full weight. After the transition expired, if and where the Local Plan policies did not comply with the framework, policies within the 2012 NPPF were to be given greater weight.
- 2.4. In order to assess policy compliance with the 2012 NPPF, the Council undertook a review of the Saved Local Plan Policies in 2013. The review concluded that all 54 saved policies had a degree of compliance with the 2012 NPPF and 37 of them were fully compliant.
- 2.5. Since the policies were saved in 2007, the Council has sought to prepare a new Local Plan on different occasions. The Council first intended to prepare a suite of documents in accordance with the 2004 Planning and Compulsory Purchase Act to create a Local Development Framework, which commenced with the preparation of a Core Strategy.
- 2.6. However, following legislative changes, together with the publication of the 2012 NPPF and the revocation of the Regional Spatial Strategy for the East of England in 2013, the Council then began working on a single Local Plan which was eventually submitted to the Secretary of State in March 2019 to begin Examination in Public. After various delays to the process as well as administrative changes, the Council voted to withdraw the Local Plan 2014-34 from Examination in March 2022.
- 2.7. In Summer 2022, a number of significant schemes went to appeal. The Council was required to update its 2018 Compliance Review, appraising the Saved Policies against the 2021 NPPF. Although the draft Compliance Review was referred to by both Council and

appellants during hearings, the review was never formally 'signed off' by Members and remained in draft status due to the announcement of various consultations on planning reforms during the latter part of the year.

- 2.8. For this reason, it is now necessary for the Council to reassess the Saved Local Plan Policies to establish their degree of consistency with new national policy and whether they can or should continue to be applied with the same weight when determining planning applications. This means that establishing the degree of consistency between the saved policies and the NPPF is required as soon as possible to provide certainty for decision takers who are using the Saved Policies to help in determining applications, but also for applicants who are preparing to submit schemes to help respond to Basildon Borough's identified needs.
- 2.9. In undertaking this compliance review of the Saved Local Plan Policies, the Council has adopted a similar approach to those used in reviewing the policies against earlier iterations of the NPPF. This approach was considered appropriate and the assessment outcomes were considered to be easily interpreted into the degree of weight that could be justified.
- 2.10. Work is underway on a new Local Plan which has completed a first stage Regulation 18 consultation. However, until this Plan is adopted, the Saved Local Plan Policies remain the current adopted planning policies for the Borough.

Key changes to national policy

- 2.11. Some key changes to national policy in recent years have resulted in amendments to the weighting which may be applied to particular Saved Policies. This is particularly of relevance for policies covering housing and retail uses.
- 2.12. The Use Class Order 2020 introduced Class E, which fused the former A class with B1 office and D class uses. In doing so, it merges main town centre uses with uses which were not traditionally seen as suitable or appropriate in town centres. National policy thereby now provides for much greater flexibility than BAS SH4. The concept of Primary and Secondary frontages, and the different mixtures of uses sought within them has also been rendered redundant by Class E. Furthermore, changes of use which are entirely within Class E do not constitute 'development'. This change to the rules means that, for example, a nursery may be converted into a gym, or a clinic be converted into a restaurant without the need for a full planning application. Buildings within Class E uses may also be converted to homes (C3) warehousing and storage (B8), a state-funded school (F1) and mixed-use with upto 2 flats under permitted development rules.
- 2.13. Although the theme of boosting housing supply continues to be a common theme in national planning guidance, it is clear that the way in which housing need has been identified and calculated for the purposes of plan preparation has changed significantly since the production of the 1998 Basildon District Local Plan.

- 2.14. For example, although the Local Authority's boundaries have not been amended in that time, the housing targets for Basildon have doubled from the 10,700 (or 535 per annum) required from 2001-21 under the East of England Plan¹. The latest Standard Method calculation (2023) undertaken as part of Basildon's latest 5 year Housing Land Supply report now requires the Council to deliver a yearly requirement of 1,043 per annum, which must also be augmented by a NPPF-compliant 20% buffer. This now raises the Council's housing delivery requirement to 1,252 per annum for the first five years, a multiple of 2.34 times the level required a decade ago. In tandem, the borough is unable to meet these housing targets using brownfield sites alone. The requirement for local authorities to demonstrate an up-to-date 5 year housing land supply therefore places considerable pressure to use land in the Green Belt to meet these needs; a total of 63% of land in the borough is within Green Belt. There is also pressure on employment land and premises, particularly whenever such facilities become vacant in the urban area and are close to existing residential properties, they may be subject to applications for changes of use.
- 2.15. The now-defunct regional plan targets also accounted for the Green Belt constraints present in the borough. However, those targets were not necessarily needs-led to the same extent as contemporary policies evidenced by a SHMA (Strategic Housing Market Assessment). Regional targets were also not tested against deliverability, viability and achievability, all of which are key requirements within the NPPF. The policies for housing provision and contributions towards affordable housing within the 1998 Plan have had some success.
- 2.16. However, this must also be considered against the modest level of the regional planning targets, and that the public sector was also involved in the construction affordable homes at the time of the District Local Plan's adoption to a much greater extent than happens now.

Policy Review

- 2.17. This review assesses the Saved Local Plan Policies which were appraised by the previous NPPF Compliance review. Three categories are applied:
- ***Compliant – weighting can be applied***
 - ***Partially Compliant – less weighting can be applied***
 - ***National policy has now superceded this policy. Very little weighting should be given to the local policy.***
- 2.18. Where policies are judged as being "Compliant" with policies in the 2023 NPPF, it means that these local policies have been judged to not conflict with the requirements of the NPPF and should be afforded full weight when determining relevant planning

¹ See: [East of England Plan](#)

applications.

2.19. “Partially compliant” means there are aspects of the policy which remain compatible with national policy but some parts of the policy may no longer be fully consistent with the NPPF.

2.20. For the third category, the Council recognises that national policy has now overtaken its local policy and should be afforded primacy of weighting. For example, this is demonstrated with the policies promoting primary and secondary retail frontages in town centres. These have significant friction with Class E and the greater flexibility of uses which this Use Class now promotes.

