

Barrowby Neighbourhood Plan

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 Barrowby Parish Council

1. Purpose and status of this Addendum	2
2. Updated statutory context.....	2
3. Consequential update to the submitted 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.....	5
Scope and content of the Plan.....	5
Climate change mitigation and adaptation.....	5
Local Nature Recovery Strategy	6
6. Convention rights.....	6
7. Conclusion	6



1. Purpose and status of this Addendum

1.1 This Addendum has been prepared by Barrowby 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 August 2025 for the Barrowby Neighbourhood Plan. It should be read alongside the submitted Basic Conditions Statement, the submitted Barrowby Neighbourhood Plan and the Strategic Environmental Assessment and Habitat Regulations Assessment Screening Statement.

1.3 This Addendum does not alter the submitted Neighbourhood Plan or any of its policies. Its purpose is to explain how and why, having regard to the legislative changes now in force, the submitted Barrowby Neighbourhood Plan continues to satisfy the Basic Conditions and relevant legal requirements.

1.4 Where the submitted Basic Conditions Statement, or any explanatory text in the submitted Neighbourhood Plan, 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 contained in the development plan, those references should now be read in light of this Addendum.

1.5 The submitted Basic Conditions Statement continues to be relied upon except to the extent that it is updated, clarified or supplemented by this Addendum.

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. These include allocations of land for development, other land use or development-related policies responding to the particular characteristics or circumstances of the neighbourhood area, infrastructure and affordable housing requirements arising from development, and specific design requirements.

2.2 Section 98 also inserts section 38B(2B) into the 2004 Act. This 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, and to 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 98 further provides that a neighbourhood development plan must not include matters that are not permitted or required by the relevant statutory provisions and must not be inconsistent with, or repeat, policy that already exists within any National Development Management Policy.

2.4 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 by a housing-related condition. For neighbourhood development plans, the relevant question is now whether the making of the plan would result in the development plan for the area proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.

2.5 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 the Environmental Outcomes Reports framework.

2.6 Although “general conformity” with strategic policies is no longer a freestanding statutory Basic Condition for neighbourhood development plans in the same form as before, the relationship between the Barrowby Neighbourhood Plan and the South Kesteven Local Plan remains important. It remains relevant to the assessment of whether the Plan has regard to national policy, contributes to sustainable development, supports the plan-led system, and would not result in less housing being provided. The National Planning Policy Framework 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 submitted Basic Conditions Statement

3.1 The submitted 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 freestanding 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 statutory 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 Barrowby 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 explains how the Barrowby Neighbourhood Plan has regard to national policies and advice contained in guidance issued by the Secretary of State, particularly the National Planning Policy Framework, most recently revised in December 2024 (with minor amendments in February 2025). That assessment remains applicable.

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 submitted Neighbourhood Plan has appropriate regard to national policy and guidance. The Plan’s policies continue to provide locally specific, non-strategic planning policies for Barrowby Parish within the wider national and local planning framework.

Basic Condition 2: contribution to sustainable development

4.3 The submitted Basic Conditions Statement includes an assessment of the contribution made by the Plan’s policies to sustainable development. That assessment concludes that the Plan’s objectives and policies pursue the mutually supportive economic, social and environmental objectives set out in the NPPF.

4.4 The Parish Council continues to consider that the submitted Neighbourhood Plan contributes positively to the achievement of sustainable development. It supports appropriate housing, local enterprise, community facilities and infrastructure, while seeking to protect and enhance Barrowby’s historic environment, important views, green infrastructure, biodiversity, local distinctiveness and climate resilience.

Basic Condition 3: housing provision

4.5 The revised housing-related Basic Condition requires consideration of whether making 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 Barrowby Neighbourhood Plan does not delete, reduce or reallocate any housing allocation in the adopted South Kesteven Local Plan. It does not seek to prevent the delivery of housing proposed through the adopted development plan.

4.7 The submitted Neighbourhood Plan recognises the existing Local Plan housing context. The Plan notes that the South Kesteven Local Plan includes an allocation for 270 new homes in Barrowby, as well as around 1,500 homes on a site on the edge of Grantham which overlaps with the parish boundary. It also records that the Barrowby Housing Needs Assessment recommends an overall Housing Need Figure of 167 dwellings for Barrowby to 2041, and that the current Local Plan allocation alone exceeds that figure.

4.8 Policy 3 supports housing development that meets the needs of the local community. It identifies, in principle, suitable locations for further housing, including infill sites within the Developed Footprint of Barrowby village, land within the Parish to the east of the A1, and land immediately adjacent to the Developed Footprint where the development is well integrated with the village, proportionate in scale, and maintains and strengthens Barrowby's distinctiveness and coherence. Policy 3B also supports custom and self-build housing in suitable locations.

4.9 The Plan therefore provides a positive and locally specific framework for housing development. It manages the form, scale, location and design of further housing in the interests of sustainable development, but it does not result in less housing being proposed through the development plan. The Parish Council therefore considers that the revised housing-related Basic Condition is met.

Basic Condition 4: assimilated obligations

4.10 The submitted Basic Conditions Statement and the Strategic Environmental Assessment and Habitat Regulations Assessment Screening Statement address the Plan's compatibility with assimilated obligations relating to environmental assessment and habitat protection.

