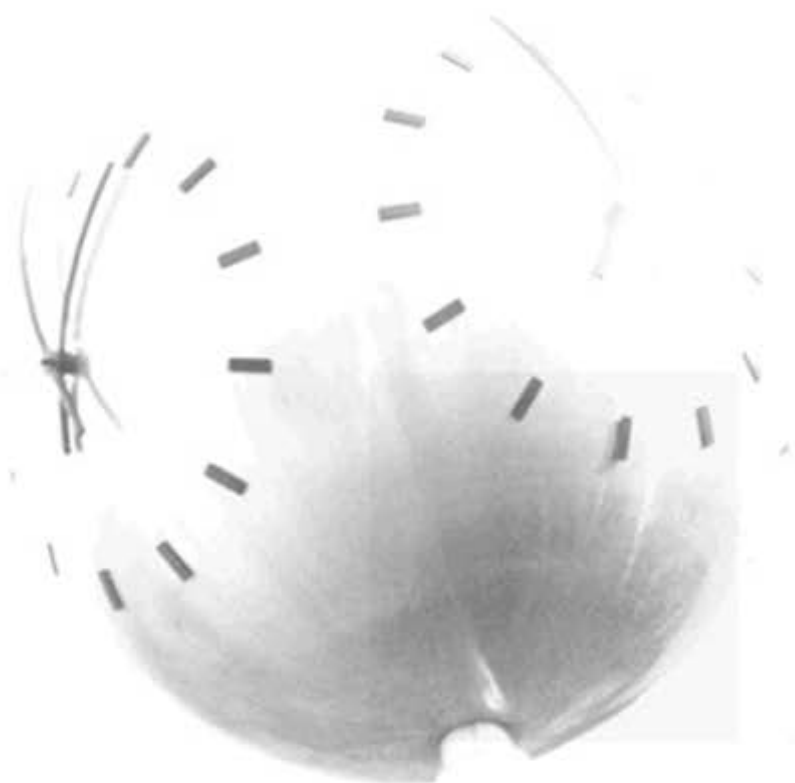


# **Compliance Review of the Saved 1998 Local Plan Policies with the Revised National Planning Policy Framework (NPPF) (July 2018)**

**September 2018**





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# **1. Introduction**

## **1.1 Purpose of this Review**

- 1.1.1 On 24 July 2018, the Government published the revised National Planning Policy Framework (NPPF). The NPPF promotes the delivery of sustainable development and sets out a policy framework for local planning authorities and decision-takers, both in drawing up plans and taking decisions about planning applications. It replaces the first NPPF which was published in March 2012.
- 1.1.2 Policies in the revised NPPF should be taken into account straight away when dealing with applications for planning permission. Policies in Local Plans adopted prior to 24 July 2018 should therefore be reviewed to identify the level of consistency the adopted policies continue to have with the NPPF. This will assist local planning authorities in applying the correct weight to existing policies when determining applications.
- 1.1.3 The current adopted policies covering Basildon Borough are policies from the 1998 Basildon District Local Plan, saved under the provision of the 2004 Planning and Compulsory Purchase Act. The Council has prepared this review to identify the level of consistency the adopted policies continue to have with the NPPF.
- 1.1.4 Individuals wishing to make an application should read this review to understand the level of weight to be applied to the Saved Local Plan Policies which are 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 a time that the policies are replaced by the adoption of a new Local Plan.

## **1.2 Implementation of the Revised National Planning Policy Framework**

- 1.2.1 The implementation arrangements for taking into account the revised NPPF when plan making and decision taking are set out within Annex 1 of the NPPF. Paragraph 213 states that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF. For example, the closer the policies in the plan to the policies in the NPPF, the greater the weight that can be given.
- 1.2.2 Whilst not stipulated in the NPPF, best practice for local authorities to demonstrate the degree of consistency of their local plan policies to the NPPF is to undertake a compliance review. The Council undertook a similar review when the Government published the 2012 NPPF.

