SUBMISSION VERSION
NEIGHBOURHOOD DEVELOPMENT ORDER

North Benfleet Plotlands

Published by Bowers Gifford and North Benfleet Parish Council for Submission under Regulation 22 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

AUGUST 2025

GUIDE TO READING THIS DOCUMENT

Of necessity, this Neighbourhood Development Order (NDO) is a detailed technical document. The purpose of this page is to explain the structure and help you find your way around the Order.

1.0 INTRODUCTION & BACKGROUND

This section explains what an NDO is, the background to this NDO, the pre- and post-NDO process, and details about the previous (Regulation 21) consultation.

2. THE NEIGHBOURHOOD DEVELOPMENT ORDER

This key section defines the area to which the NDO will apply, describes the development that will be granted permission by the NDO, sets out the conditions and limitations of the grant of permission, and the information required to be approved by the local planning authority before development can commence.

3. DESIGN ASSESSMENT

This technical section explains the design principles and concepts of the NDO development and how the Design Code is a suitable response to the NDO area and its setting. It also demonstrates how access will be accommodated.

4. HERITAGE & ARCHAEOLOGY ASSESSMENT

This technical section seeks to meet the obligations of the Regulations in respect of heritage assets, including archaeology.

5. BASIC CONDITIONS STATEMENT

NDOs must meet a number of 'basic conditions' in order to be successful through the various stages of the process. This technical section explains how the Parish Council (as the Qualifying Body bringing forward the NDO) considers it has met the 'basic conditions' set out in the Regulations for NDOs.

6. CONSULTATION STATEMENT

This section explains the community involvement that has taken place.

APPENDICES

This includes a Design Code for the two areas to which the NDO applies and an Infrastructure Requirements note. Whilst it accompanies the NDO as appendices it forms part of its provisions.

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1.0 INTRODUCTION & BACKGROUND

WHAT IS A NEIGHBOURHOOD DEVELOPMENT ORDER?

1.1 A Neighbourhood Development Order (NDO) grants planning permission for development. The permission is only for the type of development that is described in the NDO, which can be unconditionally or subject to conditions and limitations, and in a specific location as shown on a plan in the NDO.

1.2 Using the permission to carry out a scheme may be prevented until a developer submits more detailed information on the proposal and discharges any planning conditions attached to the permission. It may also be subject to the agreement of a Planning Obligation (a 'Section 106' agreement) between the developer and local planning authority. The developer must also obtain the necessary Building Regulations, Highways and other approvals.

1.3 An NDO can only be prepared by a 'Qualifying Body' such as Bowers Gifford and North Benfleet Parish Council (BGNBPC) as per Section 61E(2) of the Town and Country Planning Act 1990 (as amended). In doing so it must engage with the local community and other stakeholders like landowners and submit a final version of the NDO to the local planning authority, in this case Basildon Borough Council (BBC), to arrange for an independent examination. BBC has a duty to assist in the preparation and making of an NDO in accordance with Schedule 4B of the Town and Country Planning Act 1990 (as amended).

1.4 Once an NDO has moved through regulatory stages, an appointed examiner must test if the NDO meets a number of 'basic conditions' (see Section 5). If the conclusion of the examiner and BBC is that it does meet those tests, then the NDO is put to a referendum with a simple 'yes' and 'no' ballot. If a majority of those voting at the referendum vote 'yes' – and there is no minimum majority or turnout level – then BBC must approve the NDO.

BACKGROUND TO THE NORTH BENFLEET NDO

1.5 The potential for using an NDO to address the issues relating to the North Benfleet Plotlands was first considered during the work carried out in preparing a neighbourhood plan for the parish. The preparation of the first Neighbourhood Plan (BGNBNP) commenced in 2017. This BGNBNP was primarily focused on providing an alternative housing delivery strategy for Bowers Gifford and North Benfleet to the proposals being put forward in the draft local plan being prepared by BBC to meet projected housing needs. The BGNBNP strategy included housing development on the Plotlands as a better alternative to the then emerging proposals to release a significant area of Green Belt land on the edge of the parish for housing development which would have had a significant urbanising effect on the rural character of the parish. It was clear that a majority of the local community preferred the BGNBNP strategy, both in terms of their comments on the emerging proposals

and of the positive reaction given to the draft BGNBNP in January 2018 that attempted to show what that alternative could look like.

1.6 As the work on the BGNBNP progressed it became clear that there was considerable potential for redeveloping the vacant plots and undeveloped areas within the Plotlands and early indications were that there was potential to deliver around 300 new homes.

