

Hough on the Hill Neighbourhood Plan Modifications

Addendum to the Basic Conditions Statement

*Consequential update following commencement of sections 98 and 99 of
the Levelling-up and Regeneration Act 2023*

May 2026

Prepared by OpenPlan on behalf of Hough on the Hill Parish Council

1. Purpose and status of this Addendum.....	2
2. Updated statutory context.....	2
3. Consequential update to the March 2025 Basic Conditions Statement	3
4. Assessment against the revised Basic Conditions.....	3
Basic Condition 1: having regard to national policies and advice	3
Basic Condition 2: contribution to sustainable development.....	3
Basic Condition 3: housing provision	3
Basic Condition 4: assimilated obligations	4
Basic Condition 5: Environmental Outcomes Reports.....	4
Basic Condition 6: prescribed conditions and prescribed matters.....	4
5. Compliance with section 38B of the Planning and Compulsory Purchase Act 2004	4
Scope and content of the Plan	4
Climate change mitigation and adaptation	5
Local Nature Recovery Strategy.....	5
6. Convention rights	6
7. Conclusion	6



1. Purpose and status of this Addendum

1.1 This Addendum has been prepared on behalf of Hough on the Hill Parish Council, as the qualifying body, in response to the request made by South Kesteven District Council following the Examiner's note concerning the implications of sections 98 and 99 of the Levelling-up and Regeneration Act 2023, which came into effect on 25 March 2026.

1.2 The purpose of this Addendum is to update the Basic Conditions Statement submitted in March 2025 for the Hough on the Hill Neighbourhood Plan Modifications. It should be read alongside the March 2025 Basic Conditions Statement, the submitted Modified Neighbourhood Plan and the Modification Proposal Statement.

1.3 This Addendum does not alter the submitted Neighbourhood Plan Modifications. Its purpose is to explain how and why, having regard to the legislative changes now in force, the Modified Hough on the Hill Neighbourhood Plan continues to meet the relevant Basic Conditions and other legal requirements.

1.4 Where the March 2025 Basic Conditions Statement refers to the former Basic Conditions, including the former statutory requirement for a neighbourhood development plan to be in general conformity with the strategic policies of the development plan, those references should now be read in the light of the revised statutory framework described below.

2. Updated statutory context

2.1 Section 98 of the Levelling-up and Regeneration Act 2023 amends section 38B of the Planning and Compulsory Purchase Act 2004. In broad terms, it clarifies the matters that may be included in a neighbourhood development plan, including policies allocating land for development, other land use and development management policies, infrastructure and affordable housing requirements arising from development, and design requirements. It also introduces requirements relating to climate change mitigation and adaptation and Local Nature Recovery Strategies.

2.2 In particular, section 38B(2B) now requires a neighbourhood development plan, so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, to be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change. The plan must also, so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, be designed to take account of any Local Nature Recovery Strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood area.

2.3 Section 99 of the Levelling-up and Regeneration Act 2023 amends the Basic Conditions for neighbourhood development plans. The previous statutory Basic Condition requiring a neighbourhood development plan to be in general conformity with the strategic policies contained in the development plan has been replaced, for neighbourhood development plans, by a new housing-related Basic Condition. The relevant Basic Condition is now that the making of the neighbourhood development plan would not result in the development plan for the area of the authority, or any part of that area, proposing that less housing is provided by means of development taking place in that area than would be the case if the neighbourhood development plan were not made.

2.4 Section 99 also introduces a Basic Condition requiring compliance with any requirements imposed in relation to the plan by or under Part 6 of the Levelling-up and Regeneration Act 2023, relating to Environmental Outcomes Reports. The existing requirements relating to national policy, sustainable development, assimilated obligations and prescribed matters continue to apply.

2.5 Although "general conformity" with strategic policies is no longer a freestanding statutory Basic Condition for neighbourhood development plans, the relationship between the Modified Neighbourhood Plan and the South Kesteven Local Plan remains relevant. It is relevant to demonstrating that the Plan has regard to national policy, contributes to sustainable development, supports the wider development strategy for the area, and would not result in less housing being proposed than would otherwise be the case. The National Planning

Policy Framework also continues to state that neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

3. Consequential update to the March 2025 Basic Conditions Statement

3.1 Paragraphs 1.6, 1.7, 2.3, 4.1 and 4.2 of the March 2025 Basic Conditions Statement should be read subject to this Addendum. In particular:

- references to “general conformity with the strategic policies” should no longer be treated as identifying a statutory Basic Condition for neighbourhood development plans;
- the analysis of consistency with the South Kesteven Local Plan remains useful and relevant as contextual and supporting evidence, but is not relied upon as a separate Basic Condition;
- the Basic Conditions assessment now needs to address the new housing-related condition, the Environmental Outcomes Reports condition, and the section 38B(2B) climate change and Local Nature Recovery Strategy requirements; and
- Convention rights should be treated as a separate legal requirement rather than as part of “assimilated obligations”.