2.21. Greater weighting should be attributed to the 2023 NPPF content in decision making and taking where any of the following apply:

- Situations where the Saved Local Plan Policies are silent on a particular matter
- The particular criteria of a ‘Partially Compliant’ policy are inconsistent with the latest NPPF, for the purpose of making decisions on applications
- where national policy is considered to have superseded the local equivalent

Table 1: Assessment of the Saved Local Plan Policies

Green Belt Section				
Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS GB1	The Definition of the Green Belt	The supporting text to BAS GB1 establishes the reasoning behind the green belt designation in the plan which takes into consideration the purposes that Green Belt serves. The policy refers to the Proposals Map for the exact boundaries.	<p>There is no real change of policy direction between the 2021 and 2023 versions of the NPPF. Paragraphs 142 to 156 of the NPPF now provide direction on defining green belts and of their permanence. There are five key purposes of Green Belt land, and once established, exceptional circumstances to change a Green Belt boundary must be fully evidenced and justified. Sustainable patterns of development must be considered and where Green Belt land is to be removed, thought should be given to compensatory improvements to the environmental quality and accessibility of remaining land.</p> <p>Paragraphs 154-55 set out ‘exceptions’ where the construction of new buildings is not considered inappropriate.</p>	<i>Compliant – weight can be given to this policy</i>
BAS GB3	Replacement dwellings in the Green Belt	Policy BAS GB3 provides locally relevant criteria associated with this exception. Past appeal decisions have allowed larger replacement dwellings than the limits identified in this policy and the wording in the current	There is no real change of policy direction between the 2021 and 2023 versions of the NPPF. Paragraphs 154 and 155 now set out where ‘exceptions’ to inappropriate development apply within the Green Belt, including where the replacement of a building may be acceptable.	<i>Generally Compliant – less weight can be given to this policy, greater weighting given to NPPF.</i>

		<p>NPPF remains similar to the wording of the original 2012 NPPF. The NPPF would be afforded greater emphasis in decision making as it is newer policy.</p>	<p>154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:</p> <ul style="list-style-type: none"> (a) buildings for agriculture and forestry; (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; (e) limited infilling in villages; (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which 	
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			<p>would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.</p> <p>155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:</p> <ul style="list-style-type: none"> (a) mineral extraction; (b) engineering operations; (c) local transport infrastructure which can demonstrate a requirement for a Green Belt location; (d) the re-use of buildings provided that the buildings are of permanent and substantial construction; (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and (f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order. 	
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<p>BAS GB4</p>	<p>Extension to dwellings in the Green Belt</p>	<p>Policy BAS GB4 provides locally relevant criteria associated with this exception.</p> <p>Past appeal decisions have allowed larger extensions than the limits identified in this policy, while the wording in the current NPPF remains similar to the wording of the original 2012 NPPF, and would be afforded greater emphasis in decision making given it is newer.</p>	<p>Paragraphs 154 and 155 of the NPPF set out the exceptions to inappropriate development within the Green Belt, and the extension or alteration of a building is identified as an exception under paragraph 154 c).</p> <p>154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:</p> <ul style="list-style-type: none"> (a) buildings for agriculture and forestry; (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; (e) limited infilling in villages; (f) limited affordable housing for local community needs under policies set out in the development plan (including policies for 	<p><i>Generally Compliant – less weight can be given to this policy, greater weighting given to NPPF.</i></p>
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			<p>rural exception sites); and</p> <p>(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.</p> <p>155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:</p> <p>(a) mineral extraction;</p> <p>(b) engineering operations;</p> <p>(c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;</p> <p>(d) the re-use of buildings provided that the buildings are of permanent and substantial construction;</p> <p>(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial</p>	
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			grounds); and (f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.	
BAS GB5	Definition of a Dwelling	BAS GB5 provides clarity on what is defined as a dwelling for the purposes of applying other Green Belt policies. It assists in the interpretation of what is considered to be a 'building' in a local context for the purposes of determining applications and for the replacement or re-use of a building.	Exemptions to Green Belt policies are set out in paragraphs 154 and 155 of the NPPF. This includes circumstances where buildings may be acceptable, including dwellings. Paragraph 152 is clear that "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances". If planning applications would result in harm to the Green Belt, Paragraph 153 requires that substantial weight is given to that in making decisions.	<i>Compliant – weight can be given to this policy</i>
BAS GB6	Agricultural Workers Dwellings	Policy BAS GB6 supports such exceptions and specifically focuses on dwellings for rural workers.	The NPPF supports the provision of homes for rural workers where there is an essential need and paragraph 154 identifies new buildings for agriculture and forestry as exceptions to inappropriate development in the Green Belt. 'Limited affordable housing' for local community needs, including policies for rural exception sites is a further reason, and there may be areas of overlap between Paragraph 154 and BAS GB6 in this respect.	<i>Compliant – weight can be given to this policy</i>
BAS GB7	Re-use of Buildings in the Green Belt	Policy BAS GB7 provides criteria which supports the re-use of appropriate development.	Paragraph 155 of the NPPF identifies the re-use of buildings as being a form of development which is not inappropriate within the Green Belt providing they are permanent and substantial in construction	<i>Compliant – weight can be given to this policy</i>

			and do not harm the openness or conflict with the purposes.	
Settlement and housing section				
Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS S2	Housing Sites	This policy allocates 6 sites for the purposes of being developed out during a plan period. It is not unusual for parts of a policy to be fulfilled over time.	Paragraph 23 of the NPPF requires Local Plans to allocate sufficient sites to deliver the strategic priorities of the area. The allocation of sites for specific development types within non-strategic policies is in accordance with paragraph 28 of the NPPF.	<i>Compliant – weight can be given to this policy</i>
BAS S3	Areas of Special Reserve	The policy notes that <i>“Planning permission for permanent development of the land will not be granted until there has been a review of this (1998) Local Plan which proposes the development of one, or both, sites below”</i> , at Dry Street and Barn Hall. The two sites mentioned are between the urban area and Green Belt boundary.	This policy is outdated and has been overtaken by changes to national policies. Under current national policy, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (paragraph 11) any such areas of special reserve may now come forward for development ahead of the introduction of any new Local Plan. This view was supported in the Secretary of State’s (SoS) decision to grant permission for the application for development on land at Barn Hall (APP/V1505/A/08/2063131/NWF). The SoS agreed that policy BAS S3 was in line with the Government’s commitment to not release safeguarded areas of land for housing until the need for the allocation was confirmed in a subsequent review. However, other relevant material considerations, including the lack of a five-year supply of housing land	<i>National policy has now superseded this policy. Very little weighting should be given to the local policy.</i>

			<p>and the continual under delivery of new dwellings in accordance with the minimum annual Standard Method requirement, outweighed this protection.</p> <p>This will still be the case under the 2023 NPPF as the Council remains unable to demonstrate a 5YHLS, and recorded one of the lowest performances in the country under the Housing Delivery Test for the 2018-21 period at 41%, although over 2020-23 the performance slightly improved to 46%.</p> <p>The policy should only be afforded very limited weighting.</p>	
BAS S5	Affordable Housing	<p>Policy BAS S5 sets out that affordable housing contributions should be required from proposals delivering above 25 units. It requires 15-30% affordable housing to be delivered. This does not conflict with the requirement for 10% of homes of major development to be available for affordable home ownership set out under NPPF paragraph 65. However, housing needs, housing targets and national policy have changed several times</p>	<p>Aspects of this policy are outdated as a consequence of changes to national policy around housing in the intervening years. However, some weight can still be applied to it.</p> <p>Section 5 of the NPPF expects local planning authorities to set out the need for affordable housing to be identified through evidence and where there is a need, the type of affordable housing provision required from development should be set out in local policies. BAS S5 does this.</p> <p>However, due to the age of BAS S5 it does not acknowledge viability, and cannot respond adequately to the needs identified through the borough's current housing evidence documents, including the South</p>	<p><i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF.</i></p>

