



Compliance Review of the Saved Basildon District Local Plan Policies against the December 2024 National Planning Policy Framework (NPPF)

March 2025

Basildon Borough Council

Basildon Centre
St Martins Square
Basildon
SS14 1DL

01268 533 333
www.basildon.gov.uk



Contents

1. Introduction.....	1
Purpose of this Review	1
Implementation of the Revised National Planning Policy Framework	2
2. Local Plan Policies	3
Key changes to National Policy.....	5
Policy Review	6
3. Conclusions	56

Tables

Table 1: Assessment of the Saved Local Plan Policies	8
--	---

1. Introduction

Purpose of this Review

- 1.1. In December 2024, the Government published a revised National Planning Policy Framework (NPPF) following the publication of a consultation draft in July 2024.
- 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 2024 iteration replaces the 2023 version. Earlier revisions of the NPPF were published in 2012, 2018, 2019 and 2021.
- 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 Policies are classed as “out-of-date” for the purposes of paragraph 11d of the NPPF if they have been overtaken by events since a Local Plan was adopted, or through changes to national policy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 The weighting which can therefore be applied to an out-of-date local policy is dependent on its consistency with the national position, not just the age of the policy per se.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 231 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 to 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 34 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 2024 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 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 the former collection of Planning Policy Guidance notes, Planning Policy Statements and other statutory 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. This was eventually submitted to the Secretary of State in March 2019 to begin Examination in Public.

- 2.7. After various delays to the process and administrative changes, the Council voted to withdraw the Local Plan 2014-34 from Examination in March 2022.
- 2.8. In Summer 2022, a number of significant applications for development in Basildon Town Centre 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.
- 2.9. At the time it was to be considered for approval, the Government announced further consultation would be held on changes to the NPPF linked to the passage of the Levelling Up and Regeneration Bill. The consultation NPPF was published in December 2022, and eventually finalised in December 2023. In January 2024 a further compliance review was published, which is now superseded by this document.
- 2.10. The December 2024 NPPF means it is now necessary for the Council to again 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. 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.
- 2.11. 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.
- 2.12. Work is underway on a new Local Plan. Consultation on a draft Regulation 18 ran from 18 November 2024 to 12 January 2025, and further consultation will take place in line with the Local Development Scheme during 2025. The Plan will then be submitted for Examination in Public in 2026. However, until the new Local Plan is adopted, the saved Local Plan Policies remain the current adopted planning policies for the Borough.

Key changes to national policy

- 2.13. 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.
- 2.14. 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 up to 2 flats under permitted development rules.
- 2.15. 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, which set a target of 300 homes per year.
- 2.16. For example, although the Local Authority’s boundaries have not been amended since 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 Plan.¹ The Standard Method calculation was revised in March 2024, and resulted in the need for 1,039 homes per year to be delivered. However following a change of Government in July 2024 the formula for calculating Standard Method was revised to help achieve Government’s stretch target of 1.5m new homes over 5 years. The new formula has increased the calculation to a cumulative delivery of 27,111 over the 20 year lifespan of the Local Plan (2023-2043), or an average rate of 1,291 homes per year. In tandem, the Housing Land Supply position has deteriorated from 2.34 years to 1.84 years. The borough is unable to meet these housing targets using brownfield sites alone.
- 2.17. 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

¹ See: [East of England Plan](#)

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.

- 2.18. 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.
- 2.19. However, this must also be considered against the relatively modest level of the 1998 Plan and the now-defunct regional planning targets, and that the public sector was also involved in the construction of affordable homes at the time of the District Local Plan's adoption to a much greater extent than happens now.
- 2.20. The December 2024 NPPF introduced Grey Belt defined as: 'land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d)'. A significant reform is that the development of homes, commercial and other development at significant scale is not regarded as inappropriate development in the Green Belt if the full suite of requirements set out paragraph 146 are met, including the 'Golden Rules' for major development in the Green Belt, e.g. 10 or more homes. This has a considerable effect on the consistency of Green Belt policy within the Saved Policies given they cannot take account of Grey Belt.

Policy Review

- 2.21. 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, greater weight given to the NPPF***
 - ***National policy has now superceded this policy. Very little weighting should be given to the local policy.***
- 2.22. Where policies are judged as being “Compliant” with policies in the 2024 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 applications.

