Neighbourhood Development Order
North Benfleet

BASIC CONDITIONS STATEMENT

August 2025
Regulation 22 version

1. This Basic Conditions Statement has been prepared in support of the North Benfleet Neighbourhood Development Order (NDO). The main aim of the NDO is to provide a route to positive transformation of the North Benfleet Plotlands. The Plotlands has experienced longstanding issues due to fragmented and often unauthorised development and poor infrastructure. The NDO represents a comprehensive community-led response to these challenges.

2. 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

CONDITION A: NATIONAL POLICIES

3. The National Planning Policy Framework (NPPF) (published in December 2024 and updated in February 2025), and accompanying Planning Practice Guidance (PPG), sets out a wide range of national policies to which the NDO must have regard. The most relevant national provisions to the NDO are set out below.

4. §53 of the NPPF makes provision for communities to use NDOs to grant planning permission. The Parish Council has long considered 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 such proposals. The planning context history of the area has led to the Parish Council bringing forward the NDO now. It is recognised that the NDO provisions would lead to new development in the Green Belt. Development in the Green Belt is by definition considered to be inappropriate by national policy.

5. However, §154 (h) vi. of the NPPF makes it clear that development, including buildings, brought forward under an NDO is not considered to be inappropriate development in the Green Belt, providing that the development preserves its openness and does not conflict with the purposes of the land within it. The Parish Council has been guided by the separate Green Belt Study for the NDO as a starting point for selecting sites that could be considered for inclusion in the NDO. The Green Belt Study published alongside

the NDO provides evidence to demonstrate that in principle, development on the NDO site, preserves the openness of the Green Belt and does not conflict with the purposes of the land within it.

6. The NDO enables and encourages the delivery of a variety of new homes to support the government's objective of significantly boosting the supply of homes as per §61 of the NPPF. The provisions of the NDO are sufficiently flexible in its requirements and therefore considered more likely to lead to the delivery of a range of housing sizes, types and tenures for different groups in the community as per §63 of the NPPF. The provisions of the NDO are considered to be responsive to local circumstances and makes provision for development needed to deliver the new infrastructure and improve the existing environment through positive change as per the provisions of §82 and §83 of the NPPF.

7. NDO provisions in relation to the creation of the local centre and other supporting infrastructure in this location reflects the provisions of §88 (d) which makes it clear that planning policies and decisions should enable the development of accessible local services and community facilities in supporting the rural economy.

8. §96 of the NPPF outlines how planning policies and decisions should aim to achieve healthy, inclusive and safe places through for example strong neighbourhood centres, street layouts and attractive, well-designed, clear and legible pedestrian and cycle routes, high quality public open space, safe and accessible green infrastructure, and local shops. The NDO and accompanying Design Codes makes provisions in respect of all of these and is considered to deliver an integrated approach to considering the location of housing, economic uses and community facilities and services as per §98 (e). The NDO and accompanying Design Codes also makes provision for new high-quality open space important for the health and well-being of communities, and wider benefits for nature and supporting efforts to address climate change as per §103 of the NPPF.

9. Transport issues have been considered from the earliest stages of the NDO process as per §109 and adopts an entirely vision-led approach. The site is reasonably well located in terms of accessibility to local amenities and the major highway network. Access to local amenities will be improved by the provision of the local centre and green infrastructure improvements required by the NDO and Design Codes. The potential impacts of development on the existing road network have been considered and addressed, in line with §109 (c), notably by the introduction of the loop road concept in the provisions of the NDO and accompanying Design Codes to adoptable standards which will create additional capacity. In other locations of the site existing roads will remain as shared use as additional vehicle movements will be minimal. All of these interventions have been considered in the context of early engagement with the local community, in line with §109 (a).

10. The loop road concept also promotes walking and cycling as roads will include footpaths and provision for cycling in line with §109 (e). Design Code provisions also includes requirements to maximise opportunities to promote walking and cycling. Public transport rail services are some distance from the site but there are local bus services

close to the site. The NDO provisions and accompanying Design Codes minimises the scope for conflicts between pedestrians, cyclists and vehicles and responds to local character and design standards, allows for the delivery of goods, access by service and emergency vehicles and enables charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, as per §117 (c), (d) & (e). It also requires the submission of transport assessments and travel plans, as well as relevant contributions to highways and transport, so that likely impacts of individual schemes can be assessed, in line with §115.

11. The essence of the NDO is in promoting an effective use of land to meet the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (§124). The NDO and accompanying Design Codes encourages multiple benefits from rural land, as per §125 (a), and promotes and supports the development of under-utilised land and buildings in an area where land supply is considerably constrained at 2.34 years supply (Basildon Borough Council Five Year Land Supply Report June 2024).