## **1.3 Local Plan Policies**

- 1.3.1 In September 2007 under direction from the Secretary of State certain policies in the adopted 1998 Basildon District Local Plan were ‘saved’ with the intention they would be replaced, in due course, through the preparation and adoption of a new Local Plan. At the time the policies were saved they were still considered to be relevant to managing development within the Borough and they were compatible with national and regional policy applicable at the time.
- 1.3.2 In March 2012 the Government published the first NPPF which replaced a collection of Planning Policy Guidance notes and Planning Policy Statements with a framework that was more streamlined and which set out national planning policy in a more simplified manner. The 2012 NPPF included a one-year transition period during which existing Local Plan policies could be given full weight. However after one year, unless Local Plan policies were seen as compliant with the framework, those within the 2012 NPPF were to be given greater weight.
- 1.3.3 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.
- 1.3.4 Since the policies were saved 2007, the Council has sought to prepare a new Local Plan having published numerous draft iterations. The Council first intended to prepare a suite of documents, in accordance with the 2004 Planning and Compulsory Purchase Act, to form the new Local Plan which commenced with the preparation of a Core Strategy. However, following legislative changes, the publication of the 2012 NPPF and the revocation of the East of England Regional Plan in 2013, the Council started working on a single Local Plan which it intends to submit to the Secretary of State early 2019 for examination. Subject to the outcome of the examination, adoption of the Local Plan is expected late 2019<sup>1</sup>.
- 1.3.5 Until the new Local Plan is adopted the Saved Local Plan Policies remain the current adopted planning policies for the Borough. As a result of the publication of the revised NPPF this year, which unlike its predecessor does not include any transitional arrangements when dealing with applications, it is necessary for the Council to reassess the Saved Local Plan Policies to establish their degree of consistency with new national policy and whether they can continue to be applied with the same weight when determining planning applications.

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<sup>1</sup> *Basildon Borough Local Development Scheme 2018 – 2020 (10<sup>th</sup> Edition), 2018, Basildon Borough Council*

## **2. Assessing Local Policy**

### **2.1 Policy Review**

- 2.1.1 In undertaking this second compliance review of the Saved Local Plan Policies the Council adopted a similar approach to the one it took when reviewing the policies against the 2012 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.
- 2.1.2 However, owing to the short timeframe in which the revised NPPF has been applicable, this review has not been informed by the outcomes of planning appeal decisions. This additional analysis was included in the previous review as there was a one year transitional period following the introduction of the 2012 NPPF during which local plan policies were afforded full weight in dealing with applications. It would not be practical to delay the latest review for new planning appeal decision as there are no transitional arrangements in place following the publication of the revised NPPF. This means that establishing the degree of consistency between existing policies and the NPPF is required as soon as possible in order to provide certainty for decision takers in using the saved policies to determine applications.
- 2.1.3 Each saved policy has been assessed against the policies in the revised NPPF. A summary of the assessment and the level of consistency with the NPPF has been reported in the following table.

