

FEBRUARY 2026

APPENDIX 9

**BRADLEYS BOTH NEIGHBOURHOOD
DEVELOPMENT PLAN**

**BASIC CONDITIONS STATEMENT
SUPPLEMENT FOR 2026 MODIFIED NDP**

1. Legal Requirements

Overview

- 1.1 This statement has been prepared by Bradley's Both Parish Council (BBPC) to accompany a submission to the local planning authority (LPA), North Yorkshire Council (NYC) of the proposed modified Bradleys Both Neighbourhood Development Plan (NDP) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 ("the Regulations").
- 1.2 The modified NDP has been prepared by BBPC a qualifying body, for the designated Bradleys Both Neighbourhood Area. It seeks to modify the Bradley's Both NDP which was 'made' (adopted) by North Yorkshire Council on 22nd September 2023.
- 1.3 In accordance with Regulation 14 (pre-submission) a draft modified NDP was subject to community consultation in August – September 2025. The responses to this are included in the accompanying Consultation Statement together with an explanation of how any views expressed have been taken into account. It is now ready to be submitted to the Local Planning Authority.

Procedure for Modification

1.4 The Government's *Planning Practice* provides guidance on the ways that neighbourhood plans can be modified (Ref ID 41-106-20190509)¹. The procedure for modification is dependent on the scale and nature of the proposed change and can be summarised as follows:

- *Minor (non-material)* – where modifications would not materially affect the policies in the NDP. The guidance states that this could include correcting errors, such as reference to a supporting document. This type of modification would not require examination or referendum and can be undertaken directly by the relevant LPA.
- *Material modifications which do not change the nature of the plan.* To illustrate what this may include the guidance states that this could include amongst other things the addition of a site or sites which subject to the decision of an independent examiner are not so significant or substantial as to change the nature of the plan. This type of modification requires a further examination but does not need a referendum.
- *Material modifications which change the nature of the plan.* This would include allocating significant new sites for development. This final type of modification would follow the same procedure for creating a new NDP and therefore would be subject to both examination and referendum.

1.5 It is intended to modify the NDP by including an additional Local Green Space (LGS) at land off College

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>

Road (LGS Site Ref 15). The site is not included in the current made NDP of 2023. The modification is likely to fall outside the definition of a **minor (non -material) amendment** as the examples referenced in the guidance suggest that this would be limited to correction of errors that would not in themselves have any significant implications for land or the application of policies within the NDP and would therefore be non-material in nature. Allocating a site as LGS imposes significant implications on the land in question and is therefore a more significant change than correcting a reference to a supporting document or similar error as cited by the guidance for **minor (not material) modifications**. The adopted NDP includes a number of allocated LGS sites and the addition of a further LGS site would still be consistent with the vision and objectives of the NDP and would not require any changes to the provisions or wording of policy ENV1 (Local Green Spaces) or other NDP policies. It is therefore considered that whilst the proposed additional LGS site represents a **material modification** it would not change the nature of the plan. Furthermore as the guidance explicitly states that **material modifications** that do not change the nature of the plan can include the addition of a site or sites then this procedure is the most applicable to the proposed modification. Finally in discussions with the Local Planning Authority following the adoption of the current NDP the LPA sought their own internal legal advice before also concluding that the proposed change represents a **material modification** that does not change the nature of the plan. BBPC therefore consider the modified NDP represents a **material modification which does not change the nature of the plan**.

Basic Conditions

1.6 Paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004 sets out Basic Conditions that Neighbourhood Plans must meet. This statement addresses each of the 'basic conditions' required by the Regulations and explains how the modified Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

1.7 The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan;
- The making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- The making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations.

A further condition is also applied by Regulation 32 of the Neighbourhood Planning (General) Regulations

2012 (as amended):

- Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or Neighbourhood Plan). That being: The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites. (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of Neighbourhood Development Plans.)