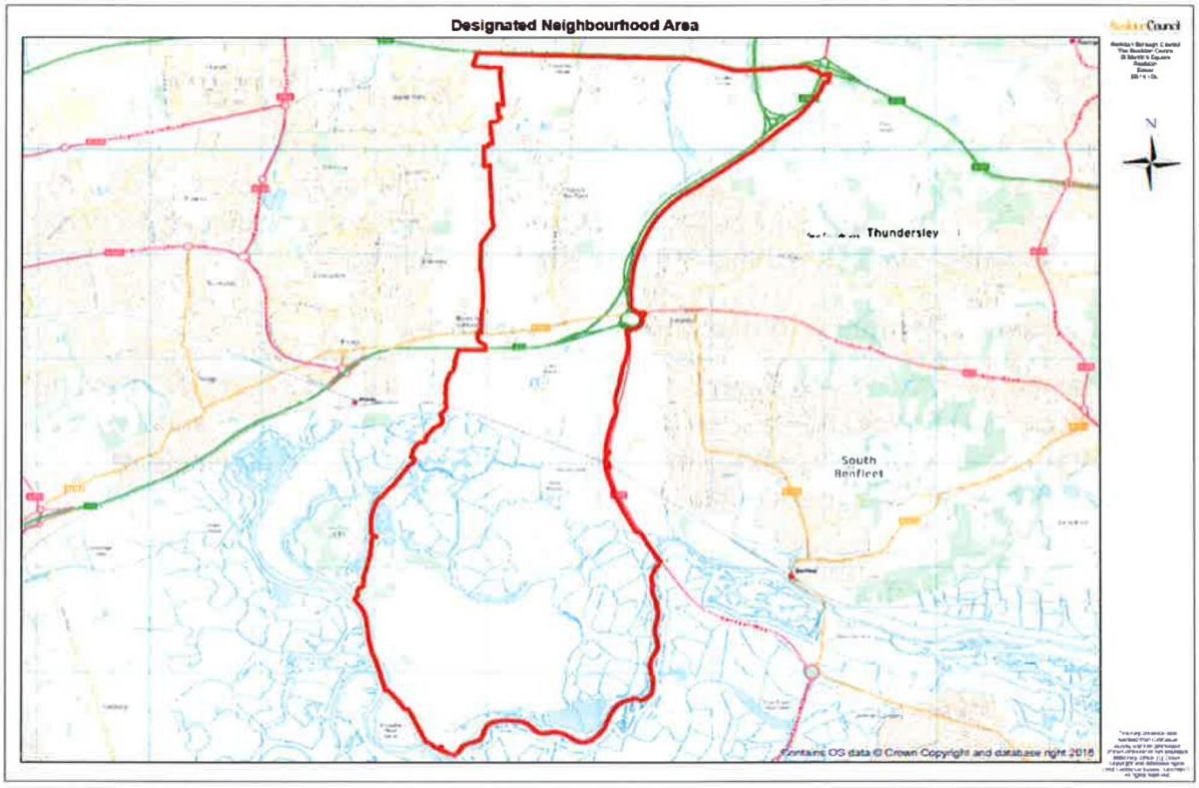
1.7 As part of the work on the BGNBNP the use of NDOs was considered as a vehicle for addressing the infrastructure issues on the Plotlands and controlling the design and delivery of development as it was considered that supportive policies in the BGNBNP alone may not be enough to persuade landowners and investors to implement the proposals. In March 2022 the Basildon Local Plan was withdrawn and the BGNBNP was considered to have served its purpose in demonstrating the potential for an alternative development strategy and subsequently put on hold.

1.8 However, this left the Plotlands in a planning limbo with any change limited by its Green Belt setting and suffering the ongoing problems of unregulated development and enforcement and infrastructure inadequacies. In late 2021 BGNBPC applied for and secured funding from the Ministry of Housing, Communities and Local Government (MHCLG) through the Neighbourhood Planning Support Programme administered by Locality to pursue an NDO for the North Benfleet Plotlands as originally intended and for the same purposes as proposed in the BGNBNP.

INTRODUCTION TO THE NORTH BENFLEET NDO

1.9 BGNBPC consulted on a draft version of this NDO in January and February 2024 in accordance with Regulation 21 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The area covered by the NDO falls within a designated neighbourhood area, designated by the local planning authority, BBC, on 18 July 2016 (see Plan A).

1.10 The area that is the subject of the NDO is the whole of the Plotlands area of around 80 hectares and falls entirely within the designated neighbourhood area. It is made up of two distinct areas; A smaller parcel of around 14.03 hectares to the east of Pound Lane, and the main parcel of around 65.54 hectares to the west of Pound Lane. They are complex in terms of their land ownerships, the layout and management of their road network, and the unplanned patchwork nature of development and uses which have had a negative impact on the residential environment and the wider setting.



PLAN A: DESIGNATED NEIGHBOURHOOD AREA

1.11 The NDO supports the principle of a phased development to deliver new road infrastructure with a combination of the development of single plots and of larger multi plot areas, both of which will be controlled through their own Design Code. The NDO sets out the range of suitable uses (either housing or mixed uses as part of a local centre), the maximum amount of development (number of new homes and non-residential floorspace), building heights and densities. The purpose of the NDO is to encourage landowners and investors to bring forward as many suitable proposals as possible over the next few years in a planned way to deliver the new infrastructure and improve the existing environment through positive change.

THE DESIGN CODES

1.12 Importantly, development will be controlled through the Design Codes for single plots and larger multi plot areas. The Design Codes have been produced to deliver high quality design outcomes from all new development types across the Plotlands. It has been used to define the areas where masterplans will be required and where development will be acceptable on an individual infill plot basis, to determine the provision of new road infrastructure to support new development, propose the location for a new local centre, and set out the phasing of development.

1.13 Engagement of the local community and other stakeholders – notably land interests – has been undertaken as part of the formulation of the NDO and the Design Codes. This has comprised a series of face-to-face events,

workshops and meetings over 2022, 2023 and 2024. More information on the extent of consultation to date is provided in Section 6.

THE PROCESS FOR IMPLEMENTING THE NORTH BENFLEET NDO

1.14 Once the NDO is made following a successful referendum, landowners and/or developers have further work to do before a development scheme can commence. The NDO has been scoped and structured to provide essential information required for planning permission to be granted. Investment in formulating detailed proposals to obtain approval of Confirmation of Compliance with the NDO from the local planning authority, BBC, will still be required.

1.15 The NDO is also accompanied by two Design Codes: for the Mini Masterplans, and for the Plot Infill development. The NDO defines the areas where development proposals will need to be supported by either a Mini Masterplan and Infill Consent or an Infill Consent only.

1.16 The purpose of the Mini Masterplans is to ensure development is planned comprehensively and delivers the supporting infrastructure in a phased sequence to provide the additional road capacity and connectivity for the increase in dwelling numbers. Where the Design Code requires a Mini Masterplan, each plot within the Mini Masterplan area will need to comply with the criteria set out in the Plot Infill Design Code.

1.17 Where the NDO considers development to be acceptable on an individual plot infill basis, an Infill Consent will be required for the development of each plot to ensure the collective impact of individual developments are not piecemeal and contribute to the wider placemaking objectives.

1.18 In both cases the Mini Masterplans and Infill Consents will need to contain all of the necessary additional information required for BBC to approve the scheme. The NDO and the Design Codes have been formulated in such a way as to provide a developer with a degree of flexibility in making a proposal, rather than prescribe exactly what must happen on each site. This approach reflects the fact that different developers may have different preferences for scheme design, management and delivery. The Mini Masterplans and Infill Consents will ensure that this flexibility is still translated into a proposal that meets the provisions of the NDO in order to benefit from its planning permission.