2.23. “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.

2.24. 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.

2.25. Greater weighting should be attributed to the 2024 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 2024 versions of the NPPF. Paragraphs 142 to 160 of the NPPF now provide guidance 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.</p> <p>146) Exceptional circumstances in this context include, but are not limited to, instances where an authority cannot meet its identified need for homes, commercial or other development through other means. If that is the case, authorities should review Green Belt boundaries in accordance with the policies in this Framework and propose alterations to meet these needs in full, unless the review provides clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan.</p> <p>Sustainable patterns of development</p>	<i>Partially Compliant – less weighting can be applied, greater weight given to the NPPF</i>

			<p>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>Significantly, the 2024 NPPF introduces Grey Belt as a land classification, defined in Annex 2: Glossary as: <i>“For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”</i></p> <p>With the introduction of Grey Belt, there have been changes to the sequential test.</p> <p>148) Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations. However, when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of</p>	
--	--	--	---	--

			<p>development should determine whether a site's location is appropriate with particular reference to paragraphs 110 and 115 of this Framework. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.</p> <p>The Grey Belt category reduces the degree of compliance which the local policy can now be afforded.</p>	
BAS GB3	Replacement dwellings in the Green Belt	<p>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 NPPF remains similar to the wording of the original 2012 NPPF.</p> <p>The 2024 NPPF would be afforded greater emphasis in decision making as its policies are newer. As with the other</p>	<p>There was no real change of policy direction between the 2021 and 2024 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.</p> <p><i>154) Development in the Green Belt is inappropriate unless one of the following exceptions applies:</i></p> <p><i>a) buildings for agriculture and forestry;</i> <i>b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor</i></p>	<i>Partially Compliant – less weight can be given to this policy, greater weighting given to NPPF.</i>

		<p>Saved Policies on Green Belt, the Grey Belt policy reduces the degree of compliance which the local policy can now be afforded.</p> <p>Any replacement dwellings may be also considered to meet the 'Grey Belt' definition, as it would involve development on a previously developed site in the Green Belt.</p>	<p><i>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;</i></p> <p><i>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; other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.</i></p> <p><i>d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;</i></p> <p><i>e) limited infilling in villages;</i></p> <p><i>f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and</i></p> <p><i>g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.</i></p> <p><i>h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:</i></p> <p><i>i. mineral extraction;</i></p>	
--	--	--	--	--

			<p> <i>li. engineering operations;</i> <i>lii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;</i> <i>lv. the re-use of buildings provided that the buildings are of permanent and substantial construction;</i> <i>v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and</i> <i>Vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.</i> </p> <p> <i>155) The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:</i> </p> <p> <i>a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;</i> <i>b. There is a demonstrable unmet need for the type of development proposed;</i> <i>c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and</i> <i>d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.</i> </p>	
--	--	--	--	--

			<p>Paragraph 151 of the NPPF identifies that where Green Belt land is released for development the ‘Golden Rules’ in paragraph 156 below should apply.</p> <p><i>156) Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review, or on sites in the Green Belt subject to a planning application, the following contributions (‘Golden Rules’) should be made:</i></p> <p><i>a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;</i></p> <p><i>b. necessary improvements to local or national infrastructure; and</i></p> <p><i>c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.</i></p>	
BAS GB4	Extension to dwellings in the Green Belt	<p>Policy BAS GB4 provides locally relevant criteria associated with this exception.</p> <p>Past appeal decisions have</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>	<i>Partially Compliant – less weight can be given to this policy, greater weighting given to NPPF.</i>

		<p>allowed larger extensions than the limits identified in this policy. The wording in the current NPPF remains similar to the wording of the original 2012 NPPF, and should then be afforded greater emphasis in decision making given it is newer.</p> <p>In addition, the 2024 NPPF introduced Grey Belt policy reduces the degree of compliance which the local policy can now be afforded.</p>	<p><i>154) Development in the Green Belt is inappropriate unless one of the following exceptions applies:</i></p> <p><i>a) buildings for agriculture and forestry;</i></p> <p><i>b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, 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;</i></p> <p><i>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; other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.</i></p> <p><i>d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;</i></p> <p><i>e) limited infilling in villages;</i></p> <p><i>f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and</i></p> <p><i>g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed</i></p>	
--	--	---	---	--