4.11 The SEA/HRA Screening Statement concludes that the submitted Barrowby Neighbourhood Plan will not have significant environmental effects and does not require a full Strategic Environmental Assessment. It also concludes that no significant effects are likely to occur with regard to any relevant protected habitat and that a full Habitat Regulations Assessment is not required. 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 those conclusions.

Basic Condition 5: Environmental Outcomes Reports

4.12 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.

4.13 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 Barrowby Neighbourhood Plan. On that basis, the Parish Council considers that the relevant Basic Condition is met.

Basic Condition 6: prescribed conditions and prescribed matters

4.14 The prescribed Basic Condition relating to habitat protection continues to be met. The SEA/HRA Screening Statement identifies no Special Protection Areas, Special Areas of Conservation or Ramsar sites within the Neighbourhood Area or within 15 km of the Neighbourhood Area, and concludes that no significant effects are likely to occur with regard to any relevant protected habitat. The Parish Council therefore considers that the prescribed environmental conditions and matters continue to be satisfied.

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

Scope and content of the Plan

5.1 The submitted Barrowby 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 submitted Basic Conditions Statement confirms that the Plan has been prepared and submitted by the qualifying body, states the period for which it is to have effect, does not relate to excluded development, does not relate to more than one neighbourhood area, and contains only non-strategic policies.

5.2 The Plan contains local land use and development management policies responding to the particular characteristics and circumstances of Barrowby Parish. These include policies on sustainable development, good design, housing development, custom and self-build housing, community facilities, the historic environment, important views, green infrastructure, Local Green Spaces, biodiversity and renewable energy.

Climate change mitigation and adaptation

5.3 The submitted Barrowby 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:

- Objective 2, which promotes more sustainable means of transportation, including walking, cycling and the use of buses;
- Objective 7, which seeks to preserve and maintain footpaths and green spaces;
- Objective 9, which seeks to preserve green features, protect ecological corridors and wildlife habitats, and achieve harmony between socio-economic development and the natural environment;
- Objective 11, which seeks to improve resilience to the impacts of climate change, including increased flood risk;
- Policy 1, which supports development that contributes to active travel, net elimination of carbon emissions by 2050, biodiversity net gain, minimised use of non-renewable resources and minimised waste;
- Policy 2, which requires development to take the Barrowby Design Codes and Guidance fully into consideration, including energy and resource efficiency in design, construction and use, sustainability and waste management, landscaping and boundary treatments;
- Policy 3, which seeks to guide housing development to locations and forms that are well integrated with the village and accessible to the village centre by pedestrians and cyclists;
- Policy 7, which supports the protection and enhancement of green infrastructure, Local Green Spaces and biodiversity; and
- Policy 8, which supports community energy projects and development for the generation of energy from renewable sources, subject to environmental and amenity safeguards.

5.5 In combination, these objectives and policies support climate mitigation by encouraging lower-carbon movement patterns, resource-efficient design, renewable energy, biodiversity gain, green infrastructure and locally accessible services. They support climate adaptation by protecting and enhancing green infrastructure, reducing flood and surface water risk through policy integration, and safeguarding the landscape and natural systems that contribute to local resilience.

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 under section 104 of the Environment Act 2021 that relates to all or part of the Neighbourhood Area.

5.7 The submitted Barrowby Neighbourhood Plan already acknowledges the Greater Lincolnshire Local Nature Recovery Strategy as being in preparation and explains that it will provide direction and opportunities for creating new habitats and linking grassland, hedges, trees and aquatic ecosystems to form landscape-scale wildlife corridors.

5.8 The Parish Council considers that the submitted Plan takes account of this emerging nature recovery context to the extent appropriate to the Plan's subject matter and level of detail. Policy 7 is particularly relevant because it protects and enhances green infrastructure, Local Green Spaces and biodiversity, and seeks biodiversity net gain in accordance with current legislative and policy requirements. Policy 1 also supports biodiversity gain and more sustainable development, while Policy 2 addresses landscaping and boundary treatments, and Policy 8 includes safeguards for natural habitats and biodiversity in relation to renewable energy development.

5.9 The Parish Council therefore considers that, so far as appropriate to the subject matter of the submitted Neighbourhood Plan, the Plan has been designed to take account of the relevant Local Nature Recovery Strategy requirement. If the draft Greater Lincolnshire Local Nature Recovery Strategy is finalised and adopted before the Plan is made, the Parish Council would expect any final reference to be updated as necessary, but the submitted Plan's policy approach is already consistent with its purpose.

6. Convention rights

6.1 The submitted Barrowby 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 submitted Basic Conditions Statement explains that the policies are proportionate, pursue legitimate planning objectives in the public interest, and strike an appropriate balance between private rights and the wider community interest. No incompatible impacts have been identified.

7. Conclusion

7.1 The Parish Council considers that the submitted Barrowby Neighbourhood Plan meets 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 submitted Barrowby 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 mitigation and adaptation and Local Nature Recovery Strategies.

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 Barrowby Neighbourhood Plan should proceed through examination and, subject to the Examiner’s conclusions, to referendum.

Note: This Addendum updates the August 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 Basic Conditions Statement and does not supersede the submitted Neighbourhood Plan or the SEA/HRA Screening Statement.

Prepared on behalf of Barrowby Parish Council by

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