		<p>since BAS S5 was originally adopted in 1998 and the need for affordable housing is now more acute.</p>	<p>Essex SHMA (2017). Neither is BAS S5 of assistance with regards to the delivery of affordable products such as ‘First Homes’, which is a national policy requirement.</p> <p>BAS S5 would also be deemed as ‘out-of-date’ as per NPPF paragraph 33, given that housing is a strategic planning priority (as referenced by NPPF paragraph 20) and should therefore be reviewed at least every five years. It does set a threshold that “15-30%” on qualifying schemes should be affordable housing. However, the 25-unit threshold for seeking contribution is notably higher than the nationally-set threshold of 10 units (major development) appearing under NPPF paragraph 64.</p> <p>NPPF 11d) and its ‘presumption in favour of sustainable development’ will also apply in many cases to residential applications in Basildon given that the Council cannot demonstrate 5 years of land supply for housing.</p>	
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Natural Environment Section

Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS C1	Protected Areas – SSSI’s, SNIC’s & important wildlife habitats	Policy BAS C1 seeks to protect designated nature sites, including Sites of Special Scientific Interest (SSSIs) which is accordance with the NPPF.	<p>Generally, Section 15 of the NPPF seeks the conservation and enhancement of the natural environment.</p> <p>Within this, paragraph 186 specifically seeks to ensure that development that is likely to</p>	<i>Compliant – weight can be given to the policy</i>

			have an adverse impact on an SSSI is not permitted.	
BAS C2	Country Parks – protects Country Parks from adverse development	The purpose of this policy is to protect the quality and conservation of Country Parks which is in accordance with the NPPF.	Section 15 of the NPPF seeks the conservation and enhancement of the natural environment, while paragraph 180 specifically mentions protecting and enhancing valued landscapes and the character and beauty of the countryside.	<i>Compliant – weight can be given to this policy</i>
BAS C5	Trees and Woodlands – Protection of Ancient Woodlands	The purpose of policy BAS C5 is to retain existing woodlands with an emphasis on Ancient Woodland which is in accordance with Section 15 of the NPPF.	Generally, section 15 of the NPPF advocates the conservation and enhancement of the natural environment. Paragraph 180 seeks to ensure that decisions contribute to and enhance the natural and local environment by recognising the wider benefits of trees and woodland, amongst other issues. Paragraph 186(c) states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.	<i>Compliant – weight can be given to this policy</i>
BAS C7	The Marshes Area – protection from damaging development	Policy BAS C7 identifies and protects the large expanse of marshland within the Borough, some of which has been afforded local designations for their importance to nature. This conforms to section 15 of the NPPF.	Generally, section 15 of the NPPF advocates the conservation and enhancement of the natural environment. Paragraph 180 seeks to protect and enhance sites of biodiversity value, paragraph 181 which requires maintaining and enhancing habitat networks, and paragraph 185 to protect and enhance biodiversity by safeguarding local wildlife-rich habitats and	<i>Compliant – weight can be given to this policy</i>

			wider ecological networks.	
BAS C13	Water Wildlife	Policy BAS C13 seeks to protect water environments including important wildlife habitats from being adversely affected by new development	This policy is in accordance with section 15 of the NPPF, particularly paragraph 180 (e) where it seeks to prevent new development from contributing to unacceptable levels of pollution including to water, and paragraph 185 which requires plans to protect and enhance biodiversity by safeguarding local wildlife-rich habitats and wider ecological networks.	<i>Compliant – weight can be given to this policy</i>
BAS C15	Hazardous Substances – population health and safety	Under BAS C15, the Council will not permit hazardous development which would cause material harm to the health and safety of the borough’s population. This is consistent with the NPPF.	Paragraph 189 of the NPPF expects planning policies to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 191 expects that new development is appropriate to its location, and takes into account the likely effects of pollution on health, living conditions and the local environment, as well as the potential sensitivity of the wider area to the impacts that could arise from the development.	<i>Compliant – weight can be given to this policy</i>
BAS C16	Hazardous Substances – hazardous installations	Under BAS C16, the Council will not permit development, in the vicinity of hazardous installations, which would cause material harm to the health and safety of people who might live, work or congregate for other purposes at the proposed development.	Paragraphs 180 and 189 to 192 of the NPPF expect policies to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution including ground contamination and poor air quality, and that development is appropriate for its location.	<i>Compliant – weight can be given to this policy</i>