12. As an 'other plan-making body' the Parish Council has taken this role seriously by using the full range of powers available to them, such as bringing forward this NDO, and taking a proactive approach in identifying and helping to bring forward land that may be suitable for meeting development needs. The NDO seeks to solve a long-standing problem with planning for the Plotlands and its provisions is intended to secure better development outcomes in line with §126. The NDO will also enable Basildon Borough Council (BBC), as the local planning authority, to take a positive approach to applications for development across the site, which will help meet needs for housing where supply is so constrained in line with §125.

13. There has been a long-standing desirability of promoting regeneration and change in the Plotlands by the local community which the NDO provisions and accompanying Design Codes has taken forward, as well as taking into account the potential for further improvement to infrastructure and services and promoting sustainable travel modes that limit future car use. It has done so in a way which seeks to secure a beautiful, well-designed, attractive, healthy and sustainable place informed by an area-based character assessment whilst optimising the use of the site and achieving an uplift in the average density of the Plotlands (§129 & §130).

14. The NDO provisions and accompanying Design Codes sets out clear design expectations and how they will be tested through the post-NDO process to achieve high quality, beautiful and sustainable buildings and place in line with one of the fundamental goals of the planning system set out by §131. Landowners and the community have contributed to the content of the NDO and accompanying Design Codes and the final versions published are considered to reflect local aspirations for development of the Plotlands (§132).

15. The history of the way in which the Plotlands came to be and their location within the Green Belt has meant the local community has suffered a long period of ongoing problems associated with unregulated development and enforcement. The NDO

provisions and accompanying Design Codes seeks to address these issues to ensure that the development, and the settlements of North Benfleet and Bowers Gifford, will function well and add to the overall quality of the area for the lifetime of the development, including provisions to encourage visually attractive new development which is sympathetic to local character and history, with an appropriate hierarchy of streets and mix of uses to optimise the site and create a safe, inclusive and accessible place improving the quality of life and community cohesion and resilience of existing and future users in line with the provisions of §135.

16. The NDO provisions and accompanying Design Codes recognise the importance of trees and incorporates measures to promote opportunities to incorporate new trees and retain existing trees as per §136.

17. The Parish Council has engaged with the local planning authority, and other key stakeholders, throughout the evolution of the NDO and Design Codes as well as landowners and the local community mindful of the referendum and the implementation of the post-NDO process as well as the provisions of §135 & §137.

18. Locality, on behalf of Bowers Gifford and North Benfleet Parish Council commissioned AECOM to review flood risk to identify constraints and help inform design measures that need to be considered as part of any future development within the plotlands following the Regulation 21 consultation. The North Benfleet Flood Risk Scoping Study April 2025 considered the risk of flooding from all sources including Tidal, Main Rivers and Ordinary Watercourses, and Surface Water making allowance for climate change as per the provisions of Chapter 14 of the NPPF. The report supports the plotlands as a feasible brownfield site that should be considered for development taking a sequential approach that steers development towards areas of lowest risk.

19. A northern section of the site from its western to eastern boundary is subject to flood risk. This is related to the North Benfleet Brook that flows in a northerly direction along the eastern boundary to Pound Lane with a connected east west watercourse extending across the northern part of the site. Another area subject to flood risk is on the western side of Pound Lane from Grange Road down to Katherne Road. These areas have been excluded from the developable area through NDO provisions and the Design Code as per §174, but not excluded from the overall boundary as the area is part of the overall site's landscape, ecology and setting allowing for new development to be planned for in ways that avoids increasing vulnerability to the range of impacts from climate change which includes the planning of green infrastructure in line with §164 (a). The NDO provisions also secure site-specific flood risk assessments as per §181 as specific proposals come forward.

20. Flood risk does extend southwards across Cat Tree Lane and Smilers Farm. This area has been included in the developable area of the site as it is centrally located with the potential for open space and local centre non-residential uses. It is not considered that there are other reasonably available sites for this kind of development to serve the community of North Benfleet in areas with lower risk of flooding. Locating these uses in another part of the site at lower risk of flooding would compromise the sustainability of

the new development and opportunity for it to serve not only North Benfleet but Bowers Gifford as well. PPG is clear that development should only be steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so (Paragraph: 023 Reference ID: 7-023-20220825). As the proposed development falls within Flood Zone 2 and is classified as more and less vulnerable in the Flood Risk Vulnerability Classification an exception test is not required in line with §163 and PPG Paragraph: 079 Reference ID: 7-079-20220825. Additionally, an emergency access route will be provided along the public bridleway on the western boundary of the site to Burnt Mills Road in the event of flooding blocking access between Pound Lane and the proposed new loop road.