**Table 1: Assessment of the Saved Local Plan Policies**

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
BAS GB1	The Definition of the Green Belt	Paragraphs 133 to 141 of the NPPF provide direction on defining green belts and of their permanence. 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.	Compliant – weight can be given to this policy
BAS GB3	Replacement dwellings in the Green Belt	Paragraph 145 of the NPPF sets out the exceptions to inappropriate development within the Green Belt and the replacement of a building is identified as an exception. Policy BAS GB3 provides locally relevant criteria associated with this exception however past appeal decisions have allowed larger replacement dwellings than the limits identified in this policy and the wording in the revised NPPF is the same as the wording in the first NPPF.	Generally Compliant – less weight can be given to this policy
BAS GB4	Extension to dwellings in the Green Belt	Paragraph 145 of the NPPF sets out the exceptions to inappropriate development within the Green Belt and the extension or alteration of a building is identified as an exception. Policy BAS GB4 provides locally relevant criteria associated with this exception however past appeal decisions have allowed larger extensions than the limits identified in this policy and the wording in the	Generally Compliant – less weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		revised NPPF is the same as the wording in the first NPPF.	
BAS GB5	Definition of a Dwelling	BAS GB5 provides clarity on what is defined as a dwelling for the purposes of applying other Green Belt policies. It assists in the interpretation of what is considered to be a building in a local context for the purposes of determining applications and for the replacement or re-use of a building as set out in paragraphs 145 and 146 of the NPPF.	Compliant – weight can be given to this policy
BAS GB6	Agricultural Workers Dwellings	Paragraph 79 of the NPPF supports the provision of homes for rural workers where there is an essential need and paragraph 145 identifies new buildings for agriculture and forestry as exceptions to inappropriate development in the Green Belt. Policy BAS GB6 supports such exceptions and specifically focuses on dwellings for rural workers.	Compliant – weight can be given to this policy
BAS GB7	Re-use of Buildings in the Green Belt	Paragraph 146 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 purposes. Policy BAS GB7 provides criteria which supports this form of appropriate development.	Compliant – weight can be given to this policy
BAS S2	Housing Sites	Of the six sites allocated within policy BAS S2 for residential development one remains undeveloped (site labelled vi). Sites are allocated for the purposes of being developed therefore it is not unusual for parts of a policy to be fulfilled over	Compliant – weight can be given to this policy



Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		<p>time. However one site does remain undeveloped and it is being promoted and is considered suitable for residential development.</p> <p>The allocation of sites for specific development types within non-strategic policies is in accordance with paragraph 28 of the NPPF.</p>	
BAS S3	Areas of Special Reserve	<p>Whilst the site at Dry Street is under construction it is not yet complete and the majority of land at Barn Hall still remains available for development. As such the principle of allocating these sites for residential development is still appropriate and in accordance with paragraph 28 of the NPPF.</p> <p>These sites were safeguarded for meeting the housing need beyond the plan period which was 2001. This timeframe has now passed and where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (paragraph 11) these areas of special reserve could now come forward for development ahead of the completion of the Local Plan review which is stipulated within the policy.</p> <p>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</p>	Generally Compliant – less weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		<p>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 material considerations including the lack of a five-year supply of housing land and continual under delivery of new dwellings in accordance with the minimum annual requirement outweighed this. As such this element of the policy was afforded less weight and therefore the policy as a whole is only considered as having a degree of compliance with the NPPF.</p>	
BAS S5	Affordable Housing (1999 Alterations)	<p>Paragraphs 34 and 62 of the NPPF expect local planning authorities to set out the type of affordable housing provision required from development which policy BAS S5 does. Furthermore it does not conflict with the requirement for 10% of homes of major development to be available for affordable home ownership (paragraph 64).</p> <p>However, whilst the policy sets a minimum threshold for the size of development from which the policy would be applicable, in accordance with paragraph 63, it is different to the threshold of more than 10 units contained in the more recently published Planning Obligations Strategy Supplementary Planning Document (2015). For</p>	Generally Compliant - less weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		this reason the policy is not considered to be fully compliant.	
BAS C1	Protected Areas – SSSI's, SNIC's & important wildlife habitats	Policy BAS C1 seeks to protect designated nature sites including SSSIs which is accordance with the NPPF. Section 15 of the NPPF seeks the conservation and enhancement of the natural environment while paragraph 175 specifically seeks to ensure that development that is likely to have an adverse impact on an SSSI is not permitted.	Compliant – weight can be given to this policy
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 170 specifically mentions protecting and enhancing valued landscapes and the character and beauty of the countryside.	Compliant – weight can be given to this policy
BAS C5	Trees and Woodlands – Protection of Ancient Woodlands	Section 15 of the NPPF advocates the conservation and enhancement of the natural environment. Paragraph 170 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 things. Paragraph 175(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	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		strategy exists. The purpose of policy BAS C5 is to retain existing woodlands with an emphasis on Ancient Woodland which is in accordance with the paragraphs mentioned above.	
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 accords with section 15 of the NPPF, particularly paragraph 170 which seeks to maintain the character of undeveloped coasts and paragraph 174 which requires plans to protect and enhance biodiversity by safeguarding local wildlife-rich habitats and wider ecological networks.	Compliant – weight can be given to this policy
BAS C13	Water Wildlife	Policy BAS C13 seeks to protect water environments including important wildlife habitats from being adversely affected by new development. This is in accordance with section 15 of the NPPF, particularly paragraph 170 where it seeks to prevent new development from contributing to unacceptable levels of pollution including to water, and paragraph 174 which requires plans to protect and enhance biodiversity by safeguarding local wildlife-rich habitats and wider ecological networks.	Compliant – weight can be given to this policy
BAS C15	Hazardous Substances – population’s health and safety	Paragraph 180 of the NPPF expects policies to ensure that new development is appropriate to its location, taking into account the likely effects of pollution on health, living conditions and the local	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		environment, and also the potential sensitivity of the wider area to the impacts that could arise from the development. Policy BAS C15 seeks to achieve this.	
BAS C16	Hazardous Substances – hazardous installations	Paragraph 170 of the NPPF expects policies to prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of pollution which policy BAS C16 seeks to achieve.	Compliant – weight can be given to this policy
BAS E1	Comprehensive Development Areas – Gardiners Lane South	<p>Policy BAS E1 is supported by an adopted Supplementary Planning Guidance 2003 and the site was granted outline planning permission (subject to a S106 agreement) in 2005 for mixed use development. However this has not come to fruition as a result of viability challenges.</p> <p>The Council has since resolved to grant planning permission for a 15 pitch Gypsy and Traveller site and two adjacent residential developments within the site. However much of the site remains suitable, available and achievable for development.</p> <p>Recent evidence has re-evaluated the site and concluded that it is still required for employment purposes and should come forward as part of a mixed use scheme alongside residential and other uses. However the amount of land to be allocated for the different uses may need to differ from those stated within the policy to ensure the site is viable.</p>	Generally Compliant - less weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		Despite this, the principle of allocating this site for the types of development set out in BAS E1 is still appropriate and in accordance with paragraphs 28 and 81 of the NPPF. Furthermore the policy is also in accordance with paragraph 118 which encourages multiple benefits from urban sites including mixed used schemes.	
BAS E2	Proposed Employment Sites – Terminus Drive	Paragraph 80 of the NPPF stresses that significant weight should be placed on the need to support economic growth and productivity and paragraph 81 requires policies 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.  Furthermore, recent evidence has re-evaluated the site and concluded that it is still required for employment purposes	Compliant – weight can be given to this policy
BAS E3	Proposed Employment Sites – land north of Courtauld Road, opposite Repton Close.	Paragraph 80 of the NPPF stresses that significant weight should be placed on the need to support economic growth and productivity and paragraph 81 requires policies to identify strategic sites for local and inward investment in order to meet anticipated needs over the plan period. Policy BAS E3 fulfils this requirement.	Compliant – weight can be given to this policy
BAS E4	Existing Employment Areas	Paragraph 80 of the NPPF stresses that significant weight should be placed on the need to support economic growth and productivity and paragraph	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		81 requires policies to identify strategic sites for local and inward investment in order to meet anticipated needs over the plan period. Policy BAS E4 fulfils this requirement.	
BAS E5	Ford Research and Technology Centre - Restrictive Automotive Research and Development Uses	<p>Paragraph 80 of the NPPF stresses that significant weight should be placed on the need to support economic growth and productivity. Paragraphs 81 and 82 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>However paragraph 120 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. In 2013 planning permission was granted for residential development on the eastern part of this site which is currently under construction. BAS E5 would no longer be relevant to this area of the wider site.</p> <p>Recent evidence has re-evaluated the remaining site which includes the Ford Technical Centre and test track and concluded that it is required for</p>	Generally Compliant - less weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		employment purposes and therefore Policy BAS E5 ensures its protection.	
BAS E6	Untidy Industry	Paragraph 82 of the NPPF promotes the use of policy to make provision for different sectors including storage and distribution operations which address specific locational requirements. Paragraph 180 also seeks to ensure that new development is appropriate for its location taking into account the likely effects of pollution and potential sensitivity of the wider area. 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 of such employment activities on other uses such as residential areas and the environment.	Compliant – weight can be given to this policy
BAS E7	Alternative Uses of Industrial Premises	BAS E7 provides flexibility into the use of land by enabling buildings in employment use or sites allocated in the plan for employment purposes to be developed for other uses providing certain criteria is adhered to. This is in accordance with section 11 of the NPPF. Paragraph 118 expects local policies to promote and support the development of under-utilised land and buildings where this would help meet an identified need. Paragraph 121 refers specifically to the expectation that local authorities should support proposals for alternative uses on land that is currently developed for employment but not	Compliant – weight can be given to this policy



Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		allocated for that use in the plan where there is a high demand for housing and it would not adversely impact on the economy.	
BAS E10	General Employment Policy	<p>BAS E10 seeks to manage new development for employment by ensuring it adheres to certain criteria. It supports the principles of the NPPF by supporting economic growth.</p> <p>The criteria to which proposals would be expected to meet in the policy are in accordance with the relevant sections in the NPPF. Section 9 deals with the requirement 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. Section 12 sets out the design expectations of new development and stipulates that development should provide effective landscaping and be sympathetic to local character. 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>	Compliant – weight can be given to this policy
BAS SH1	New Retail Development – sequential test	Policy BAS SH1 identifies the town centres and the urban areas within the Borough in order to apply the sequential test for locating main town centre uses and sets out the approach to undertaking the sequential test. This is in accordance with section	Generally Compliant - less weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		7 of the NPPF. However the sequential approach to sites, as stipulated in paragraph 86 of the NPPF, should be applied where the proposal is not in an existing centre and where it isn't in accordance with an up to date plan therefore full weight cannot be given to this local policy .	
BAS SH3	Town Centre Retail Development Sites – land allocations	<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 also forms part of a larger permitted scheme within Basildon which intends to retain the site for its current use.</p> <p>Sites are allocated for the purpose of being developed therefore it is not unusual for parts of a policy to be fulfilled over time. However as some of the sites remain undeveloped the principle of allocating them for development is still appropriate and is consistent with section 7 of the NPPF.</p> <p>Furthermore, the allocation of sites for specific development types within non-strategic policies is in accordance with paragraph 28. However it is not considered fully consistent with the NPPF as there may be other competing main town centre uses which could be supported in these locations. The NPPF glossary defines what constitutes a main town centre use.</p>	Generally Compliant - less weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
BAS SH4	Town Centre Shopping Frontages – primary shopping frontages 1999 Alterations	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. Policy BAS SH4 sets out the type of uses that are considered appropriate for frontages within the primary shopping area and is therefore generally in accordance with the NPPF. However some flexibility may be required to allow other suitable uses not specified within the policy to ensure town centres can adapt and grow.	Generally Compliant - less weight can be given to this policy
BAS SH5	Town Centre Shopping Frontages – areas outside primary shopping frontages	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. Policy BAS SH5 sets out the type of uses that are considered appropriate for frontages within the town centre but outside of the primary shopping area and is therefore generally in accordance with the NPPF. However some flexibility may be required to allow other suitable uses not specified within the policy to ensure town centres can adapt and grow.	Generally Compliant - less weight can be given to this policy
BAS SH6	Retailing on Industrial Estates	Policy BAS SH6 seeks to manage a local issue and support town centre vitality by limiting retail development within employment areas in line with section 17 of the NPPF. However it adopts a flexible approach in accordance with paragraph 118(d) of the NPPF by supporting development of	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		under-utilised land and buildings where it is justified.	
BAS SH7	Local Shopping Centres – new developments and extension to existing	Paragraph 92 of the NPPF states that decisions should plan positively for the provision and use of community facilities such as local shops and other local services to enhance the sustainability of communities and residential environments. It states in part (d) that decisions should ensure that established shops, facilities and services are able to develop and modernise and are retained for the benefit of the community. Policy BAS SH7 supports the provision and expansion of local shopping centres within built up areas and is therefore in accordance with the NPPF.	Compliant – weight can be given to this policy
BAS SH8	Local Shopping Centres – protection of their retail function	Paragraph 91(a) of the NPPF aims to achieve strong neighbourhood centres. Paragraph 92 states that decisions should plan positively for the provision and use of community facilities such as local shops and other local services to enhance the sustainability of communities and residential environments. It states in part (c) that decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs. Policy BAS SH8 seeks to retain the retail function of local shopping centres whilst allowing some degree of flexibility where changes in use are appropriate which is in accordance with the NPPF.	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