1.19 The post-NDO process is summarised in Figure 1 overleaf. Although framed within the approval of an Application for Confirmation of Compliance, the process is centred on the production of Mini Masterplans and/or Infill Consents. The scope of the Mini Masterplans and Infill Consents are set out in Section 2 below. It comprises two types of information:

- the design proposals i.e. the layout, scale appearance and landscaping of the scheme, which will validate (or otherwise) that the scheme is consistent with the NDO and its Design Code.
- the policy compliance information i.e. that which was not deemed necessary to include within the NDO to grant planning permission but will be important to validate that the scheme is policy compliant.

1.20 The first step will be the preparation and submission to BBC of a Draft Mini Masterplan and Draft Infill Consents or a Draft Infill Consent only. Its purpose would be to validate that the developer had provided, or is intending to provide, all of the necessary information as part of a subsequent Application for Confirmation of Compliance, and to enable BBC to check that the headlines of the scheme will accord with the NDO and its Design Codes and the relevant development plan policies. Feedback to the developer would set out any matters to be addressed in the final submission, making clear that there is no provision for a second draft to be considered.

1.21 An Application for Confirmation of Compliance, containing the final Mini Masterplan (*and Infill Consents) or Infill Consent only, should then be submitted to BBC to consider and determine in the same way. Once BBC, as the local planning authority, has approved the Application the decision notice can be issued along with the necessary planning conditions and S106/CIL documents (see Section 2). BBC may consult BGNBPC on any matters of importance that arise therefrom. The scheme may commence if the conditions have been discharged and all other approvals have been obtained. *Infill Consents in Mini Masterplan areas can be secured alongside Mini Masterplan Applications or after Mini Masterplans have been approved, either collectively or individually (see Mini Masterplan Design Code process diagram).

1.22 It should be noted that a developer or landowner need not seek to benefit from the planning permission granted by the NDO and Design Codes and instead may choose to make a planning application. However, the application will not benefit from the provisions of the NDO.

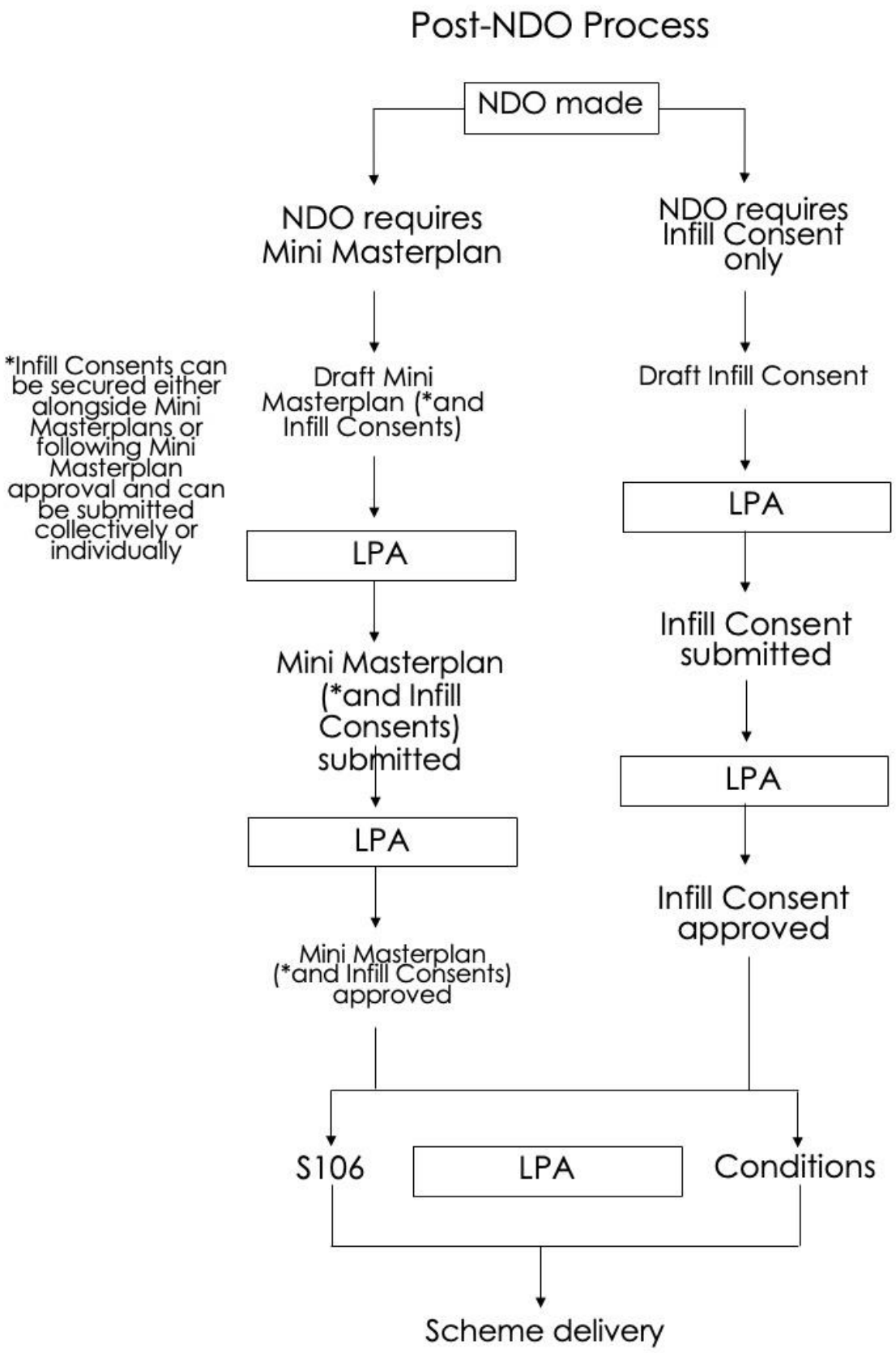


FIGURE 1: POST NDO PROCESS

THE DRAFT NORTH BENFLEET NDO

1.23 A draft version of this NDO was consulted on in January and February 2024 in accordance with Regulation 21 of the Neighbourhood Planning (General) Regulations 2012 (as amended). BGNBPC reviewed all of the comments made and has made some necessary amendments. This document is the submission version of the North Benfleet NDO reflecting those changes and is being published by BGNBPC for its formal submission to Basildon Council, as the local planning authority, under Regulation 22 of the Neighbourhood Planning (General) Regulations 2012 (as amended.