3.2 The Parish Council considers that the submitted Modified Neighbourhood Plan satisfies the revised Basic Conditions and legal requirements for the reasons set out below.

4. Assessment against the revised Basic Conditions

Basic Condition 1: having regard to national policies and advice

4.1 The submitted Basic Conditions Statement already explains how the Modified Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State, particularly the National Planning Policy Framework as revised in December 2024 (with subsequent minor amendments in February 2025) and relevant Planning Practice Guidance. The modifications were expressly prepared to bring the made Neighbourhood Plan up to date with current national policy and guidance.

4.2 Nothing in the commencement of sections 98 and 99 of the Levelling-up and Regeneration Act 2023 changes the Parish Council’s conclusion that the Modified Neighbourhood Plan has appropriate regard to national policy and advice. The Plan remains a locally specific, non-strategic planning document which supports sustainable development of an appropriate type and scale, protects the area’s distinctive rural, landscape and historic character, supports affordable housing where local need is demonstrated, supports rural diversification, encourages low carbon and renewable energy, and seeks appropriate infrastructure and access improvements.

Basic Condition 2: contribution to sustainable development

4.3 The March 2025 Basic Conditions Statement includes an assessment of the contribution made by each policy to sustainable development. That assessment concludes that the Plan’s policies can be expected to make a positive contribution towards sustainable development within the Neighbourhood Area.

4.4 The Parish Council continues to consider that the Modified Neighbourhood Plan contributes positively to the achievement of sustainable development. It supports appropriate forms of housing, rural economic activity, community infrastructure, access to the countryside, renewable and low carbon energy, good design, landscape protection, biodiversity, green infrastructure and conservation of the historic environment. Those matters support the economic, social and environmental dimensions of sustainable development.

Basic Condition 3: housing provision

4.5 The revised housing-related Basic Condition requires consideration of whether the making of the neighbourhood development plan would result in the development plan proposing that less housing is provided

by means of development taking place in the area than would be the case if the neighbourhood development plan were not made.

4.6 The Modified Hough on the Hill Neighbourhood Plan does not delete or reduce any housing allocation in the South Kesteven Local Plan. It does not allocate alternative land in a way that would reduce housing provision, and it does not introduce a settlement boundary or other mechanism that would prevent housing development proposed by the adopted Local Plan from coming forward.

4.7 Policy HoH7 supports the development of affordable housing in or immediately adjoining the villages where it meets an identified local need and satisfies the relevant requirements of South Kesteven Local Plan Policies SP3 and SP4, the Neighbourhood Plan's design requirements and other relevant policies. The Modified Plan therefore supports, rather than restricts, appropriate housing development to meet local needs.

4.8 The Modified Neighbourhood Plan's approach is therefore consistent with the revised Basic Condition. The making of the Plan would not result in the development plan proposing that less housing is provided in Hough on the Hill Parish than would be the case if the Plan were not made.

Basic Condition 4: assimilated obligations

4.9 The March 2025 Basic Conditions Statement explains that South Kesteven District Council issued a screening opinion in relation to the original Neighbourhood Plan and considered it unlikely that significant environmental effects would arise. It also explains that none of the modifications would increase the likelihood of significant environmental effects, and that no Strategic Environmental Assessment or Habitat Regulations Assessment is required.

4.10 The Parish Council is not aware of any matter arising from the commencement of sections 98 and 99 of the Levelling-up and Regeneration Act 2023 that would alter that conclusion. The Modified Neighbourhood Plan does not breach, and is otherwise compatible with, assimilated obligations relating to environmental assessment and habitat protection.

Basic Condition 5: Environmental Outcomes Reports

4.11 Part 6 of the Levelling-up and Regeneration Act 2023 provides for a new Environmental Outcomes Reports framework. The revised Basic Conditions require compliance with any requirements imposed in relation to the Plan by or under Part 6 of the 2023 Act.

4.12 At the date of this Addendum, the Parish Council is not aware of any specific Environmental Outcomes Report requirement that has been imposed in relation to the submitted Hough on the Hill Neighbourhood Plan Modifications. On that basis, the Parish Council considers that the revised Basic Condition relating to Environmental Outcomes Reports is satisfied.

Basic Condition 6: prescribed conditions and prescribed matters

4.13 The prescribed Basic Condition relating to habitat protection continues to be met. The March 2025 Basic Conditions Statement explains that there are no relevant designated sites or habitats within or adjacent to the Parish and that Habitat Regulations Assessment is not required. The proposed modifications do not change the nature of the Plan or introduce development proposals likely to have significant effects on any European site or European offshore marine site.

5. Compliance with section 38B of the Planning and Compulsory Purchase Act 2004

Scope and content of the Plan

5.1 The Modified Neighbourhood Plan complies with the statutory scope of a neighbourhood development plan. Its policies relate to the development and use of land in the designated Neighbourhood Area. The Plan

does not deal with excluded development, county matters, nationally significant infrastructure or matters outside the proper scope of neighbourhood planning.