			<p><i>use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.</i></p> <p><i>h) Other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:</i></p> <ul style="list-style-type: none"> <i>i. mineral extraction;</i> <i>li. engineering operations;</i> <i>lii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;</i> <i>lv. the re-use of buildings provided that the buildings are of permanent and substantial construction;</i> <i>v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and</i> <i>Vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.</i> <p><i>155) The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where:</i></p> <ul style="list-style-type: none"> <i>a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;</i> <i>b. There is a demonstrable unmet need</i> 	
--	--	--	---	--

			<p>for the type of development proposed;</p> <p>c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and</p> <p>d. Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.</p>	
BAS GB5	Definition of a Dwelling	<p>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.</p> <p>As with the other Saved Policies on Green Belt, the NPPF 2024’s Grey Belt policy reduces the degree of compliance which the local policy can now be afforded.</p>	<p>Exemptions to Green Belt policies are set out in the Green Belt section of the NPPF. This includes circumstances where buildings may be acceptable, including some types of dwellings.</p> <p>Paragraph 153 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.</p> <p>However the NPPF 2024’s Grey Belt definition, ‘Golden Rules’ plus the amendments to para 155, particularly part b) would all be relevant for applications proposing new development which results in net additional gain of homes. The Council is unable to demonstrate a 5 year land supply for housing (5YHLS). This is considered to reduce the weighting which should be attributed to local policy.</p>	<p><i>Partially Compliant – less weight can be given to this policy, greater weighting given to NPPF.</i></p>

			NPPF 11d) and its 'presumption in favour of sustainable development' will apply in many cases to residential applications in Basildon given that the Council is unable to demonstrate a 5YHLS.	
BAS GB6	Agricultural Workers' Dwellings	<p>Policy BAS GB6 supports such exceptions and specifically focuses on dwellings for rural workers.</p> <p>As with the other Saved Policies on Green Belt, the NPPF 2024 approach to Grey Belt reduces the degree of compliance which the local policy can now be afforded.</p>	<p>The NPPF supports the provision of homes for rural workers where there is an essential need. New buildings for agriculture and forestry are identified 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, so there may be areas of overlap and mutual support between Paragraph 154 and BAS GB6 in this respect.</p> <p>However the NPPF 2024's Grey Belt definition, 'Golden Rules' plus the amendments to para 155, particularly part b) would all be relevant for applications proposing new development which results in net additional gain of homes. The Council is unable to demonstrate a 5YHLS. This is considered to reduce the weighting which should be attributed to local policy.</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 is unable to demonstrate a 5YHLS.</p>	<i>Partially Compliant – less weight can be given to this policy, greater weighting given to NPPF.</i>

BAS GB7	Re-use of Buildings in the Green Belt	<p>Policy BAS GB7 provides criteria which support the re-use of appropriate development. These would be brownfield land in the Green Belt, so could automatically meet the definition of Grey Belt.</p> <p>As with the other Saved Policies on Green Belt, the NPPF 2024 Grey Belt policy reduces the weight which the local policy can now be afforded.</p>	Paragraph 154 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, and do not harm the openness or conflict with the Green Belt purposes.	<i>Partially Compliant – less weight can be given to this policy, greater weighting given to NPPF.</i>
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.	<p>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 29 of the NPPF.</p> <p>However, the Council cannot demonstrate a five-year supply of deliverable housing sites, so NPPF Paragraph 11d) and the Presumption in Favour of Sustainable Development are applicable in many</p>	<i>Partially Compliant – less weight can be given to this policy, greater weighting given to NPPF.</i>

			instances to residential proposals in Basildon borough. The sites within BAS S2 will also be superseded by site allocations in the current draft Local Plan.	
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.	<p>This policy is outdated and has been overtaken by changes to national policies.</p> <p>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 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 2024 NPPF as the Council remains unable to demonstrate a 5YHLS, and recorded one of</p>	<i>National policy has now superseded this policy. Very little weighting should be given to the local policy.</i>