2. Conformity with National Planning Policy and Strategic Policies of the Local Development Plan

- 2.1 The modified NDP has regard to relevant national policies as set out in the National Planning Policy Framework (NPPF). The made NDP was considered against the NPPF February 2019 version but the modified NDP has been considered against the current December 2024 version. Regard has also been had to relevant policies within the emerging revised NPPF which is currently subject to open consultation² (closes 10th March 2026).
- 2.2 The Local Development Plan comprises the Craven District Council Local Plan (CDCLP) 2012-2032 which was adopted on the 12th November 2019. Following Local Government re-organisation in 2023 the former Craven District Council was absorbed into the unitary North Yorkshire Council (NYC). NYC are currently preparing a new Local Plan but this is at an early stage of preparation with only the Regulation 18 Issues and Options stage undertaken during 2025 and a submission version not expected until 2028³. It is therefore too early for the new emerging Local Plan to have any weight or influence on the modified NDP. The made NDP was found to be in general conformity with the CDCLP. The additional LGS of the proposed modified NDP has been assessed using consistent methodology to that used in the made NDP and as the provisions of the Development Plan have not changed then it is also considered to be in general conformity.
- 2.3 As explained in paragraph 2.1 the modified NDP has been considered against the provisions of the current December 2024 version of the NPPF. Specifically paragraphs 106-108 relate to Local Green Spaces. It has also had regard to the emerging revised NPPF and specifically policies HC2 (Local Green Spaces) and HC8 (Development Affecting Local Green Space). The tests for when Local Green Spaces are appropriate remain unchanged from those considered as part of the made NDP. The proposed additional LGS has been considered against these tests as set out in the Local Green Space Assessment contained in Appendix 3 of the submission version of the modified NDP. Once a LGS is designated the current NPPF has introduced some changes to the way that development proposals on LGS sites will be considered and this reflects the Government's changes to the provisions for Green Belt land and the associated introduction of 'Grey Belt' provisions. The modified NDP does not make any changes to Policy ENV1 (Local Green Spaces) of the made NDP but merely seeks to add a further area

² [National Planning Policy Framework: proposed reforms and other changes to the planning system - GOV.UK](#)

³ Source: North Yorkshire Council Local Development Scheme March 2025

of land that would be designated as a LGS. It is therefore considered that the modified NDP remains in conformity with the NPPF and the Local Development Plan. Table 1 sets out in more detail how the NDP policy ENV1 (Local Green Spaces) and proposed additional LGS remains in general conformity with the NPPF and Development Plan.

Bradley's Both NP Policy/ Section	Relevant NPPF (2024 and 2025 consultation) Paragraphs/Policies	Relevant CDC Local Plan (Adopted) Policies *	Notes on conformity
<p>ENV1: Local Green Spaces</p> <p>and inclusion of Land off College Road as Local Green Space.</p>	<p><u>2024 version</u> Paras 106-108</p> <p><u>2025 version</u> HC2 (Local Green Spaces) HC8 (Development Affecting Local Green Spaces)</p>	<p>ENV10</p>	<p>The proposed additional local green space has been assessed in accordance with the tests set out in para 107 of the NPPF and with a methodology consistent to that used in the Local Plan. The interpretation of these tests is also consistent with that used by the examiner of the existing made NDP. Specifically it has defensible boundaries and is not contiguous with other LGS sites and so is not considered an extensive tract of land.</p> <p>Policy ENV1 also contains provisions to manage development proposals for local green spaces consistent with Green Belt policies as required by the NPPF.</p>

Table 1: Policy ENV1 and additional LGS. Conformity with relevant Development Plan and National Planning Policies.

3. Contribution to Achieving Sustainable Development

3.1 The NPPF highlights that there are three dimensions to sustainable development; economic, social and environmental. These dimensions are mutually dependent.

- Economic – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
- Social – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
- Environmental – contributing to protecting and enhancing our natural, built and historic environment,

and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.2 Although Neighbourhood Plans do not require a Sustainability Appraisal qualifying bodies must demonstrate how its plan will contribute to achieving sustainable development⁴.

3.3 Table 2 below explains how the proposed additional LGS proposed as part of the modified NDP contributes to the delivery of sustainable development in terms of economic, social and environmental aspects. This should be read in conjunction with the Local Green Space Assessment at Appendix 3 of the proposed modified NDP.