Employment Section				
Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS E1	Comprehensive Development Areas – Gardiners Lane South	<p>The principle of allocating this site for the types of development set out in BAS E1 remains appropriate (and in accordance with the NPPF). Furthermore the policy is also in accordance with NPPF paragraph 120 which encourages multiple benefits from urban sites, including mixed use schemes.</p> <p>The land is allocated for “employment and open space uses” but part iii of the policy seeks to restrict uses adjacent to residential dwellings to B1 uses only; as this use class no longer exists and office uses form part of Class E, this reduces the degree of consistency with national policy.</p>	<p>The principle of allocating this site for the types of development set out by BAS E1 remains appropriate and in accordance with paragraphs 28 and 81 of the NPPF.</p> <p>The policy is also in accordance with Section 11 on making effective use of land, within which paragraph 124 encourages multiple benefits from urban sites including mixed used schemes.</p> <p>Within Section 6, Paragraph 85 stresses that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.</p> <p>The inconsistency of BAS E1 with the Use Class Order 2020 does considerably reduce the degree of weighting which the policy can now be afforded.</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>
BAS E2	Proposed Employment Sites –Terminus Drive	Policy BAS E2 allocated 3.5 hectares (8.6 acres) of land for employment purposes in Terminus Drive, Pitsea. It helps to promote economic growth, as per the NPPF. The	Within Section 6, Paragraphs 85 and 86 of the NPPF stress that significant weight should be placed on the need to support economic growth and productivity. Local policies are also required to identify strategic sites for local and inward	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		<p>site was promoted for office (B1) and general industrial uses (B2).</p> <p>However, the Use Class Order changes of 2020 incorporated B1 (office) use within a new Class E. This means that, in principle, the site could be used for any of the purposes identified under Class E, which covers commercial, service and business uses.</p>	<p>investment in order to meet anticipated needs over the plan period. Policy BAS E2 fulfils this requirement. The site is still required for employment purposes.</p> <p>However, its inconsistency with the Use Class Order 2020 does affect the degree of weighting which BAS E2 can be afforded.</p>	
BAS E3	Proposed Employment Sites – land north of Courtauld Road, opposite Repton Close	Policy BAS E3 allocates 1.5Ha of land for employment purposes at the stated location.	<p>Within section 6 of the NPPF, Paragraphs 85 and 86 stresses that significant weight should be placed on the need to support economic growth and productivity. Local policies are also required to identify strategic sites for local and inward investment in order to meet anticipated needs over the plan period.</p> <p>Policy BAS E3 fulfils this requirement. Full weight can be applied to this policy as it does not seek to specify/restrict that the employment use must fall within any particular classes.</p>	<i>Compliant – weight can be given to this policy</i>
BAS E4	Existing Employment Areas	Policy BAS E4 outlines that permission for new industrial buildings, extensions and changes of use will normally only be permitted within those areas proposed or shown as existing industrial estates as identified on the Proposals	Within section 6 of the NPPF, Paragraphs 85 and 86 stresses that significant weight should be placed on the need to support economic growth and productivity. Local policies are also required to identify strategic sites for local and inward investment in order to meet anticipated needs over the plan period.	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		<p>Map.</p> <p>BAS E4 also notes that, within the urban area proposals for new business (Use Class B1) buildings, extensions, or the change of use of buildings to business, will only be permitted where there is no adverse impact on residential amenities. This approach is not entirely inconsistent with the NPPF, but it may create some tensions for decision making when considered against the increased flexibility of uses created through Class E of the Use Classes Order 2020.</p> <p>In addition, office to residential conversions now benefit from permitted development rights, which did not exist at the time that the saved policies were drafted during the mid-1990s. There is an increased risk of the loss of employment land to residential uses when an authority cannot demonstrate a 5YHLS.</p>	<p>However, BAS E4 does not recognise the wider range of circumstances and pressures which, due to national policy changes since the production of the 1998 Local Plan, enable employment land to be lost to housing purposes. Its inconsistency with the Use Class Order 2020 also reduces the degree of weighting which BAS E4 can be afforded.</p>	
BAS E5	Ford Research and Technology Centre - Restrictive Automotive Research and	Discussions with Ford over calendar years 2019/21 (which resulted in the production of a Statement of Common	Paragraph 85 of the NPPF stresses that significant weight should be placed on the need to support economic growth and productivity. Paragraphs 86 and 87 require	<i>Partially Compliant - some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

	Development Uses	<p>Ground) to support the withdrawn Local Plan did show that some of the land was surplus to Ford's requirements. However, much of the site, including the Ford Technical Centre and test track, is required for employment purposes.</p> <p>Policy BAS E5 ensures its protection. However, changes introduced via the Use Classes Order 2020 now help to ensure a greater range of uses are permissible under Class E, than the "automotive research, design and development, and associated engineering industry and services" of BAS E5.</p> <p>Moreover, the policy statement that "Development not required for such purposes will not be permitted" is outdated as a consequence of the NPPF's general emphasis on reusing brownfield land and reallocating land to other uses where there is little prospect of an application coming forward.</p>	<p>policies to identify strategic sites for employment use and to make provision for specific sectors. Policy BAS E5 is in accordance with this.</p> <p>Paragraph 124 requires policies and decisions to reflect changes in demand for land. Where there is no reasonable prospect of the site being developed for the allocated use, the local planning authority should either review the site as part of a plan update and reallocate it for another use, or support applications for alternative uses prior to updating the plan if it will contribute to meeting an unmet development need.</p> <p>Changes introduced via the Use Classes Order 2020 now help to ensure a greater range of uses are permissible under Class E – this creates friction with the "automotive research, design and development, and associated engineering industry and services" restriction of policy BAS E5. The policy also is unable to reflect the NPPF's general emphasis on reusing brownfield land and reallocating land to other uses where there is little prospect of an application coming forward. These reduce the degree of weighting BAS E5 benefits from.</p>	
BAS E6	Untidy Industry	Policy BAS E6 identifies a specific area deemed	There is no formal definition of 'untidy industry' within the NPPF. In Section 6,	<i>Compliant – weight can be given to this policy</i>

		<p>suitable for certain employment uses due to its location within the existing employment corridor and having regard to the impacts which these types of activities have on other uses, including residential areas and the environment.</p> <p>The term 'untidy industry' is used by the Council to encompass a variety of industries which are not only untidy in appearance, but which also have the potential to cause significant environmental harm, by way of atmospheric discharge (smoke or oil), or from noise.</p> <p>Examples of industries which fall into this 'untidy' category include salvage (particularly of metals), recycling, outside storage, and the parking of heavy vehicles.</p>	<p>Paragraph 87 of the NPPF promotes the use of policy to make provision for different sectors including storage and distribution operations, which address specific locational requirements.</p> <p>Within Section 15 of the NPPF, the "Ground Conditions and Pollution" section highlights the importance of sites being suitable for their proposed use, taking account of ground conditions and any risks arising from land instability and contamination. Development therefore should not only be appropriate for the location, but it should account for the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.</p> <p>BAS E6 permits the development and expansion of these uses in the Harvey Road and Archers Field area of the Burnt Mills Industrial estate, as identified on the Proposals Map. Such proposals will not be allowed outside of identified industrial areas.</p>	
BAS E7	Alternative Uses of Industrial Premises	BAS E7 provides flexibility into the use of land by enabling buildings in employment use or sites allocated in the plan for employment purposes to be developed for other	Paragraph 124 expects local policies to promote and support the development of under-utilised land and buildings where this would help meet an identified need. Paragraph 127 refers specifically to the expectation that local authorities should support proposals for alternative uses on	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		<p>uses, providing certain criteria are adhered to. This is in accordance with section 11 of the NPPF.</p> <p>However, as a result of the introduction of Class E, the policy is not entirely consistent with the Use Class Order 2020. Therefore, lower weighting should be afforded to it.</p>	<p>land that is currently developed for employment but not allocated for that use in the plan where there is a high demand for housing and it would not adversely impact on the economy. However the policy contains inconsistencies with the operation of the 2020 revisions to the Use Class Order, reducing the weighting which should be afforded to it.</p>	
BAS E10	General Employment Policy	<p>Policy BAS E10 broadly sets out the development control criteria appropriate to industrial, business and office development. This policy is designed to ensure that a development is of the highest standard with regard to design, scale, car parking and environmental impact. It supports the general principles of the NPPF and supports sustainable economic growth.</p> <p>However, due to its age, Policy BAS E10 is not compliant with the Use Class Order 2020 and the greater flexibility now promoted within Class E. Therefore, lower weighting should be afforded to it.</p>	<p>The criteria which proposals are expected to meet through the policy are in accordance with the relevant sections in the NPPF:</p> <p>Section 9 deals with requirements for proposals to consider the impact of development on the transport network, provide safe and suitable access, allow for the delivery of goods and access by service and emergency vehicles and to comply with parking standards.</p> <p>Section 12 sets out the design expectations of new development and stipulates that development should provide effective landscaping and be sympathetic to local character.</p> <p>Section 15 seeks to ensure that new development does not contribute to unacceptable levels of pollution and requires mitigation of the adverse impacts arising from the development.</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