21. The NDO provisions and accompanying Design Codes also makes provision for on-site surface water management and a SuDS strategy to improve the management of flood risk and any other sources of flooding from groundwater, sewer and infrastructure failure can be overcome by the application of good engineering practice and management and should not preclude development unless there is a demonstrated history of frequent and problematic flooding on site. The NDO makes provisions in all these respects in line with §169.

22. The NDO provisions and accompanying Design Codes makes provision for future schemes to contribute and enhance the natural and local environment and it is considered that local environmental conditions will improve as a result of the proposed development of the site as per §187. The Ecology note accompanying the NDO demonstrates that the site has a relatively low biodiversity value and so the provisions of the NDO and accompanying Design Codes should deliver biodiversity net gains in line with §193, even though the NDO is exempt from the provisions of the Environment Act 2021.

23. The accompanying Heritage and Archaeological Assessment describes the significance of listed buildings and non-designated heritage assets, including any contribution made by their settings, which could potentially be affected by specific proposals brought forward under the NDO provisions, as well as the potential of archaeological interest on the site, informed by the relevant historic environment record. The NDO makes provision for a written scheme of archaeological investigation, where considered necessary, as well as a condition to safeguard any additional historic or archaeological finds discovered on site during construction. These provisions are considered to be in line with national policies on the historic environment, in Section 16 of the NPPF, and advice contained in guidance issued by the Secretary of State.

24. The site does not fall within a Minerals Safeguarding Area and it is therefore considered the NDO proposals will not constrain potential future use for mineral working in line with §218.

25. The NDO provisions and the accompanying Design Codes are therefore considered to have full regard to national policies and advice contained in guidance issued by the Secretary of State.

CONDITION B: LISTED BUILDINGS

26. This condition is also addressed in the separate Heritage & Archaeology Assessment for the NDO. It is considered that the NDO provisions has paid special regard to the desirability of preserving listed buildings and their settings and any features of special architectural or historic interest that it possesses.

CONDITION C: CONSERVATION AREA

27. This condition is also addressed in the separate Heritage & Archaeology Assessment for the NDO. There are no Conservation Areas in close proximity to the site, and development coming forward within the site will therefore have no impact on any Conservation Areas.

CONDITION D: SUSTAINABLE DEVELOPMENT

28. §8 of the NPPF sets out the three overarching objectives of the planning system which are interdependent and need to be pursued in mutually supportive ways: an economic objective, a social objective and an environmental objective. The NDO provisions and accompanying Design Codes is considered to contribute to the achievement of these objectives.

29. In economic terms, the new homes proposed by the NDO will increase the demand for local jobs and services and increase the size of the local workforce close to existing and proposed employment sites in the local area. The provision of a local centre and more efficient use of land proposed by the NDO will contribute towards building a strong, responsive and competitive economy by meeting the increase in this demand in a convenient location within the community it intends to serve. The NDO also makes provision for new travel infrastructure to improve and enable access to the local centre and the wider travel network, and local employment sites, beyond.

30. In social terms, the NDO provisions and accompanying Design Codes will support a strong, vibrant and healthy community in the village by ensuring that a sufficient number and range of homes are provided to meet the needs of present and future generations. The provision of a new local centre and open spaces will be accessible serving current and future needs and supporting the communities' health, social and cultural well-being and the Design Codes will foster a well-designed, beautiful and safe place.

31. In environmental terms, the NDO provisions and accompanying Design Codes ensure schemes protect and enhance the natural, built and historic environment. Its provisions ensure an effective use of land and the Design Codes provisions will improve biodiversity in a location which is currently of low value in biodiversity terms. The NDO also contributes to mitigating and adapting to climate change by encouraging fewer car trips with new active travel provision and accessible local community services and facilities. In addition, the Environmental Impact Assessment that was prepared for the

Parish Council to inform the screening opinion concludes that there will be no net adverse environmental effects from the NDO provisions.

CONDITION E: STRATEGIC POLICY

32. PPG informs that although an NDO is not tested against the policies of an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of basic conditions (Paragraph: 009 Reference ID: 41-009-20190509). BBC has recently completed two Regulation 18 Consultations for a Local Plan Review. Its reasoning and evidence base recognises that Bowers Gifford including the Plotlands is adjacent to an urban area with good access to services. It also recognises that growth within the Plotlands area should be accompanied by improved infrastructure. It does not offer a solution to how new development could facilitate infrastructure delivery to improve the existing situation at the Plotlands. It therefore adopts a limited and cautious approach to development in plotland areas, including Bowers Gifford and North Benfleet, due to infrastructure limitations and seeks only minor infill development.