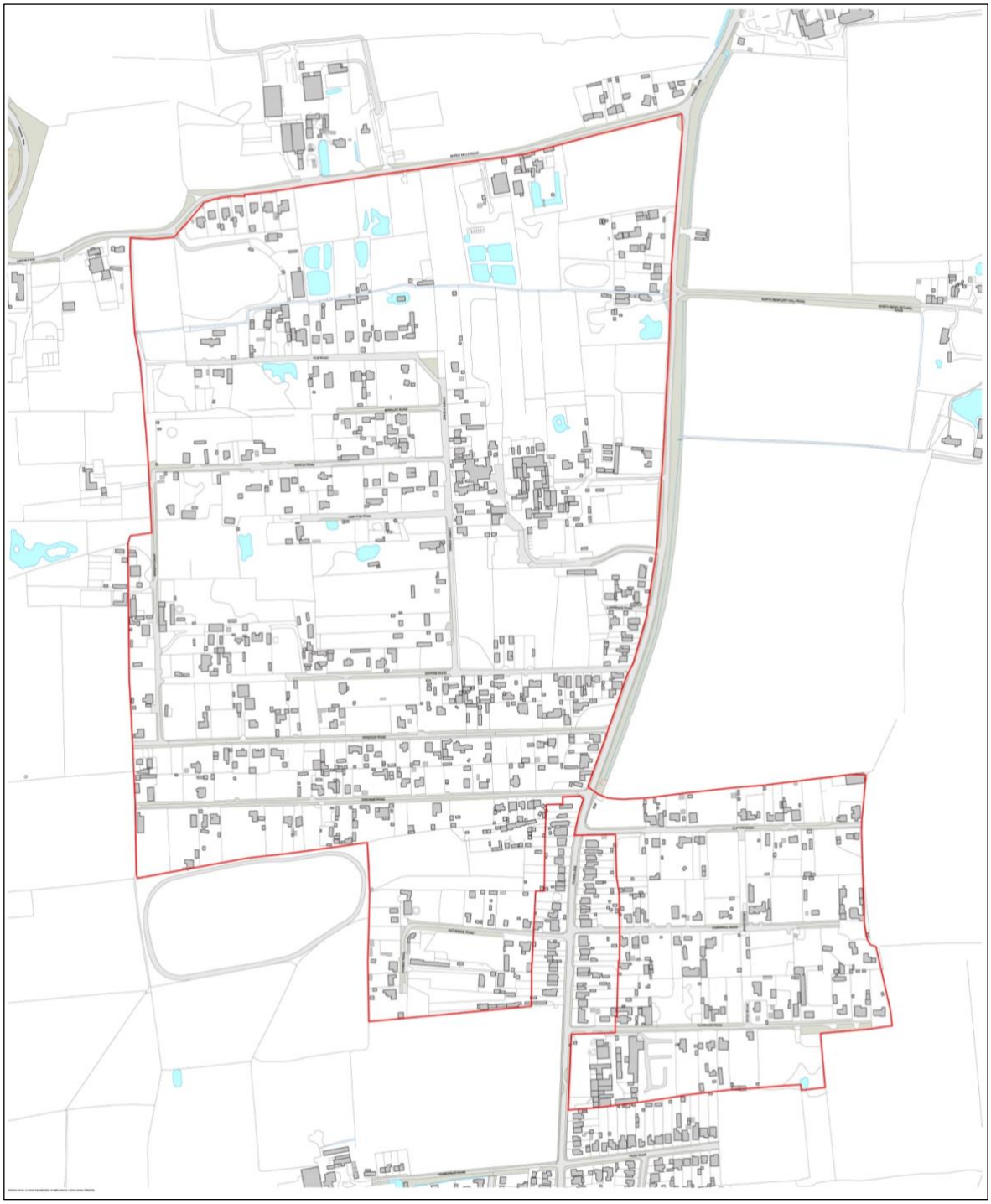
1.24 BGNBPC has secured a screening opinion from the Secretary of State which confirms that the NDO does not require an Environmental Impact Assessment (EIA) as per the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

1.25 BBC has been provided with information as part of this NDO submission in order to make a determination in respect of the Habitats Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2017 as amended. The parallel EIA screening report has identified seven internationally statutory designated sites within 10km of the NDO area. The Secretary of State's written reasons for the EIA screening direction considers that impacts from the NDO development is likely to be largely from recreational disturbance. In this respect it notes that compliance with the Essex Coast RAMS, which seeks financial contributions from new residential development, can be secured by condition. The contribution will be secured through Section 106 agreements and the NDO makes provision for this.