			However, BAS E10 pre-dates the changes to the Use Class Order in 2020. Therefore, lower weighting should be afforded than was the case at earlier reviews.	
Retail section				
Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS SH1	New Development sequential test Retail –	Policy BAS SH1 identifies the town centres and urban areas within the Borough in order to apply the sequential test for locating main town centre uses, as well as setting out the approach to undertaking the sequential test.	<p>Policy BAS SH1 identifies the town centres and urban areas within the Borough in order to apply the sequential test for locating main town centre uses as well as setting out the approach to undertaking the sequential test, which is in accordance with NPPF Section 7. However, the sequential approach to sites should be applied where the proposal is not in an existing town centre. Where it isn't in accordance with an up-to-date plan, full weight cannot be given to this local policy.</p> <p>The adopted 1998 Plan is now 26 years old, and is considered to be 'out-of-date' as NPPF para 33 expects that Local Plans should be reviewed every 5 years. Full weighting cannot therefore be given to the policy. While the thrust of the policy remains generally compliant with the NPPF, the precise degree of accuracy and conformity was weakened by the Use Class Order 2020, as Class E now comprises what were typically main town centre uses (in the former A class and offices (former B1)</p>	<i>National policy has now superseded this policy. Very little weighting should be given to the local policy.</i>

			<p>with some traditionally non-town centre uses (former use class D). This can potentially now enable some forms of new retail development to side-step the sequential test requirements if the donor building is already within a Class E use. Changes of use which are entirely within Class E do not require a planning application.</p>	
BAS SH3	Town Centre Retail Development Sites – land allocations	<p>BAS SH3 provides a list of four sites identified as opportunity sites for retail development including class A2 and A3 uses. However, given the age of the policy, the approach is not considered to be fully consistent with the NPPF. There may be other competing main town centre uses which could be supported in these locations.</p>	<p>Of the four sites allocated within policy BAS SH3 for retail development one site has been completely developed (ii) and another has been partly developed (iv). The site labelled i) is part of the comprehensive proposals to redevelop Basildon town centre. Sites are allocated for the purpose of being developed. It is therefore not unusual for certain parts of a policy to be fulfilled over time.</p> <p>However, where named sites remain undeveloped, the principle of allocating them for development is still appropriate and is consistent with the NPPF. Furthermore, the allocation of sites for specific development types within non-strategic policies is in accordance with paragraph 28.</p> <p>The NPPF glossary provides a list of main town centre uses. Due to various national policy changes, the list of acceptable main town centre uses is much now greater than it was in 1998. The Use Class Order 2020 is</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

			<p>particularly of relevance in this respect, paying particular attention to the greater flexibility and interchangeability of uses promoted under Class E which fuses traditional main town centre and non-town centre uses. Furthermore, changes of use which are entirely within Class E do not constitute 'development'. These changes reduce the degree of conformity which the policy has with the NPPF.</p>	
BAS SH4	Town Centre Shopping Frontages – primary shopping frontages 1999 Alterations	<p>BAS SH4 sets criteria where changes of use between use classes within primary shopping frontages may be acceptable, as long as they do not harm the vitality and viability of the town centre as a whole. This policy sets out the criteria which the Council will consider in making a decision on the acceptability or otherwise of schemes.</p>	<p>Policy BAS SH4 sets out the type of uses that are considered appropriate for frontages within the primary shopping area and this aspect of the policy generally remains in accordance with the NPPF. Section 7 of the NPPF requires local policies to support and promote town centre viability and vitality by allowing a suitable mix of uses within defined town centres and primary shopping areas. This is also consistent.</p> <p>However, the Use Class Order 2020 introduced Class E, which fused the former A class with B1 and D class uses. In doing so, it merges main town centre uses with uses which were not traditionally seen as suitable or appropriate for town centres.</p> <p>National policy thereby now provides for much greater flexibility than BAS SH4. The concept of Primary and Secondary frontages, and the different mixtures of uses sought within them has also been rendered redundant by Class E. These changes are very significant, and serve to make much of the</p>	<p><i>National policy has now superceded this policy. Very little weighting should be given to the local policy.</i></p>

			policy outdated, with the NPPF also being a material consideration for decision making. The lowest weighting should be given to the policy.	
BAS SH5	Town Centre Shopping Frontages – areas outside primary shopping frontages	BAS SH5 makes it clear that outside of the Primary Shopping Frontages changes of use at ground floor level between A1/2/3 classes will be allowed provided that the proposed use provides a service to visiting members of the public and contributes to the overall character, variety and activity of the town centre; and that the proposed use would not be significantly detrimental to the amenities of adjacent occupiers by reason of noise, smell and fumes	<p>As per Policy BAS SH4, policy BAS SH5 sets out the type of uses that are considered appropriate for secondary frontages, noting that any proposed use should contribute to the overall character and variety of a town centre and not be detrimental to the amenities of occupiers due to noise, smell and fumes. This aspect is generally consistent with national policy. Within NPPF Section 15, paragraphs addressing pollution make it clear that any sites must be appropriate for their intended use. Paragraph 85 of the NPPF requires local policies to support and promote town centre viability and vitality by allowing a suitable mix of uses within defined town centres and primary shopping areas.</p> <p>However, changes to the Use Class Order 2020 introduced Class E, which fused the former A class with B1 and D class uses. In doing so, it merges main town centre uses with uses which were not traditionally seen as suitable or appropriate for town centres. National policy thereby now provides for much greater flexibility than BAS SH5 while primary and secondary frontages have also been rendered redundant by Class E. The NPPF goes far beyond promoting and encouraging retail, financial services and eateries within town centres. These changes are very significant, and serve to make much</p>	<i>National policy has now superseded this policy. Very little weighting should be given to the local policy.</i>