5.2 The Plan contains local land use and development management policies responding to the particular characteristics and circumstances of Hough on the Hill Parish. These include policies on appropriate development, development context and design, heritage, affordable housing, rural diversification, Local Green Space, valued landscapes and habitats, views and settings, renewable and low carbon energy, access to the countryside and developer contributions. These are matters that fall within the scope of section 38B as amended.

Climate change mitigation and adaptation

5.3 The Modified Neighbourhood Plan has been designed, so far as the Parish Council considers appropriate and having regard to the subject matter of the Plan, to secure that the development and use of land in the Neighbourhood Area contribute to the mitigation of, and adaptation to, climate change.

5.4 This is reflected particularly in:

- Policy HoH2, which supports locally appropriate design and requires development to have regard to the current Neighbourhood Plan Design Guidance;
- Policy HoH10, which supports the conservation, enhancement or restoration of landscape features, including hedgerows, trees and woodland;
- Policies HoH12, HoH13 and HoH14, which support domestic, community-led and business-related renewable and low carbon energy initiatives where compatible with other development plan requirements;
- Policy HoH15, which supports maintaining and improving access to the countryside and opportunities for walking and cycling; and
- Policy HoH16, which supports the provision of necessary facilities and infrastructure associated with new development.

5.5 In combination, these policies support climate mitigation by encouraging energy efficiency, renewable and low carbon energy, active travel and local infrastructure. They support climate adaptation by protecting landscape structure, green infrastructure, trees, hedgerows, habitats and local environmental quality.

Local Nature Recovery Strategy

5.6 Section 38B(2B) requires the Plan, so far as the qualifying body considers appropriate and having regard to the subject matter of the Plan, to be designed to take account of any Local Nature Recovery Strategy prepared under section 104 of the Environment Act 2021 that relates to all or part of the Neighbourhood Area.

5.7 The Parish Council has considered this requirement in relation to the subject matter and limited scope of the submitted modifications. The Modified Neighbourhood Plan does not allocate land for significant development and does not introduce proposals likely to undermine nature recovery. Its relevant policies support green infrastructure, biodiversity, protection of valued landscapes and habitats, maintenance and planting of trees and hedgerows, Local Green Space protection and improvements to countryside access.

5.8 Policies HoH9, HoH10, HoH11 and HoH15 are particularly relevant. They support the protection of Loveden Hill as Local Green Space, the protection and enhancement of valued landscapes and habitats, sensitive consideration of key views and settings, and the maintenance and improvement of access to the countryside. Annex 1 to the Plan also encourages wildlife-supporting features and protection of biodiversity, habitats and ecology.

5.9 The Parish Council therefore considers that, so far as appropriate to the subject matter of the Modified Neighbourhood Plan and the nature of the submitted modifications, the Plan has been designed to take account of the purpose and likely priorities of the relevant Local Nature Recovery Strategy.

6. Convention rights

6.1 The Modified Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and is compatible with the Human Rights Act 1998. The Plan and its modifications have been prepared through public consultation and a proportionate process of review. The Plan's policies are intended to operate in the public interest through the statutory planning system and do not give rise to any unjustified interference with Convention rights.

7. Conclusion

7.1 The Parish Council considers that the Modified Hough on the Hill Neighbourhood Plan continues to meet the Basic Conditions as amended by the Levelling-up and Regeneration Act 2023. In particular, the Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- would not result in the development plan for the area proposing that less housing is provided than would be the case if the Neighbourhood Plan were not made;
- does not breach, and is otherwise compatible with, assimilated obligations;
- complies with any applicable requirements imposed by or under Part 6 of the Levelling-up and Regeneration Act 2023 relating to Environmental Outcomes Reports; and
- satisfies the prescribed conditions and prescribed matters relating to habitat protection.

7.2 The Parish Council also considers that the Modified Neighbourhood Plan complies with the relevant legal requirements relating to the content of neighbourhood development plans, including the section 38B requirements relating to climate change and Local Nature Recovery Strategies, and is compatible with Convention rights.

7.3 The commencement of sections 98 and 99 of the Levelling-up and Regeneration Act 2023 does not alter the Parish Council's conclusion that the submitted modifications are material modifications which do not change the nature of the made Neighbourhood Plan and may proceed through examination without a referendum, subject to the Examiner's consideration.

Note: This Addendum updates the March 2025 Basic Conditions Statement only to the extent necessary to address the legislative changes that came into effect on 25 March 2026. It should be read with the submitted Modified Neighbourhood Plan and Modification Proposal Statement.

Prepared on behalf of Hough on The Hill Parish Council by

Steve Kemp, BA, DipTP, MRTPI

OpenPlan

The Terrace

Lincoln

LN2 1BD

01522 262829

steve@thinkopenplan.com