2.0 THE NORTH BENFLEET NDO

LOCATION OF DEVELOPMENT

2.1 This NDO relates to land at North Benfleet, Basildon as identified in red outline on Plan B.

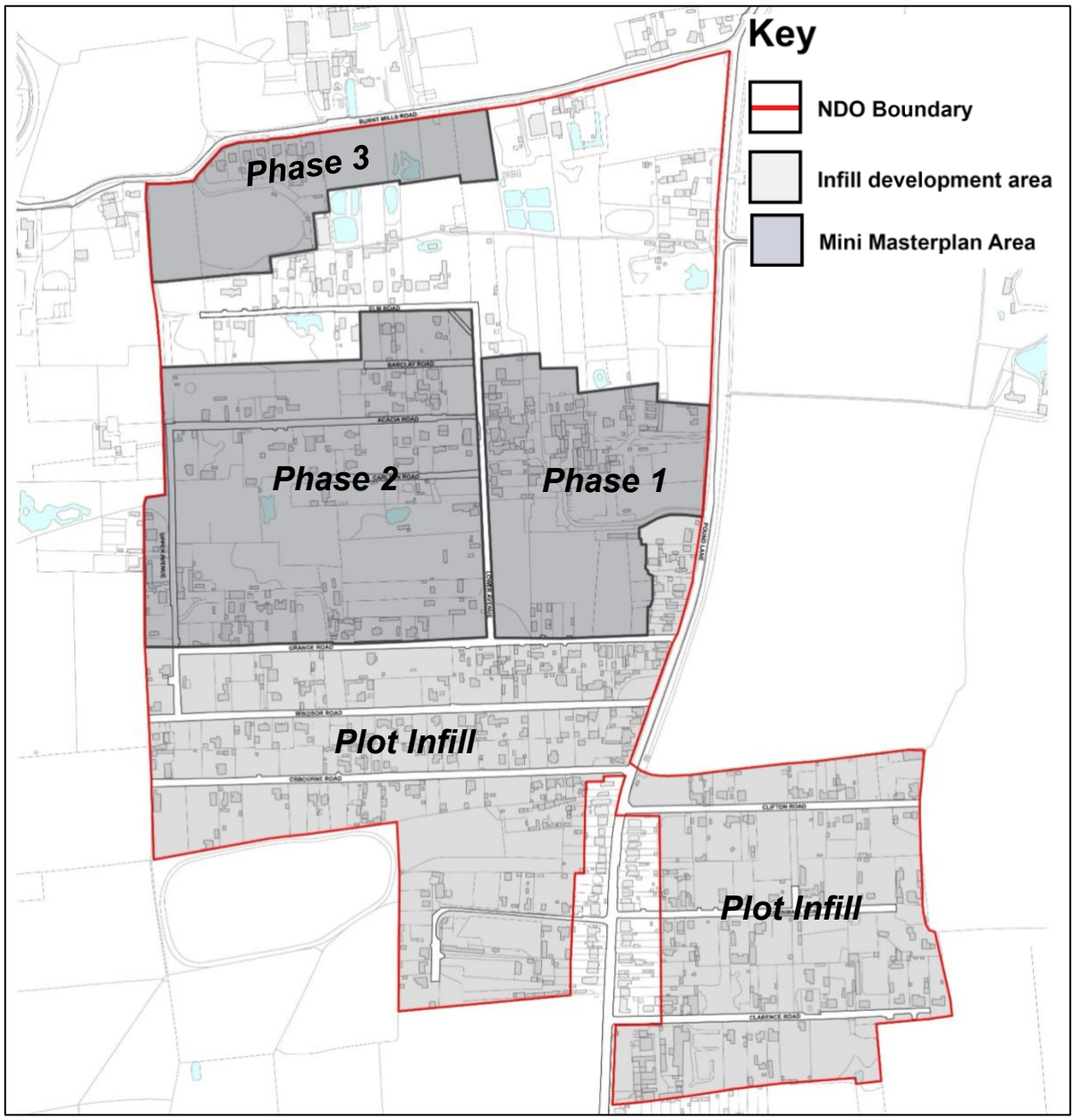


PLAN B: NORTH BENFLEET NDO AREA

DESCRIPTION OF DEVELOPMENT GRANTED PLANNING PERMISSION

2.2 The North Benfleet NDO grants planning permission as described below:

The demolition of some existing buildings and structures and the construction of approximately 250 dwellings, a local centre with a total of up to 350 sq.m. gross internal floorspace of Class E(a)/F2(a) convenience food retail use (of no more than 280 sq.m.), Class E(b) café/restaurant, Class E(f) day nursery, and / or Class F2(b), a new road to adoptable standards with a means of access onto Pound Lane as phased development in the Mini Masterplan Area and single plot developments in the Infill Development Area defined on Plan C.



PLAN C: DEVELOPMENT FRAMEWORK PLAN

CONFIRMATION OF COMPLIANCE AND MINI MASTERPLANS

2.3 The permission granted by the North Benfleet NDO in the Mini Masterplan Area is an outline permission and no development hereby permitted shall be commenced until the written approval of a Mini Masterplan and Infill Consents (see Confirmation of Compliance and Infill Consents below) is obtained from the Local Planning Authority, which must be submitted within ten years of the date of the making of the Order.

2.4 The application must be made using the Confirmation of Compliance Application Form, which requires the following information:

- Site address and location plan
- Developer contact details
- Ownership certificate
- Confirmation of location of proposal in relation to NDO provisions – in Mini Masterplan Area/Infill Development Area
- Block plan

2.5 The Application Form must also be accompanied by the relevant fee and a Mini Masterplan that shall demonstrate how the proposed scheme accords with the provisions of the Mini Masterplan Design Code.

2.6 The Mini Masterplan must comprise:

PART A

The provision of supporting information to demonstrate Mini Masterplan Design Code compliance comprising a Design and Access Statement and a set of existing and proposed plans of the proposed scheme to illustrate:

- The access and movement layout;
- The layout of development blocks within the phase;
- The layout of plots within each of the development blocks with a schedule setting out dwelling numbers, mix and type and quantum of other uses to be provided within the phase;
- A Landscape and Environmental Management Plan to demonstrate how the objectives of the Landscape Framework will be met, biodiversity enhancement achieved, and the impacts on the setting of the Green Belt minimised;
- A Flood Risk Assessment including SuDS and drainage strategy;

as per the requirements of the Mini Masterplan Design Code (attached as Appendix A).

PART B

The provision of supporting information to demonstrate development plan policy compliance:

B1. A Transport Assessment
B2. A Travel Plan
B3. An Affordable Housing Statement/Viability Statement

B4. The Landscape and Environment Management Plan required should also include:

- An assessment of the site's baseline biodiversity value and landscape features
- A preliminary ecological appraisal
- A tree survey (where there are trees within or adjacent to the site)
- A habitat management plan explaining how the biodiversity gain will be achieved and monitored
- A demonstration of how the relevant open space standards will be met
- A methodology for the protection of existing landscape features during construction
- A management plan for the maintenance of the landscape

B5. A Land Contamination Assessment (if there are known contamination issues associated with the site e.g. If site had a former industrial use or other previous contaminative activity)
B6. A Noise Assessment (for proposed Class E (b) use development only)
B7. Ventilation/Extraction System (for proposed Class E (b) use development only)
B8. A Heritage Statement (for development in Phase 3 only)
B9. An Energy Strategy (to demonstrate compliance with the Essex-wide Policy NZ1) unless Certified Passivhaus Classic standard or above being delivered