			of BAS SH5 outdated, with the NPPF also being a material consideration for decision making. The lowest weighting should be given to the policy.	
BAS SH6	Retailing on Industrial Estates	<p>BAS SH6 seeks to manage a local issue and support town centre vitality by limiting retail development within employment areas. It sets out criteria where by any such development may be acceptable, i.e where it does not cause “material harm” to any town centre, does not result in a “significant net” loss of employment; and where new customer car parking is provided separate from existing parking.</p> <p>The policy was specifically aimed at targetting issues such as factory shops.</p>	<p>Policy BAS SH6 seeks to support town centre vitality by limiting retail development within employment areas. That is in accordance with section 17 of the NPPF. However, it adopts a flexible approach, following paragraph 124(d) of the NPPF by supporting the development of under-utilised land and buildings where it is justified.</p> <p>The criteria of BAS SH6 do not consider access to and from any development(s) by sustainable transport. This is a significant omission given the promotion of sustainable development by national policy. The NPPF also generally promotes switching and re-allocation of land for alternative uses where applications for an intended use are unlikely to come forward, where the existing uses are unviable, or where needs are generally unmet and especially in respect of housing if the authority does not have a 5YHLS in place.</p> <p>However, should an application be promoting a change of use as envisaged by BAS SH6, the basic principles around the potential loss of employment (in terms of jobs) occurring, and impact on a town centre would remain material considerations. Car parking would also need to be provided at levels set out under the Essex Parking Standards, meaning that the policy remains generally compliant</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

			and should be afforded some weight.	
BAS SH7	Local Shopping Centres – new developments and extension to existing centres	Policy BAS SH7 supports the provision and expansion of local shopping centres within built up areas and is therefore in accordance with the NPPF.	Paragraphs 96 and 97 of the NPPF states that decisions should plan positively for the provision and use of community facilities such as local shops and other local services to enhance the sustainability of communities and residential environments. Within part (d) it is stated that decisions should ensure that established shops, facilities and services are able to develop and modernize, and are retained for the benefit of the community	<i>Compliant – weight can be given to this policy</i>
BAS SH8	Local Shopping Centres – protection of their retail function	Policy BAS SH8 seeks to retain the retail function of local shopping centres whilst allowing some degree of flexibility where changes in use are appropriate which is in accordance with the NPPF.	Paragraph 96 of the NPPF aims to achieve strong neighbourhood centres. Paragraph 97 states that decisions should plan positively for the provision and use of community facilities such as local shops and other local services to enhance the sustainability of communities and residential environments. It states in part (c) that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.	<i>Compliant – weight can be given to this policy</i>
BAS SH9	Temporary Retail Uses	BAS SH9 notes that where planning permission is required, it will be granted for car boot sales and Sunday markets subject to their compliance with criteria such as highway impacts, impacts	The NPPF says little on temporary retail uses or markets per se. Although the use is temporary, these should not be confused with ‘meanwhile’ temporary retail uses i.e. time-limited permissions. Car boot sales tend to occur within the Borough’s Green Belt, meaning the NPPF Green Belt policies and	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		<p>on Green Belt, wildlife sites, but should not result in the construction of any permanent buildings and not be permanently laid out for such a use.</p> <p>One site can host an open-air market or a car boot sale for a maximum of 14 days a year. Although Councils should be notified of any intention in advance of the market taking place, full planning permission is only needed if a site hosts a market for more than 14 days a year.</p>	<p>those of the Saved Local Plan Policies would be relevant in determining these types of applications if and when they are necessary.</p> <p>However, paragraph 90(c) does expect local plans to seek to retain and enhance existing markets and, where appropriate, to either re-introduce or create new ones, which policy BAS SH9 would support.</p>	
Town Centre Section				
Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS TC1	District Wide Town Centre Policy	<p>Policy BAS TC1 adopts a flexible approach to supporting the growth and adaptation of the Borough's town centres by allowing a diverse range of suitable uses. This is in accordance with Section 7 of the NPPF.</p>	<p>The criteria to which proposals would be expected to meet in the policy are in accordance with the relevant sections in the NPPF.</p> <p>Within Section 7 of the NPPF, Paragraph 86 requires local plans to define a network and hierarchy of town centres and promote their long-term vitality and viability in a way by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of</p>	<i>Compliant – weight can be given to this policy</i>

			<p>uses (including housing) and reflects their distinctive characters. The list of appropriate uses for a main town centre is defined in the NPPF Glossary. This includes retail, office, recreational uses and housing.</p> <p>Section 9 deals with requirements for proposals to consider the impact of development on the transport network, provide safe and suitable access, allow for the delivery of goods and access by service and emergency vehicles and to comply with parking standards. Within this Section, Paragraphs 108 and 109 promote walking, cycling and public transport use as doing so can bring benefits to public health as well as reducing emissions; 114 expects that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Paragraph 116 expects that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas. Paragraph 117 expects that travel plans are required for development which generates a significant amount of movement.</p> <p>In addition, Section 12 sets out the design expectations of new development and stipulates that development should be sympathetic to local character. Section 16 also expects new development to make a positive contribution to local character and</p>	
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			distinctiveness with regards to heritage assets.	
BAS TC3	Wickford Town Centre – site allocation	Policy BAS TC3 supports the comprehensive redevelopment of two sites within Wickford Town Centre. The policy is flexible by allowing the development to be for uses appropriate to a town centre and not restricting it to a particular use. This is consistent with the NPPF. Furthermore, the allocation of sites for development within non-strategic policies is in accordance with paragraph 28 of the NPPF.	<p>Section 7 of the NPPF generally expects sites to be allocated for main town centre uses to support town centre growth and to allow them to adapt and diversify to meet changing needs. Paragraph 90 requires local plans to define a network and hierarchy of town centres and promote their long-term vitality and viability in a way by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. The list of appropriate uses for a main town centre is defined in the NPPF Glossary. This includes retail, office, recreational uses and housing.</p> <p>The principle of allocating the sites for development is still appropriate. NPPF Paragraph 90 is clear that policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least 10 years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability.</p>	<i>Compliant – weight can be given to this policy</i>
BAS TC4	Pitsea Town Centre – site allocation	Policy BAS TC4 supports the comprehensive	Section 7 of the NPPF generally expects sites to be allocated for main town centre	<i>Compliant – weight can be given to this policy</i>

		<p>redevelopment of a site within Pitsea Town Centre.</p> <p>The policy is flexible by allowing the development to be for uses appropriate to a town centre and not restricting it to a particular use. This is consistent with Section 7 of the NPPF which expects sites to be allocated for main town centre uses to support town centre growth, and to allow them to adapt and diversify to meet changing needs.</p> <p>Part of the site has already been developed as a mixed use scheme but the purpose of allocating sites is for them to be developed; therefore it is not unusual for parts of a policy to be fulfilled over time. The principle of allocating it for development is still appropriate.</p>	<p>uses to support town centre growth and to allow them to adapt and diversify to meet changing needs. Paragraph 90 requires local plans to define a network and hierarchy of town centres and promote their long-term vitality and viability in a way by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. The list of appropriate uses for a main town centre is defined in the NPPF Glossary. This includes retail, office, recreational uses and housing.</p> <p>The principle of allocating the sites for development is still appropriate. NPPF Paragraph 90 is clear that policies should allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least 10 years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability.</p>	
BAS TC5	Markets – protection for Basildon, Pitsea and Wickford market sites	Policy BAS TC5 specifically seeks to retain existing markets within the Borough. The policy states that the Council will resist the redevelopment of the market	Paragraph 90 (c) of the NPPF states that policies should retain and enhance existing markets and, where appropriate, re-introduce or create new ones.	<i>Compliant – weight can be given to this policy</i>