			<p>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.</p> <p>However, housing needs, housing targets and national policy have changed several times since BAS S5 was originally adopted in 1998 and the need for affordable housing is now far more acute than two and a half decades ago. This policy also cannot take account of more recent types of affordable housing products for sale.</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 Essex SHMA (2022).</p> <p>BAS S5 would also be deemed as 'out-of-date' as per NPPF paragraph 34, 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.</p> <p>However, the older approach of an affordable housing range was not subject to current viability testing, unlike present</p>	<p><i>National policy has now superceded this policy. Very little weighting should be given to the local policy.</i></p>

			<p>day policies. The affordable housing threshold of 25 units within S5 is inconsistent with the GDPO definition of major development, and the 2014 Written Ministerial Statement which, in many cases, prevents Affordable Housing contributions being sought from development of 1-10 units (except in rural areas).</p> <p>The policy thresholds also have potential inconsistencies with the new Golden Rules, which seek 50% affordable housing on land released from Green Belt, and the Golden Rules and NPPF would be given priority in those instances. The 2022 SHMA evidence refers to 50% Affordable Housing provision.</p> <p>The 2024 NPPF now refers to ‘affordable housing’ rather than the 10% for home ownership stated in 2023 NPPF. Annex 2: Glossary defines affordable housing as complying with Social Rent, Other affordable housing for rent, Discounted market sales housing and Other affordable routes to home ownership.</p> <p>Section 5, paragraph 71 states the benefits of Mixed tenure sites:</p> <p>Mixed tenure sites can provide a range of benefits, including creating diverse communities and supporting timely build out rates, and local planning authorities should support their development through</p>	
--	--	--	--	--

			<p>their policies and decisions (although this should not preclude schemes that are mainly, or entirely, for Social Rent or other affordable housing tenures from being supported). Mixed tenure sites can include a mixture of ownership and rental tenures, including Social Rent, other rented affordable housing and build to rent, as well as housing designed for specific groups such as older people's housing and student accommodation, and plots sold for custom or self-build.</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, which again is not reflected by older local policies.</p>	
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 in 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 193 specifically seeks to ensure that development that is likely to have an adverse impact on an SSSI is not permitted.</p>	<i>Compliant – weight can be given to the policy</i>

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 187 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.	<p>Generally, section 15 of the NPPF advocates the conservation and enhancement of the natural environment.</p> <p>Paragraph 187 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 193(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.</p>	<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.	<p>Generally, section 15 of the NPPF advocates the conservation and enhancement of the natural environment.</p> <p>Paragraph 187 seeks to protect and enhance sites of biodiversity value, paragraph 188 which requires maintaining and enhancing habitat networks, and paragraph 192 to protect and enhance biodiversity by safeguarding local wildlife-rich habitats and wider ecological networks.</p>	<i>Compliant – weight can be given to this policy</i>

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 187 (e) where it seeks to prevent new development from contributing to unacceptable levels of pollution including to water, and paragraph 192 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.	<p>Paragraph 196 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.</p> <p>Paragraph 198 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.</p>	<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	Paragraphs 187 and 196 to 199 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>

		development.		
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 125 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 29 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 125 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, considering both local business needs and wider opportunities for development.</p> <p>While the site is well-connected, the inconsistency of BAS E1 with the Use Class Order 2020 reduces 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	Within Section 6, Paragraphs 85 and 86 of the NPPF stress that significant weight should be placed on the need to support	<i>Partially Compliant – some weight can be given to this policy, but greater</i>

		<p>Terminus Drive, Pitsea. It helps to promote economic growth, as per the NPPF. The 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>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. 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 affects the degree of weighting which BAS E2 can be afforded.</p>	<i>weighting should be given to the NPPF</i>
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, it is stressed 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 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	Within section 6 of the NPPF it is stressed that significant weight should be placed on the need to support economic growth and productivity. Local policies are also	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to</i>