PART C

The proposed S106 planning obligation or unilateral undertaking, comprising heads of terms covering each of the following obligations and/or financial contributions as per the expectations of the "North Benfleet Plotlands NDO Infrastructure Requirements" attached as Appendix C:

- Affordable Housing
- Highways and Transport
- Passenger Transport
- Public Rights of Way
- Flood and water management and SuDS
- Education and Library
- Employment and Skills Plan
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Monitoring

PART D
GENERAL PLANNING CONDITIONS

2.7 The granting of the planning permission on any part of the Mini Masterplan Area covered by this NDO are also subject to the following conditions:

1. **The approved scheme to be commenced before the expiry of three years from the date of the approval of the Mini Masterplan.**

2. **The approved scheme must be undertaken in full accordance with the plans and documents approved as part of the Mini Masterplan.**
3. **Each premises shall be used for the purpose(s) proposed in the approved Mini Masterplan and for no other purpose.**
4. **The Class E (a), (b) and (f) uses hereby permitted is permitted to trade between the hours of 06:00 and 23:00 on any day and at no other time.**
5. **No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:**
    a. **construction traffic management;**
    b. **the parking of vehicles of site operatives and visitors;**
    c. **details of access to the site;**
    d. **loading and unloading and the storage of plant and materials used in constructing the development;**
    e. **the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;**
    f. **wheel washing facilities;**
    g. **measures to control the emissions of noise, dust and dirt during construction;**
    h. **a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
    i. **details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.**
6. **Demolition or construction work and associated activities are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday with no work on Sundays or Public Holidays other than internal works not audible outside the site boundary without the prior written permission of the Local Planning Authority.**
7. **No development other than site clearance and preparatory works shall be undertaken within phase 1 of the mini masterplan area until a written scheme of archaeological investigation including the methodology of further investigation works and a programme for the works to be undertaken has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the agreed methodology and programme.**
8. **Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the Local Planning Authority in**

writing within 7 working days of their being revealed. Works shall be immediately halted in the area/part of the building affected until provision shall have been made for the retention and/or recording in accordance with detail that shall first have been submitted to and approved in writing by the Local Planning Authority.

9. **No development shall be undertaken until the layout of the new roads has been agreed to the extent required to provide access for the development onto Pound Lane, and the details of the standards to which the roads serving the development are to be constructed shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the new road[s] have been constructed in accordance with the approved details providing access onto Pound Lane.**
10. **No Class E/F building hereby permitted shall be occupied until space has been laid out within the phased area for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear in accordance with the submitted and approved Mini Masterplan and that space shall thereafter be kept available at all times for those purposes.**
11. **Bicycle parking facilities in accordance with Essex Planning Officers Association (EPOA) Parking Standards are to be provided prior to the first occupation of any Class E/F use building and shall be secure, convenient, and retained at all times.**
12. **No building hereby permitted shall be occupied until the sustainable drainage system for the phased area shall have been completed in accordance with the submitted and approved Mini Masterplan details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.**
13. **No building hereby permitted shall be occupied until the sewage disposal works have been completed.**
14. **Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, no development within Part 3, Class MA of Schedule 2 to the Order shall be carried out within the site of this application, except with express permission granted under Part III of the Town and Country Planning Act 1990 or any re-enactment thereof.**
15. **If during development of the phased areas ground contamination is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out on the part of the site affected until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing with the Local Planning Authority.**
16. **None of the building operations in the phased areas hereby permitted shall be carried out on that part of the site shown as amenity land in the submitted and approved Mini Masterplan details and that land shall not**

thereafter be used for any purpose other than as an amenity area for public use.

17. **All planting seeding and turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding season following occupation of the buildings or completion of the development in the phased area, whichever is sooner. Any trees, shrubs or other elements of landscaping dying, are removed or become seriously damaged or diseased within five years of planting, shall be replaced by the developers or their successors in title with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.**

CONFIRMATION OF COMPLIANCE AND INFILL CONSENTS

2.8 The permission granted by the North Benfleet NDO in the Mini Masterplan Area and Infill Development Area is an outline permission and no development hereby permitted shall be commenced until written approval of an Infill Consent for each individual plot is obtained from the Local Planning Authority, which must be submitted within ten years of the date of the making of the Order.

2.9 The application must be made using the Confirmation of Compliance Application Form, which requires the following information:

- Site address and location plan
- Developer contact details
- Ownership certificate
- Confirmation of location of proposal in relation to NDO provisions – in Mini Masterplan Area/Infill development Area
- Block plan

2.10 The Application Form must also be accompanied by the relevant fee and an Infill Consent that shall demonstrate how the proposed scheme accords with the provisions of the Design Code.

2.11 The Infill Consent must comprise:

PART A

2.12 The provision of supporting information to demonstrate Design Code compliance comprising a Design Statement, Biodiversity Survey and Report, and a set of existing and proposed layout, elevations, floor plans, roof plans and (if relevant) site sections or levels of the proposed scheme to illustrate:

- Plot boundary conditions;
- Plot parameters;
- Scheme layout including parking and access arrangements;
- Scheme massing;
- Scheme materials and landscape detail;

as per the requirements of the Plot Infill Design Code (attached as Appendix B) or set out in Section 7 of the Mini Masterplan Design Code attached as Appendix A as applicable).

PART B

2.13 The provision of supporting information to demonstrate development plan policy compliance:

B1. Flood Risk Assessment (for sites more than 1 ha or development falling within Flood Zone 2 or 3)
B2. Tree Survey (where there are trees within or adjacent to the site)
B3. Essex Net Zero Spreadsheet (to demonstrate compliance with the Essex-wide Policy NZ1) unless Certified Passivhaus Classic standard or above being delivered

PART C

2.14 The proposed S106 planning obligation or unilateral undertaking, comprising heads of terms covering each of the following obligations and/or financial contributions as per the expectations of the "North Benfleet Plotlands NDO Infrastructure Requirements" attached as Appendix C:

- Highways and Transport including Residential Travel Information Pack
- Passenger Transport
- Public Rights of Way
- Education and Library
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- Monitoring

GENERAL PLANNING CONDITIONS

2.15 The granting of the planning permission on any part of the Infill Development Area covered by this NDO are also subject to the following conditions:

1. **The approved scheme to be commenced before the expiry of three years from the date of the approval of the Infill Consent.**
2. **The approved scheme shall be carried out in full accordance with the plans and documents approved as part of the Infill Consent.**
3. **Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the Local Planning Authority in writing within 7 working days of their being revealed. Works shall be immediately halted in the area/part of the building affected until provision shall have been made for the retention and/or recording in accordance with detail that shall first have been submitted to and approved in writing by the Local Planning Authority.**
4. **No building hereby permitted shall be occupied until a means of access to the plot shall have been constructed in accordance with the approved Infill Consent. The access shall be retained thereafter.**
5. **The garage[s] hereby permitted and car space[s] to be provided shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling[s] and their visitors and for no other purpose.**

6. **No building hereby permitted shall be occupied until the sewage disposal works have been completed.**
7. **Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Part One, Classes A, AA, B, C, E and F of Schedule 2 to the Order shall be carried out within the site of this application, except with express permission granted under Part III of the Town and Country Planning Act 1990 or any re-enactment thereof.**
8. **Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Part Two, Classes A and B of Schedule 2 to the Order shall be carried out within the site of this application, except with express permission granted under Part III of the Town and Country Planning Act 1990 or any re-enactment thereof.**
9. **If during development of the plot ground contamination is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out on the part of the site affected until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing with the Local Planning Authority.**
10. **All planting seeding and turfing comprised in the approved details of landscaping, shall be carried out in the first planting and seeding season following occupation of the buildings or completion of the development in the phased area, whichever is sooner. Any trees, shrubs or other elements of landscaping dying, are removed or become seriously damaged or diseased within five years of planting, shall be replaced with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.**

3.0 DESIGN ASSESSMENT

3.1 There is a separate Design Statement published alongside the NDO providing full detail of the process that led to the proposals permitted by this Order. The Statement forms part of the evidence base which accompanies the NDO and it concludes:

> *"The North Benfleet Plotlands is an established residential community whose character, landscape and ecological features are at risk from being degraded through unplanned development, licensed or otherwise.*
>
> *There is capacity within the North Benfleet Plotlands for additional development without compromising its low density character.*
>
> *The Neighbourhood Development Order can enable this by permitting development in the Green Belt and providing an incentive for landowners to bring their land forward for development that will safeguard the character of the Plotlands, make it a more sustainable place and deliver new homes.*
>
> *The concept sets out a framework for development and the Design Code provides the guidance or preparing proposals that will be considered as acceptable development under the permission granted by the Neighbourhood Development Order."*

4.0 HERITAGE & ARCHAEOLOGY ASSESSMENT

4.1 There is a separate Heritage & Archaeology Assessment published alongside the NDO providing information on the potential for the NDO proposals to affect heritage assets, including any of archaeological interest. The Assessment concludes:

> *"There remains the potential for unknown buried assets to be present within the site. A written scheme of archaeological investigation has therefore been required by the NDO conditions for works in the Phase 1 mini masterplan development area. The NDO conditions also makes provision for any additional historic or archaeological finds discovered on site during construction to remain in situ until the local planning authority has been notified of the proposed approach to retain/record the findings.*
>
> *Finally, the design of future schemes in the Phase 3 mini masterplan development area will be important to establish how much harm is caused to the setting and significance of heritage assets at Bradfield's Farmhouse. The NDO conditions makes provision for any potential future harm to the significance of these heritage assets to be assessed through the submission of a Heritage Statement as part of any future compliance application."*

5.0 BASIC CONDITIONS STATEMENT

5.1 The NDO must meet a number of 'basic conditions' in order to be successful through the various stages of the process. An NDO will meet the 'basic conditions' if:

a. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order
b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order
c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order
d. the making of the order contributes to the achievement of sustainable development
e. the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority
f. the making of the order does not breach, and is otherwise compatible with, retained EU obligations
g. prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order

5.2 There is a separate Basic Conditions Statement published alongside the NDO setting out how the Parish Council considers the provisions of the NDO meets the basic conditions.

6.0 CONSULTATION STATEMENT

6.1 Engagement activities on the principle of using an NDO as a vehicle for addressing the infrastructure issues on the Plotlands, controlling the design and delivery of development, and to persuade landowners and investors to implement its proposals has been considered for the past six years, as described in Section 1.

6.2 The Parish Council has continued its extensive engagement activities with the local community and relevant stakeholders. The dateline of events below provides a summary of such engagement.

Date	**Timetable of events that led to this draft NDO**
September 2017	Consultation on Neighbourhood Plan proposals undertaken at Parish Council Picnic – in – the Park event.
December 2017	Meeting with Plotland Owners regarding the principle of using a Neighbourhood Development Order.
January 2018	Consultation survey to Plotland Owners.
2018 – March 2022	BGNBNP and emerging Basildon Local Plan approach pursued. Local Plan withdrawn on 3 March 2022.
The summer 2017 consultation exercise generated a 20% response rate from parishioners using the survey forms, but many others commented on the draft ideas at the Picnic in the Park event. The survey showed that people responded from right across the main settlement areas of the Parish. 80% of those responding had lived in the Parish for over 10 years. The survey demonstrated that two thirds of respondents backed the proposals for greater infill development in North Benfleet and its removal from the Green Belt to enable proper investment in its local infrastructure. There was also overwhelming support for keeping traffic to a minimum between London Road and the A127 to discourage it becoming even more of a through route. And there was also strong support for protecting existing shops, facilities and allotments and for additional facilities.	
May – August 2022	NDO Steering Group Meetings – to initiate steps to resource NDOs which seek to deliver the community's vision for the villages.
October 2022 – January 2023	Meetings with Basildon Borough Council and Essex County Council to introduce project and agree next steps.
February 2023	Basildon Borough Council Position Statement received to inform emerging NDO proposals.
March – December 2023	Regular Steering Group Meetings to deliver NDO project. Updates provided to the Parish Council periodically.