		<p>sites in Basildon, Pitsea and Wickford, unless such redevelopment provides for a replacement market on a suitable site. Any replacement market must be in the near vicinity and of appropriate size and with suitable facilities.</p>		
BAS TC6	<p>Residential Development in Town Centres – allows residential development in the town centres whilst protecting ground floor retail units from conversion to housing.</p>	<p>Policy BAS TC6 allows for the change of use from retail to residential under certain circumstances.</p>	<p>Paragraph 90 (f) of the NPPF states that policies should recognise that residential development often plays an important role in ensuring the vitality of town centres and encourages residential development on appropriate sites.</p> <p>Section 11 of the NPPF requires greater adaptability to make effective use of land. Under paragraphs 124 (d) and (e), local policies should support converting space above shops or utilising the airspace above commercial premises to meet housing needs. In addition, Paragraph 127 expects that local policies will use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres. Where there is an existing or anticipated shortage of land for meeting identified housing needs, Paragraph 129 states 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.</p>	<p><i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i></p>

			NPPF Section 11 allows for residential only schemes within town centres to be brought forward which the local policy does not normally support. As with other policies on housing, the NPPF would regard BAS TC6 as being out-of-date. However, it remains appropriate to encourage active frontages at ground floor level in town centres. This ensures that the policy remains partially compliant - although greater overall weighting should be attributed to the NPPF.	
Recreation Section – start here tomorrow with updates				
Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS R1	Open Space – protection	Policy BAS R1 seeks to protect open space from development where it meets an identified need, this is in accordance with the NPPF.	NPPF Paragraph 98 is clear as to the benefits of open space for the health and wellbeing of communities. Paragraph 99 states that open space, sports and recreational buildings should not be built subject to certain exceptions (surplus to requirements/equivalent or better replacement/alternative with benefits that outweigh the loss).	<i>Compliant - weight can be given to this policy</i>
BAS R4	Proposed Open Space, Hannikens Farm Billericay	The area identified through Policy BAS R4 could contribute to open space provision in Billericay and is protected through policy. If it can be demonstrated that the land is surplus to requirements or	NPPF Paragraph 97 states that policies should plan positively for the provision and use of community facilities, including open space. Paragraph 102 identifies that 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	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		there is suitable provision made elsewhere, the NPPF will allow for its change in use.	communities.	
BAS R11	Sport facilities allocation – Church Rd/Basildon Rd, Laindon	The area identified in BAS R11 could contribute towards open space and sports provision within Basildon and is therefore protected through policy. If it can be demonstrated that the land is surplus to requirements or there is suitable provision made elsewhere, the NPPF will allow for its change in use.	NPPF Paragraph 97 states that policies should plan positively for the provision and use of community facilities, including open space. Paragraph 102 identifies that 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.	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>
BAS R15	Golf courses – driving ranges, design and siting considerations	Policy BAS R15 allows for the provision of a specific sporting facility providing it does not adversely impact on visual and residential amenity.	Paragraph 97 of the NPPF states that policies should plan positively for the provision and use of community facilities such as sports venues. Paragraph 191 requires planning policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development, including limiting the impacts of light pollution from artificial light on local amenity. This is identified in the local policy.	<i>Compliant – weight can be given to the policy</i>

BAS R16	Noisy and Disturbing Sports - protects local amenity	Policy BAS R16 seeks to restrict noisy and disturbing sports from being permitted in areas that would adversely impact on the surrounding area, including residential amenity and the local transport network. This is in accordance with the NPPF. Development would be required to mitigate any potential adverse effects resulting from noise which BAS R16 requires.	<p>NPPF Paragraph 108 requires that transport issues should be considered from the earliest stages of plan-making and development proposals. This enables the potential impacts of development on transport networks to be addressed, gives opportunities to promote walking, cycling and public transport use and enables the environmental impacts of traffic and transport infrastructure to be identified, assessed and taken into account.</p> <p>Paragraph 191 requires planning policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development</p>	<i>Compliant – weight can be given to this policy</i>
Transport Section				
Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS T5	Public Transport – improved facilities at public transport interchanges	BAS T5 seeks to improve facilities at public transport interchanges to encourage greater use of public transport use – this is aligned with the NPPF.	Section 9 of the NPPF promotes sustainable transport. When considering development proposals, NPPF paragraph 108 expects transport issues to be considered at the outset, and paragraph 114 states that applications should facilitate access to high	<i>Compliant – weight can be given to this policy</i>

			quality public transport and appropriate facilities that encourage public transport use.	
Built Environment Section				
Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS BE12	Development Control	Policy BAS BE12 relates to good design for residential development and the Council's Development Control Guidelines which provides local standards	<p>Section 12 of the NPPF attaches great importance to the design of the built environment. Paragraph 131 notes that 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.</p> <p>Paragraph 133 states that 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, which reflect local character and design preferences.</p> <p>Paragraph 139 expects that development which is not well designed should be refused.</p>	<i>Compliant – weight can be given to this policy</i>
BAS BE13	Areas of Special Development Control Policy - Ramsden Bellhouse	Policy BAS BE13 sets out the design principles for development within Ramsden Bellhouse to ensure the characteristics of the areas is maintained. This is consistent with section 12 of the NPPF which advocates good design and expects development to be sympathetic to local	<p>Section 12 of the NPPF attaches great importance to the design of the built environment. Paragraph 131 notes that 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.</p> <p>Paragraph 133 states that local planning authorities should prepare design guides or</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		<p>character and maintain a strong sense of place. However this policy is considered to be quite prescriptive and is unlikely to allow a suitable degree of variety of development that would still be appropriate within the area.</p>	<p>codes consistent with the principles set out in the National Design Guide and National Model Design Code, which reflect local character and design preferences. It therefore supports local design standards and expects proposals to take these into account.</p> <p>Paragraph 139 expects that development which is not well designed should be refused.</p>	
BAS BE14	<p>Areas of Special Development Control Policy – Sugden Avenue Wickford</p>	<p>Policy BAS BE14 sets out the design principles for development within Sugden Avenue, Wickford to ensure the characteristics of the area are maintained. This is consistent with section 12 of the NPPF which advocates good design and expects development to be sympathetic to local character and maintain a strong sense of place.</p> <p>However this policy is considered to be quite prescriptive and is unlikely to allow a suitable degree of variety of development that would still be appropriate within the area.</p>	<p>Section 12 of the NPPF attaches great importance to the design of the built environment. Paragraph 131 notes that 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.</p> <p>Paragraph 133 states that 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, which reflect local character and design preferences. It therefore supports local design standards and expects proposals to take these into account.</p> <p>Paragraph 139 expects that development which is not well designed should be refused</p>	<p><i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i></p>
BAS BE15	<p>Areas of Special Development Control Policy – Bowers Gifford</p>	<p>Policy BAS BE15 sets out the design principles for development within Bowers Gifford to ensure the characteristics of the area is</p>	<p>Section 12 of the NPPF attaches great importance to the design of the built environment. Paragraph 131 notes that good design is a key aspect of sustainable development, creates better places in which</p>	<p><i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i></p>