33. Whilst the emerging local plan approach is consistent with its wider vision and objectives on preserving the Green Belt and managing infrastructure (SO1, SO2, SO3, SO6 and SO10) there are conflicts with it too in respect of housing delivery diversity, community-led planning, proactive regeneration, enabling neighbourhood planning, and providing targeted infrastructure improvements (SO1, SO3, SO5, SO6, SO8, SO9, SO10). It does not explore comprehensive regeneration or renewal of such areas to address substandard infrastructure and therefore misses an opportunity to unlock economic and social value. A blanket infill approach in the plotlands limits housing supply and delivery flexibility adding pressure to urban and Green Belt sites, provides no proactive support for local engagement and provides an unequal application of its growth principles. The Parish Council is engaging with this process separately.

34. Nonetheless, it is considered that the provisions of the NDO reflect the emerging Local Plan's emphasis on development being shaped by infrastructure availability and supporting transport, green infrastructure and environmental mitigation. NDO provisions on maintaining development within the existing Plotlands envelope and measures to mitigate impacts on the Green Belt such as landscape buffers, biodiversity net gain and careful massing aligns with the emerging Local Plan vision concept of using 'Grey Belt' intensification without releasing new Green Belt land. The design code led approach of the NDO aligns with the emerging Local Plan's objectives for contextually sensitive, community-led design and its provisions delivers on key infrastructure priorities. Overall, it is therefore considered that the Parish Council has struck an appropriate and careful balance in taking the emerging Local Plan's reasoning and evidence base into account.

35. The adopted development plan in the Basildon Borough includes the Basildon District Local Plan Saved Policies 2007. In September 2018 BBC also undertook a review of these saved policies to identify the level of consistency the adopted policies continue to have with the NPPF.

36. Policy BAS GB1 was considered compliant with the NPPF provisions. It defines the boundaries of the Green Belt and the NDO site is washed over by the Green Belt. Whilst there is some strategic policy provision for some of the Green Belt exceptions set out in the NPPF, none are applicable to the exceptions set out in out in §154 (h) vi. of the NPPF. There is therefore no strategic policy provision for this exception.

37. The only policy provision which may possibly apply is that of Policy BAS GB6 which states *'Planning permission will not normally be granted for new dwellings in the Green Belt'*. The policy specifically applies to agricultural worker's dwellings, and the exceptions set out in the NPPF for development in the Green Belt continues to make provision for new dwellings in the Green Belt in certain circumstances. It is therefore the provisions of the NPPF upon which the Parish Council has been forced to rely to establish the acceptability of the principle of using an NDO.

38. Policy BAS S5 is not considered to be fully compliant with the NPPF. This is because it sets out a different threshold to the more recently published Planning Obligations Strategy Supplementary Document (2015). The Strategy seeks to secure 36% affordable housing contributions on sites of 10 units or more, or on land of more than 0.2ha, subject to a viability appraisal. The mini masterplan development area set out in the NDO is the only area in which a proposal of 10 units or more, or on land more than 0.2ha, can come forward. The NDO therefore makes provision for development coming forward in the mini masterplan development areas to submit an affordable housing/viability statement, as well as affordable housing contributions to be agreed, during the post-NDO process.

39. The Strategy also recognises the importance of community facilities and requires the provision of indoor space which provides flexible use for the community for larger scale developments of 500+. Nonetheless, the NDO makes provision for a new local centre to include indoor space which provides flexible use for the community in Phase 1 of the mini masterplan area, recognising the need to ensure the community is well served with community services.

40. On landscaping and public realm works, the Strategy requires such works to be completed prior to the first occupation of a development. The NDO provisions and accompanying Design Codes therefore incorporates these requirements as well as the Strategy's open space and environmental mitigation measures requirements.

41. There are also education and library, highways and transport, flood and water management and SuDS, employment and skills contributions and provisions sought by the NDO through the post-NDO process to reflect the requirements of the relevant authorities as set out in Essex County Council's Developer's Guide to Infrastructure Contributions revised in 2024.