		<p>only be permitted within those areas proposed or shown as existing industrial estates as identified on the Proposals 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</p>	<p>required to identify strategic sites for local and inward investment in order to meet anticipated needs over the plan period.</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 for housing purposes. Its inconsistency with the Use Class Order 2020 also reduces the degree of weighting which BAS E4 can be afforded.</p> <p>Within Section 6 of the NPPF, paragraph 86c states that planning policies should: <i>“pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics;”</i></p>	<p>the NPPF</p>
--	--	---	---	------------------------

		demonstrate a 5YHLS.		
BAS E5	Ford Research and Technology Centre - Restrictive Automotive Research and Development Uses	<p>Discussions with Ford over calendar years 2019/21 (which resulted in the production of a Statement of Common 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</p>	<p>Section 6 of the NPPF stresses that significant weight should be placed on the need to support economic growth and productivity. Paragraphs 86 and 87 require 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 125 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.</p> <p>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</p>	<i>Partially Compliant - some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		general emphasis on reusing brownfield land and reallocating land to other uses where there is little prospect of an application coming forward.	reduce the degree of weighting BAS E5 can be attributed.	
BAS E6	Untidy Industry	<p>Policy BAS E6 identifies a specific area deemed 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,</p>	<p>There is no formal definition of ‘untidy industry’ within the NPPF. Section 6 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>	<i>Compliant – weight can be given to this policy</i>

		and the parking of heavy vehicles.		
BAS E7	Alternative Uses of Industrial Premises	<p>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 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 it reduces the weighting which should be afforded.</p>	<p>Paragraph 125 expects local policies to promote and support the development of under-utilised land and buildings where this would help meet an identified need.</p> <p>Paragraph 128 refers specifically to the expectation that local authorities should support proposals for alternative uses on 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.</p> <p>However, the local policy is inconsistent with the operation of the 2020 revisions to the Use Class Order, reducing the weighting which should be afforded to it.</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>
BAS E10	General Employment Policy	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	<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</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		<p>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>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> <p>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.</p>	
Retail section				
Saved Policy		Review		Consistency with NPPF and weight to be afforded
Reference	Title	Saved Policy review	NPPF Commentary	
BAS SH1	New Development – Retail sequential test	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.</p> <p>This is in accordance with Paragraph 91 in Section 7 of the NPPF. “<i>Local planning authorities should apply a sequential test to planning applications</i>”</p>	<i>National policy has now superceded this policy. Very little weighting should be given to the local policy.</i>

			<p><i>for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”</i></p> <p>However, additional guidance is provided around the assessment for retail and leisure applications outside main town centres, which requires an impact assessment where the Local Plan is out-of-date. The adopted 1998 Plan is now 27 years old, and is considered to be ‘out-of-date’ as NPPF para 34 expects that Local Plans should be reviewed every 5 years.</p> <p>Although the thrust of the policy has some conformity with the NPPF, its degree of accuracy and conformity was significantly 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) 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</p>	
--	--	--	--	--

			entirely within Class E do not require a planning application. Combined with the Plan being out-of-date it is considered that national policy supersedes the local policy. NPPF Section 7 and the PPG provide an up-to-date position on the requirements which should be followed.	
BAS SH3	Town Centre Retail Development Sites – land allocations	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>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 29.</p> <p>The NPPF Annex 2: Glossary provides a list of main town centre uses. Due to various national policy changes, the list of acceptable uses in a main town centre uses are much now greater than it</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

			<p>was in 1998. The Use Class Order 2020 is 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.</p> <p>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</p>	<p><i>National policy has now superseded this policy. Very little weighting should be given to the local policy.</i></p>

			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 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</p>	<i>National policy has now superceded this policy. Very little weighting should be given to the local policy.</i>

			<p>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 of BAS SH5 outdated, with the NPPF also being a material consideration for decision making. The lowest weighting should be given to the policy.</p>	
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 125(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. The Use Class Order of 2020 and greater flexibility introduced by Class E are factors which affect the weighting which should be</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>applied to this policy.</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 despite national policy changes and Class E, the policy still retains a degree of compliance with the NPPF 2024, and should be afforded some weight in the decision-making process.</p>	
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 98 of the NPPF state 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	<p>Paragraph 96 of the NPPF aims to achieve strong neighbourhood centres.</p> <p>Paragraph 98 states that decisions should plan positively for the provision and use of</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		<p>in use are appropriate. This generally accords with the NPPF.</p>	<p>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.</p> <p>Although changes of use are permissible, which could extend to uses selling food and drink, paragraph 97 of the 2024 NPPF states that:</p> <p>Local planning authorities should refuse applications for hot food takeaways and fast food outlets:</p> <ul style="list-style-type: none"> a) within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour. <p>This new addition to the NPPF reduces the weight which can be attributed to the policy, particularly where applications seek to propose a change-of-use to a shop selling food for consumption away from the premises. The Use Class Order of 2020 and greater flexibility introduced by Class E are further factors for consideration when using this policy, as they considerably</p>	
--	--	--	--	--