		<p>maintained. This is consistent with section 12 of the NPPF which advocates good design and expects development to be sympathetic to local character and maintain a strong sense of place.</p> <p>However the policy is considered to be quite prescriptive and is unlikely to allow a suitable degree of variety of development that would still be appropriate within the area.</p>	<p>to live and work and helps make development acceptable to communities.</p> <p>Paragraph 133 states that 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, which reflect local character and design preferences. It therefore supports local design standards and expects proposals to take these into account.</p> <p>Paragraph 139 expects that development which is not well designed should be refused</p>	
BAS BE17	Shop Fronts	<p>Policy BAS BE17 focuses on design of new shopfronts ensuring they do not adversely impact on local character and neighbouring properties and refers to local design standards.</p>	<p>This policy is consistent with paragraph 135 of the NPPF, which requires local policy to ensure that development is visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 135 also expects development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 139 expects that developments which do not reflect local design policies and government guidance on design should be refused.</p>	<i>Compliant – weight can be given to this policy</i>
BAS BE18	Advertisements – general	<p>BAS BE18 states that when applications are being determined for advertisement</p>	<p>NPPF Paragraph 141 states that the quality and character of places can suffer when advertisements are poorly sited and</p>	<i>Compliant – weight can be given to this policy</i>

		consent, the Council will have regard to its Development Control Guidelines, the scale and design of the proposal and the likely impact on the local environment, in terms of amenity and public safety.	designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Policy BAS BE18 is considered to be consistent with this approach.	
BAS BE19	Advertisements – Green Belt	BAS BE19 sets out a need for controlling the consent for advertising, especially the cumulative effect of such, so that it will not harm the amenities of the Green Belt	<p>NPPF Paragraph 141 states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.</p> <p>The impact on the visual amenity of the Green Belt is an issue for the Borough, and while the appropriateness of development in the Green Belt does not relate to advertising, its cumulative impact on visual amenity should be assessed when consent is required which is consistent with the approach to advertisements in the NPPF.</p>	<i>Compliant – weight can be given to this policy</i>
BAS BE20	Telecommunications	Under BAS BE20, the siting and external appearance of any telecommunications apparatus should not have a significantly detrimental visual	Section 10 of the NPPF generally seeks to ensure that high quality communications are supported. The section highlights that high quality and reliable communications infrastructure is essential for economic	<i>Compliant – weight can be given to this policy</i>

		<p>impact on the landscape or townscape as a result of excessive prominence.</p> <p>Technical and operational requirements will be taken into account, where necessary, when proposals are being assessed against the above tests.</p> <p>The criteria also note that “where there is a conflict with environmental or other objectives, the council will need to be satisfied that:- i. there is no reasonable possibility of sharing existing facilities or of erecting antennae on an existing building or other structure; and ii. there is no satisfactory alternative site available.”</p>	<p>growth and social well-being. Mast-sharing is also encouraged, and this is supported by local policy.</p>	
BAS BE21	Healthcare Developments – new primary & community facilities	Policy BAS BE21 specifically supports development for new primary and community healthcare facilities.	The social objective contributing to sustainable development in the NPPF identifies the importance of supporting healthy communities and ensuring access to services that support communities’ health, social and cultural well-being. Paragraph 126(b) also states that proposals should be supported that make more effective use of sites’ Paragraph 124 (d) encourages proposals on under-utilised land or buildings. This would extend to providing medical services and infrastructure such as	<i>Compliant – weight can be given to this policy</i>

			<p>hospitals,as long as it maintains or enhances the quality of service provision. The criteria to which proposals would be expected to meet in the policy are in accordance with the relevant sections in the NPPF. Section 9 deals with the requirement for proposals to consider the impact of development on the transport network, provide safe and suitable access and to comply with parking standards. Section 15 seeks to ensure that new development does not contribute to unacceptable levels of pollution including noise and requires mitigation of the adverse impacts arising from the development.</p>	
BAS BE22	Healthcare Developments – Extensions to Hospital facilities	Policy BAS BE22 supports development associated with the expansion of hospital facilities.	<p>The criteria to which proposals would be expected to meet in the policy are in accordance with the relevant sections in the NPPF.</p> <p>Within Section 9 of the NPPF, Paragraph 108 requires that Transport issues are considered from the earliest stages of plan-making and development proposals. It also requires proposals to consider the impact of development on the transport network, provide safe and suitable access and to comply with parking standards.</p> <p>Section 12 sets out the design expectations of new development and stipulates that development should function well, be visually attractive through good architecture, layout and landscaping, and be sympathetic to local character.</p>	<i>Compliant – weight can be given to this policy</i>

			Section 15 seeks to ensure that new development is appropriate for its location taking into account its impact on the wider area and requires mitigation of the adverse impacts arising from the development.	
BAS BE24	Crime Prevention	BAS BE24 sets out that the Council will expect the design and layout of new development to include consideration of crime prevention.	Within Section 8, Paragraph 96 of the NPPF states that decisions should aim to achieve healthy, inclusive and safe places. Part (b) of this paragraph highlights the importance of ensuring that places 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 clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas'.	<i>Compliant – weight can be given to this policy</i>

3. Conclusions

- 3.1 This review has re-appraised the policies within the Saved Policies against the December 2023 NPPF. Unsurprisingly, there are adopted local policies which no longer comply with Government thinking, given the myriad changes to national planning policy which have arisen since the original NPPF was published in 2012.
- 3.2 This is shown particularly in policies affecting retail (where the Use Class Order changes in 2020 which introduced Class E) but also in relation to housing, where the compounded effects of changes to national policy (particularly since 2018) can now be seen given the greater scrutiny afforded to proposed sites. As noted, the inability to demonstrate a 5YHLS can contribute significant pressure for the conversion of employment land and premises to residential uses, particularly if and where premises become vacant, and to build in the Green Belt.
- 3.3 Overall, it is considered that the Saved Policies document still demonstrates partial compliance with the current suite of national policy and guidance. However, unsurprisingly, there are clear gaps in coverage and some areas of inconsistency between the 1998 policies and 2023 NPPF, as this review helps to demonstrate, which increases the reliance on national policy.
- 3.4 A further update of this compliance review may be necessary following the publication of the Government's intended National Development Management Policies. This is anticipated later in 2024.