Bradley's Both NP Policy	Economic, Social and Environmental Impacts	Summary of contribution to sustainable development
Land off College Road proposed LGS	ECON: Neutral SOC: Significant positive ENV: Significant positive	Contributes to social development by safeguarding a locally important greenspace that is of amenity, historic and wider community benefit. It also contributes to environmental benefits as it secures the long term future of the spaces which are of environmental value.

Table 2 – Consideration of proposed additional LGS against the Sustainable Development requirements

4. Compatibility with EU Obligations and Legislation (including Habitats and Species impacts)

Strategic Environmental Assessment

4.1 A Strategic Environmental Assessment (SEA) is required under European legislation for all plans which may have a significant effect on the environment. This particularly relates to plans that designate sites for development. When a Neighbourhood Plan becomes “made” (adopted) it will have legal status as a statutory development plan document. As the modified Neighbourhood Plan will become a statutory development plan document, there is a legal requirement to assess the policies and proposals in the Neighbourhood Plan against the requirements of European Union Directive 2001/42/EC; also known as the “Strategic Environmental Assessment (SEA) Directive”. The objective for SEA is: “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, and environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” (SEA Directive, Article 1). The SEA Directive was incorporated into UK law through The Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004 No 1633) (the SEA Regulations).

⁴ Planning Practice Guidance Paragraph 026 Reference ID: 11-026-20140306

4.2 A Strategic Environmental Assessment (SEA) Screening Report was undertaken by David Feeney, B.E. (Environmental), MRUP on behalf of BBPC in October 2025. This considered the modified NDPs potential economic, social and environmental impacts. The draft modified NDP and screening report were then sent to the Statutory Environmental Bodies (Environment Agency, Natural England and Historic England) for comment and in accordance with Regulation 14 a period of 6 weeks was allowed. Whilst the Statutory Bodies have not provided any response to this matter BBPC now reserve the right to adopt a Screening Opinion in order to progress the modified NDP and consider that the plan does not give rise to significant environmental effects and that SEA is not required..

Habitat Regulation Assessment

4.3 The Habitats Regulations (2010) requires an assessment of land use planning proposals associated with Neighbourhood Plans. The assessment process examines the likely significant effects on the integrity of the European wildlife sites of nature conservation importance within, close to or connected to the plan area. European wildlife sites are areas of international nature conservation importance that are protected for the benefit of the habitats and species they support. This assessment is known as a Habitat Regulation Assessment (HRA). For the purposes of the HRA, international designated wildlife sites are Special Protection Areas (SPA), Special Areas of Conservation (SAC), and Ramsar wetland sites

4.4 A Habitat Regulation Assessment (HRA) Examination of Likely Effects was undertaken by David Feeney, B.E. (Environmental), MRUP on behalf of BBPC October 2025. This assessed the modified NDP's potential impacts on the natural environment. The draft modified NDP and Examination of Likely Effects report were then sent to the relevant Statutory Body Natural England for comment and in accordance with Regulation 14 a period of 6 weeks was allowed. Whilst Natural England have not provided any response to this matter BBPC now reserves the right to adopt a Screening Opinion in order to progress the modified NDP and consider that the plan does not give rise to significant effects and that HRA is not required.

Human Rights

4.5 The modified Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. The Act sets out the human rights in a series of Articles. The ones of most relevance to the modified NDP are the right to family life and protection from discrimination.

4.6 The additional LGS site proposed in the modified NDP has been subject to and informed by specific consultation with the landowner and wider public consultation to make sure that any issues and opinions of those affected are understood and addressed. In addition, and although not a formal requirement for Neighbourhood Plans an updated Public Sector Equality Assessment has been prepared and demonstrates how the modified plan has considered and responds to the needs of all individuals.

Conclusion on Basic Conditions

4.7 It is therefore considered that the proposed modified NDP meets the Basic Conditions required by the

Regulations as it is in general conformity with both National Planning Policies and strategic policies of the Development Plan. It makes a contribution to sustainable development and is compatible with applicable EU obligations and legislation.