			reduce the weight to be applied, although the general aims still retain some compliance with paragraphs 96 and 97.	
BAS SH9	Temporary Retail Uses	<p>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 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>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 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. The policy therefore retains some relevance in decision-making.</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>
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	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>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, local plans are expected 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>NPPF 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 109 and 110 promote walking, cycling and public transport use, as doing so can bring benefits to public health as well as reducing emissions; and paragraph 115 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 117 expects</p>	<i>Compliant – weight can be given to this policy</i>

			<p>that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas. Paragraph 118 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 distinctiveness with regards to heritage assets.</p>	
BAS TC3	Wickford Town Centre – site allocation	<p>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 29 of the NPPF.</p>	<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>	<i>Compliant – weight can be given to this policy</i>

			<p>The principle of allocating the sites for development is still appropriate. NPPF Paragraph 90 is also 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 TC4	Pitsea Town Centre – site allocation	<p>Policy BAS TC4 supports the comprehensive 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</p>	<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</p>	<p><i>Compliant – weight can be given to this policy</i></p>

		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.	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.	
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 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.	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>
BAS TC6	Residential Development in Town Centres – allows residential development in the town centres whilst protecting ground floor retail units from conversion to housing.	Policy BAS TC6 allows for the change of use from retail to residential under certain circumstances.	<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 125 (d) and (e), local</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

			<p>policies should support converting space above shops or utilising the airspace above commercial premises to meet housing needs. In addition, Paragraph 128 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,</p> <p>Paragraph 130 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>NPPF Section 11 allows for residential only schemes within town centres to be brought forward which the local policy does not normally support.</p> <p>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.</p>	
Recreation Section				
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.	<p>NPPF Paragraph 103 is clear as to the benefits of open space for the health and wellbeing of communities. Paragraph 104 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).</p> <p>Section 8, paragraph 108 states <i>“Policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts set out in chapter 13 of this Framework.”</i></p>	<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 there is suitable provision made elsewhere, the NPPF would permit a change of use.	<p>NPPF Paragraph 98 states that policies should plan positively for the provision and use of community facilities, including open space. Paragraph 103 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.</p> <p>This site has now been delivered; therefore, the policy is now out of date.</p>	<i>National policy has now superceded this policy. Very little weighting should be given to the local policy.</i>
BAS R11	Sport facilities allocation – land between Pound Lane and Church Road,	The area identified in BAS R11 could contribute towards open space and sports provision within	NPPF Paragraph 98 states that policies should plan positively for the provision and use of community facilities, including open space. Paragraph 103 identifies that	<i>National policy has now superceded this policy. Very little weighting should</i>

	Laindon	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.	<p>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.</p> <p>This site has now been delivered; therefore, the policy is now out of date.</p>	<i>be given to the local policy</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.	<p>Paragraph 98 of the NPPF states that policies should plan positively for the provision and use of community facilities such as sports venues.</p> <p>Paras 103 and 104 highlight 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, and can deliver wider benefits for nature and support efforts to address climate change, and offer protection to existing open spaces, sports and recreational buildings and land.</p> <p>Paragraph 198 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</p>	<i>Compliant – weight can be given to the policy</i>

			local policy.	
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>Paragraph 198 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> <p>Paragraph 200 seeks to ensure that planning policies and decisions enable new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. This also introduced the “Agent of Change” principle which requires suitable mitigation to be provided wherever the operation of an existing business or community facility may have a significant adverse effect on new development (including changes of use) in its vicinity.</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 remains aligned with the 2024 NPPF.	Section 9 of the NPPF promotes sustainable transport. When considering development proposals, NPPF paragraph 109 expects transport issues to be considered at the outset, and paragraph 115 states that applications should facilitate access to high quality public transport and appropriate facilities that encourage public transport use.	<i>Compliant – weight can be given to this policy</i>
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</p>	<i>Compliant – weight can be given to this policy</i>

			refused.	
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 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>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>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>
BAS BE14	Areas of Special Development Control Policy – Sugden Avenue Wickford	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	<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</p>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>