BAS SH9	Temporary Retail Uses – boot sales Sunday markets etc.	The NPPF is silent on the matter of boot sales and, as they tend to occur within the Borough’s Green Belt, the NPPF Green Belt policies and those of the Saved Local Plan Policies would be material in determining these types of applications. However paragraph 85(c) does expect local policies to seek to retain and enhance existing markets and, where appropriate, re-introduce or create new ones to which policy BAS SH9 does support.	Generally Compliant - less weight can be given to this policy
BAS TC1	District Wide Town Centre Policy	<p>Policy BAS TC1 adopts a flexible approach to supporting the growth and adaptation of the Borough’s town centres by allowing a diverse range of suitable uses which is in accordance with section 7 of the NPPF.</p> <p>The criteria to which proposals would be expected to meet in the policy are in accordance with the relevant sections in the NPPF. Section 9 deals with the requirement 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. Section 12 sets out the design expectations of new development and stipulates that development should be sympathetic to local character. Section 16 expects new development to make a positive contribution to local character and distinctiveness with regards to heritage assets.</p>	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
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 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>The principle of allocating the two sites for development is still appropriate as neither have been developed. Furthermore, the allocation of sites for development within non-strategic policies is in accordance with paragraph 28 of the NPPF.</p>	Compliant – weight can be given to this policy
BAS TC4	Pitsea Town Centre – site allocation	<p>Policy BAS TC3 supports the comprehensive redevelopment of a site within Pitsea 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 section 7 of the NPPF which expects sites to be allocated for main town centre uses to support town centre growth and to allow them to adapt and diversify to meet changing needs.</p> <p>Part of the site has already been developed as a mixed use scheme but sites are allocated in a plan for the purpose of being developed therefore it is</p>	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		not unusual for parts of a policy to be fulfilled over time. However as some of the site remains undeveloped the principle of allocating it for development is still appropriate. Furthermore, the allocation of sites for development within non-strategic policies is in accordance with paragraph 28 of the NPPF.	
BAS TC5	Markets – protection for Basildon, Pitsea and Wickford market sites	Paragraph 85(c) of the NPPF states that policies should retain and enhance existing markets and, where appropriate, re-introduce or create new ones. Policy BAS TC5 specifically seeks to retain existing markets within the Borough.	Compliant – weight can be given to this policy
BAS TC6	Residential Development in Town Centres – allows residential development in the town centres whilst protecting ground floor retail units from conversion to housing.	Paragraph 85(f) of the NPPF states that policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites. Policy BAS TC6 allows for the change of use from retail to residential under certain circumstances. However section 11 of the NPPF has introduced a need for greater adaptability to make effective use of land by converting space above shops or utilising the airspace above commercial premises. This could allow for residential only schemes within town centres to be brought forward which this local policy does not normally support.	Generally Compliant - less weight can be given to this policy
BAS R1	Open Space - protection	Paragraph 96 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		important for the health and well-being of communities. Paragraph 97 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on subject to certain exceptions (surplus to requirements/equivalent or better replacement/alternative with benefits that outweigh the loss). Policy BAS R1 seeks to protect open space from development where it meets an identified need which is in accordance with the NPPF.	
BAS R4	Proposed Open Space – Hannikens Farm, Billericay	Paragraph 92 of the NPPF states that policies should plan positively for the provision and use of community facilities such as open space while paragraph 96 identifies the importance of access to high quality open space for health and well-being. The area identified in policy BAS R4 could contribute to the open space provision within Billericay and is therefore protected through policy. If it can be demonstrated that the land is surplus to requirement or there is a suitable replacement for the provision elsewhere section 8 of the NPPF allows for its change in use.	Generally Compliant - less weight can be given to this policy
BAS R11	Sports Facilities Allocation – Church Road/Basildon Road, Laindon	Paragraph 92 of the NPPF states that policies should plan positively for the provision and use of community facilities such as open space while paragraph 96 identifies the importance of access to high quality open space and opportunities for sport and physical activity for health and well-being. The	Generally Compliant - less weight can be given to this policy



Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		area identified in policy BAS R11 could contribute to the open space and sports provision within Basildon and is therefore protected through policy. If it can be demonstrated that the land is surplus to requirement or there is a suitable replacement for the provision elsewhere section 8 of the NPPF allows for its change in use.	
BAS R15	Golf Courses –golf driving ranges design and siting considerations	Policy BAS R15 allows for the provision of a specific sporting facility providing it does not adversely impact on visual and residential amenity. Paragraph 92 of the NPPF states that policies should plan positively for the provision and use of community facilities such as sports venues. Paragraph 180 requires consideration on the appropriateness of a location for development taking into account the likely effects of pollution on health, living conditions and the natural environment and the sensitivity of the area to the impacts that could arise from the development including light pollution from artificial light on local amenity which is identified in the local policy.	Compliant – weight can be given to this 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, particularly paragraph 108 which deals with the requirement for proposals to mitigate the impact of development on the transport network,	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		and paragraph 180 which requires consideration on the appropriateness of a location for development with regards to the likely effects of pollution on health, living conditions and the natural environment and the sensitivity of the area to the impacts that could arise from the development. Development would be required to mitigate and reduce to a minimum potential adverse impacts resulting from noise and protect tranquil areas which policy BAS R16 requires.	
BAS T5	Public Transport – improved facilities at public transport interchanges	Section 9 (paragraphs 102 to 111) of the NPPF promotes sustainable transport. In considering development proposals paragraph 110 states that applications should facilitate access to high quality public transport and appropriate facilities that encourage public transport use. Policy BAS T5 seeks to improve facilities at public transport interchanges to encourage the use of public transport and is therefore aligned with the NPPF.	Compliant – weight can be given to this policy
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. The NPPF attaches great importance to the design of the built environment and requires high quality design. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 127 also expects local policy to ensure that development is sympathetic to local character, functions well and has a high standard of amenity for existing and future users. Policy BAS BE12 includes these requirements and is in accordance with section 12 of the NPPF.	
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. The NPPF also supports the use of local design standards and expects proposals to take these into account. 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.	Generally Compliant - less weight can be given to this policy
BAS BE14	Areas of Special Development Control Policy – Sugden Avenue Wickford	Policy BAS BE14 sets out the design principles for development within Sugden Avenue in Wickford 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. The NPPF also supports the use of local design	Generally Compliant - less weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		standards and expects proposals to take these into account. 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.	
BAS BE15	Areas of Special Development Control Policy – Bowers Gifford	Policy BAS BE15 sets out the design principles for development within Bowers Gifford 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. The NPPF also supports the use of local design standards and expects proposals to take these into account. 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.	Generally Compliant - less weight can be given to this policy
BAS BE17	Shop Fronts	Policy BAS BE17 focuses on design of new shopfronts ensuring they do not adversely impact on local character and neighbouring properties and refers to the Council’s design standards. This is consistent with paragraph 127 of the NPPF which requires local policy to ensure that development is visually attractive and sympathetic to local character and history. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		an area, taking into account any local design standards.	
BAS BE18	Advertisements – general	Paragraph 132 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed. It states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Policy BAS BE18 is consistent with this approach.	Compliant – weight can be given to this policy
BAS BE19	Advertisements – Green Belt	Paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. It states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The impact on the visual amenity of the Green Belt is an issue with the Borough and, whilst the appropriateness of development in the Green Belt does not relate to advertising, its cumulative impact on visual amenity should be assessed when consent is required which is consistent with the approach to advertisements in the NPPF.	Compliant – weight can be given to this policy
BAS BE20	Telecommunications	Section 10 seeks to ensure that high quality communications are supported. Paragraphs 112 to 116 make up this section and are consistent with the aims of the criteria in this policy.	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
BAS BE21	Healthcare Developments – new primary & community facilities	<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 121(b) also states that proposals should be supported that make more effective use of sites that provide community services such as hospitals, provided this maintains or improves the quality of services provision. Policy BAS BE21 specifically supports development for new primary and community healthcare facilities.</p> <p>The criteria to which proposals would be expected to meet in the policy are in accordance with the relevant sections in the NPPF. Section 9 deals with the requirement for proposals to consider the impact of development on the transport network, provide safe and suitable access and to comply with parking standards. Section 15 seeks to ensure that new development does not contribute to unacceptable levels of pollution including noise and requires mitigation of the adverse impacts arising from the development.</p>	Compliant – weight can be given to this policy
BAS BE22	Healthcare Developments – Extensions to Hospital facilities	Paragraph 121(b) states that proposals should be supported that make more effective use of sites that provide community services such as hospitals, provided this maintains or improves the quality of services provision. Policy BAS BE22 supports	Compliant – weight can be given to this policy