42. Policy BAS C1 was considered compliant with the NPPF provisions. It seeks to protect designated nature sites including Sites of Special Scientific Interest (SSSIs), Sites of Importance for Nature Conservation (SINCs) and other important wildlife habitats. The

Ecology note accompanying the NDO demonstrates the potential effects that new development could have on these valuable assets, as well as others, and the NDO provisions and accompanying Design Code ensures that the post-NDO process secures mitigation measures to address any potential effects and lead to a better outcome for nature.

43. Policy BAS C2 was considered compliant with the NPPF provisions. It seeks to protect the conservation and landscape value of Country Parks. The Ecology Note accompanying the NDO notes that Pitsea Marsh SSSI is approximately 2km south-west of the NDO site and the southern half of this SSSI is Wat Tyler Country Park, a short drive from the NDO site. It is therefore possible that new residents could visit the Wat Tyler Country Park and may result in recreational impact on the SSSI. The NDO provisions and accompanying Design Codes therefore requires the provision of additional public amenity open space on site.

44. Policy BAS C5 was considered compliant with the NPPF provisions. It seeks to retain existing woodlands with an emphasis on Ancient Woodland. No Ancient Woodland is recorded within the NDO site, but the Ecology Note accompanying the NDO identifies Deciduous Woodland habitat types in some locations. As a starting point for proposals, the Ecology Note requires that these habitats are retained and enhanced in the design of any future schemes as part of the post-NDO process.

45. Policy BAS C7 was considered compliant with the NPPF provisions. It seeks to protect the large expanse of marshland within the Borough and a strategic approach has since been adopted in the form of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A financial contribution towards implementing the RAMS is therefore conditioned in the NDO and will be agreed as part of the post-NDO process.

46. Policy BAS C13 was considered compliant with the NPPF provisions. It seeks to protect water environments, including important wildlife habitats from being adversely affected by new development. The Ecology Note accompanying the NDO identifies habitats, ponds and a ditch and the NDO makes provision for surveys to further investigate the likely presences of notable species as well as appropriate mitigation measures to be secured.

47. Policies BAS SH7 and BAS SH8 were considered compliant with the NPPF provisions. It supports the provisions of local shopping centres within built up areas to serve the everyday convenience shopping needs of local neighbourhoods and recognises the need for allowing a degree of flexibility. The NDO provisions of a local centre, and associated mix of uses, also recognises the importance of serving such needs and providing flexibility.

48. Policies BAS BE12 and BAS BE24 were considered compliant with the NPPF provisions. It relates to good design for residential development and sets out five areas for consideration in assessing harm: the character of the surrounding area, including the street scene; overlooking; noise or disturbance; overshadowing or over-dominance; and traffic danger and congestion as well as the consideration of crime prevention in the

design and layout of new development respectively. The NDO provisions and accompanying Design Codes makes requirements to avoid harm and make appropriate considerations in the design and layout of schemes in all these respects. The NDO provisions and accompanying Design Codes also includes requirements to have full regard to the relevant sections of the Essex Design Guide.

49. The Essex Minerals Local Plan 2014 and the Essex and Southend-on-Sea Waste Local Plan 2017 also forms part of the development plan. Essex County Council (ECC) is the Minerals and Waste Authority for the NDO area. ECC has confirmed that the site does not fall within a Minerals Safeguarding Area and that there are no minerals or waste related developments within or less than 25m from the NDO area that are subject to Mineral or Waste Consultation Areas. These plans do contain policies which seek to reduce mineral use and promote sustainable construction techniques. The NDO makes provision for a Construction Method Statement to be approved by the Local Planning Authority which includes measures sought by these policies. ECC is currently preparing a Draft Replacement Minerals Local Plan. The Regulation 18 version subjected to a consultation that closed in July 2024 continues to uphold the principles of these policy provisions.

50. The NDO also makes provision for meeting the requirements of the Greater Essex Net Zero Policy NZ1 which requires policy compliance to be demonstrated in an Energy Statement for major developments and a Net Zero Spreadsheet to be submitted for minor developments.

51. The NDO provisions and the accompanying Design Codes are therefore considered to be in general conformity with strategic policies of the adopted development plan.

CONDITION F: RETAINED EU OBLIGATIONS

52. The NDO was subject to an Environmental Impact Assessment (EIA) screening in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This is a technical assessment to determine whether the proposals in this NDO are likely to have significant effects on the environment. The Secretary of State has determined that the NDO development does not require the preparation of an EIA.

CONDITION G: OTHER PRESCRIBED CONDITIONS

53. The Parish Council has provided BBC, as the responsible authority, with all of the necessary information for the NDO to be screened for the need for a Habitats Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2017 as amended. The parallel Environmental Impact Assessment (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.