		<p>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>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 BE15	Areas of Special Development Control Policy – Bowers Gifford	<p>Policy BAS BE15 sets out the design principles for development within Bowers Gifford to ensure the characteristics of the area is 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>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>	<i>Partially Compliant – some weight can be given to this policy, but greater weighting should be given to the NPPF</i>
BAS BE17	Shop Fronts	<p>Policy BAS BE17 focuses on design of new shopfronts ensuring they do not adversely impact on local</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</p>	<i>Compliant – weight can be given to this policy</i>

		character and neighbouring properties and refers to local design standards.	<p>character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.</p> <p>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>	
BAS BE18	Advertisements general –	BAS BE18 states that when applications are being determined for advertisement 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.	<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 PPG Section ‘Advertisements – GOV.UK’ provides further details on advertisements, BAS BE18 is unlikely to go far enough to comply with the detailed tests for advertising consents.</p>	<i>National policy has now superceded this policy, Very little weighting should be given to the local policy.</i>
BAS BE19	Advertisements Green Belt –	BAS BE19 sets out a need for controlling the consent for advertising, especially the cumulative effect of such, so	NPPF Paragraph 141 states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process	<i>National policy has now superceded this policy, Very little weighting should</i>

		that it will not harm the amenities of the Green Belt	<p>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 specifically relate to advertising, its cumulative impact on visual amenity should be assessed when consent is required.</p> <p>This is also consistent with the approach to Green Belt in the NPPF.</p>	<i>be given to the local policy.</i>
BAS BE20	Telecommunications	<p>Under BAS BE20, the siting and external appearance of any telecommunications apparatus should not have a significantly detrimental visual 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>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 growth and social well-being.</p> <p>Mast-sharing is also encouraged between different operators, and this is supported by local policy.</p> <p>It should be noted that the expanded Permitted Development Rights for Telecommunications infrastructure, combined with technological advancement such as masts becoming smaller, are likely to reduce the circumstances where full</p>	<i>Compliant – weight can be given to this policy</i>

		<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>planning applications are necessary.</p>	
BAS BE21	<p>Healthcare Developments – new primary & community facilities</p>	<p>Policy BAS BE21 specifically supports development for new primary and community healthcare facilities.</p>	<p>Within NPPF Section 8, Paragraph 101 requires that “significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development”.</p> <p>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 127(b) also states that proposals should be supported that make more effective use of sites’. Paragraph 125 (d) encourages proposals on under-utilised land or buildings. This would extend to providing medical services and infrastructure such as 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</p>	<p><i>Compliant – weight can be given to this policy</i></p>

			<p>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.</p> <p>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 8, Paragraph 101 requires that “significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development”.</p> <p>Within Section 9 of the NPPF, Paragraph 109 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</p>	<i>Compliant – weight can be given to this policy</i>

			<p>visually attractive through good architecture, layout and landscaping, and be sympathetic to local character.</p> <p>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.</p>	
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.	<p>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'.</p>	<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 of the Basildon District Local Plan 1998 against the December 2024 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 principally shown in policies affecting retail (where the Use Class Order changes in 2020 which introduced Class E) but also relevant in relation to housing, where the compounded effects of changes to national policy can now be seen given the greater scrutiny afforded to proposed sites. The 2024 NPPF and introduction of 'Grey Belt' similarly affect the degree of compliance which local Green Belt policies now have. The inability to demonstrate a 5YHLS also generates pressure for the conversion of employment land and premises to residential uses, particularly if and where premises become vacant, and exerts pressure to build in the Green Belt.
- 3.3 Overall, it is considered that the Saved Policies still demonstrate some partial compliance with the current suite of national policy and guidance within the 2024 NPPF. However, unsurprisingly, there are clear gaps in coverage and areas of inconsistency between the 1998 policies and 2024 NPPF, as this review helps to demonstrate, which increases the reliance on national policy.
- 3.4 A further update of this compliance review will be necessary whenever national planning policy changes again. This is particularly important given the January 2025 Court of Appeal judgment in *Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 32 ², which confirmed that the legal status of the NPPF and the PPG is essentially the same and no legal distinction exists between them.

² [Court of Appeal Judgment Template](#)