Saved Policy		Review	Consistency with the NPPF and weight to be afforded
		<p>development associated with the expansion of hospital facilities.</p> <p>The criteria to which proposals would be expected to meet in the policy are in accordance with the relevant sections in the NPPF. Section 9 deals with the requirement for proposals to consider the impact of development on the transport network, provide safe and suitable access and to comply with parking standards. Section 12 sets out the design expectations of new development and stipulates that development should function well, be visually attractive through good architecture, layout and landscaping, and be sympathetic to local character. 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	<p>Paragraph 91 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'. These</p>	Compliant – weight can be given to this policy

<b>Saved Policy</b>		<b>Review</b>	<b>Consistency with the NPPF and weight to be afforded</b>
		objectives are repeated in paragraph 127(f) and are consistent with the purpose of policy BAS BE24.	



### **3. Conclusion**

#### **3.1 NPPF Compliance**

- 3.1.1 This review has assessed 37 of the 54 Saved Local Plan Policies as being compliant with policies in the revised NPPF. This 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.
- 3.1.2 The remaining 17 policies were assessed as being generally compliant with policies within the NPPF. This means that less weight should be given to these policies when they are used to determine planning applications. The assessment summaries in Table 1 provide further information on which aspects of these policies meant they could not be considered to be fully consistent with national policy. When determining applications against any of these 17 policies, the Planning Officer and Planning Committee should have regard to the reasons why the policy has been given less weight and ensure that the use of the policy is based on the aspects that are consistent with national policy.
- 3.1.3 Where the Saved Local Plan Policies are silent on a particular matter, and also for those aspects of the 17 policies that are no longer consistent with the NPPF, policies in the 2018 NPPF should now be used.