April 2023	Community drop-in sessions on the details of the NDO and proposed Design Codes.
May 2023	Major landowner one-to-one sessions on the details of the NDO and proposed Design Codes.
November 2023	Meeting with Basildon Borough Council setting out forecasted timetable for Regulation 21 consultation and EIA screening submission.
December 2023	Parish Council approval to proceed to Regulation 21 consultation.
January 2024 – February 2024	Regulation 21 consultation.
March 2024	EIA screening request to Secretary of State.
August 2024	EIA screening determination received from Secretary of State.
August 2024	Review Regulation 21 consultation responses.
August 2024 – April 2025	Gather additional evidence to respond to Regulation 21 consultation responses.
January 2025	Meeting with Basildon Borough Council and Essex County Council on Infrastructure Contribution Requirements.
April 2025	Parish Council approval to proceed to Regulation 22 submission.

6.2 The drop-in and one-to-one sessions demonstrated that almost everyone was frustrated that the process had been delayed and was eager for the NDO provisions to be implemented. The feedback from these activities has been crucial to the evolution of the Design Codes and how its principles are intended to apply to the NDO schemes. The separate Design Statement published alongside the NDO sets this out in more detail in its Section 2.

Regulation 21 consultation

6.3 The Regulation 21 consultation took place between 2nd January – 13 February 2024. Late responses were accepted following specific requests for extensions of time. The NDO and its supporting evidence base were published on the Parish Council's website along with explanatory summary text and a video explaining the background to the NDO. This included details of how to make representation and the date by which those representations should be received. Additional notification of the consultation was published locally on Parish Council noticeboards and on the Parish Council's Facebook page. A face-to-face drop in event was also hosted within the Parish.

6.4 Notification of the consultation was sent to the relevant consultation bodies as required by the relevant Regulations including:

- Owners of the land included in the NDO
- Tenants of the land included in the NDO
- Neighbours of the land included in the NDO
- Essex County Council
- Basildon Borough Council
- Natural England
- The Environment Agency
- English Heritage
- Castle Point Borough Council
- Rayleigh Town Council
- Rawreth Parish Council
- Wickford Town Council
- Canvey Island Town Council
- Anglian Water
- Essex and Suffolk Water
- Cadent Gas Ltd
- UP Power Networks
- Mid and South Essex Integrated Care System
- BT
- O2
- Three
- Vodafone
- EE

6.5 Responses were received from 59 residents and the following organisations:

- Basildon Borough Council
  The response indicates an objection to the NDO mainly relating to cumulative impacts of the scale of growth proposed in the NDO, viability and deliverability of the local centre, and questions the location of North Benfleet as a sustainable location. The response also indicates that there is an issue of general conformity with the 1998 Local Plan which seeks to limit development in this location. The response also seeks validation checklists and application forms for future compliance applications.

- Essex County Council
  The response was focused on the County Council as the Transportation and Highways Authority, the lead for education (including early years and childcare) (EYCC)), the Lead Local Flood Authority, the Minerals and Waste Authority and its responsibility for providing and delivering adult social care and public health services. The response indicates an objection mainly relating to the omission of an overarching assessment to identify cumulative impacts, proposed mitigation and infrastructure delivery strategy with a preliminary assessment provided covering education (including EYCC) and libraries. The response also seeks an

overarching Transport Assessment and Travel Plan, Flood Risk Assessment and Sustainable Drainage Strategy, Employment and Skills Plan, Land Compliance Study and Site Suitability Checklist for EYCC, Health Impact Assessment, Viability Assessment and Validation Checklist for future compliance applications. The requirements for some of these reports are explained within the response but not in all cases. Notification is provided that the site is located within a Critical Drainage Area and that an exception test will be required. The response recommends that the NDO be amended and informed by the Greater Essex Net Zero Planning Policy Position. Minerals and Waste Planning recommends some text changes.

- The Environment Agency
  The Environment Agency suggested that the northeast corner of the site fell into the Fluvial Flood Zone 3a therefore requiring a sequential and exception test supported by a site-specific Flood Risk Assessment (FRA). The response also provides advice on what the FRA should contain, finished floor levels, and flood resilient/resistant construction, building safety and access and emergency measures noting that advice solely related to fluvial flooding. Specific surveys and development approaches are recommended for ecology.

- Natural England
  Natural England confirmed no specific comments.

- Lichfields (on behalf of Croudace Homes)
  Lichfields (on behalf of Croudace Homes) supports the principle of the NDO, including new road infrastructure and the local centre that it is seeking to secure permission for, and seeks support from the NDO in setting a positive context for wider development proposals at North Benfleet.

6.6 Objections relating to the cumulative assessment of the development proposed within the NDO, and the effects on infrastructure and services, have been carefully considered. An assessment has subsequently been prepared to inform contributions which would be sought from NDO compliance applications – see Appendix C.

6.7 While there are important and distinct differences between a planning application and an NDO, even for a planning application the bare minimum information to be supplied for assessing proposals is the proposed use(s) for development and any distinct development zones, the amount of development proposed and the general position(s) of access or accesses to the site. All other matters on layout, scale, appearance, access and landscaping can be reserved matters required to be submitted at a future date.

6.8 The NDO is supported by technical notes which demonstrate that proposals ought to be able to accommodate the scale and location of the development proposed. In this respect, an additional technical note on flood risk matters has been prepared to inform the NDO. It is considered that this is sufficient information to come to a view on the principle of development in this location whilst providing certainty that future compliance applications will need to demonstrate how all other 'reserved matters' have been addressed through the post-NDO compliance application procedure.

6.9 The Greater Essex Net Zero Planning Position, specifically the provisions of Policy NZ1, have now also been incorporated within the NDO and the recommended text changes from Minerals and Waste Planning have been made. The Parish Council would welcome the opportunity to assist the Local Planning Authority in preparing validation checklists and confirmation of Compliance application forms if the NDO is successful in being made.

6.10 The main purpose of the NDO is to resolve the longstanding issues at the Plotlands and create a process for infill development proposals to come forward. The emerging Local Plan contains proposals relating to the wider development of the local area and the Parish Council will make representations to that separate process in relation to wider development proposals.

6.11 Out of the 59 resident responses approximately two-thirds supported greater infill development and the removal of the area from the Green Belt to enable better infrastructure. Residents also supported minimising through-traffic between London Road and the A127, protecting local facilities (shops, allotments) and introducing additional community amenities. The content of the NDO seeks to meet these aspirations.

APPENDICES