

Babergh District Council and Braintree
District Council

**Bures
Neighbourhood Plan
2021 to 2037**

**Addendum Report to the
Independent Examiner's Report
of 20 April 2026**

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17 June 2026

1.0 Introduction

This Addendum Report should be read alongside and in conjunction with the Examiner's Final Report dated 20 April 2026.

By way of context, this Addendum Report has been produced in response to the following set of circumstances:

- New provisions relating to how neighbourhood plans must be examined came into force on 25 March 2026 through Section 98 and Section 99 of the Levelling-up and Regeneration Act (LURA) 2023.
- I issued a final Examiner's Report to Babergh District Council and Braintree District Council on 20 April 2026.
- There was some ambiguity as to whether the new provisions came into immediate effect or whether transitional arrangements would apply. The Ministry of Housing, Communities & Local Government (MCHLG) confirmed to me on 27 April 2026 that the new provisions applied with immediate effect.
- The final report dated 20 April 2026 did not address these new provisions.
- I wrote to both local planning authorities and the qualifying bodies on 1 May 2026 to request that a minimum two week period of focused consultation be held on the new provisions. In the absence of any guidance from MCHLG, there is some inconsistency in approach between examiners, but I regard this as a precautionary and prudent approach to give an opportunity for interested parties to make any representations in respect of any implications the new provisions may bring. My note of 1 May is attached to this Addendum Report as Appendix 1.
- A focused consultation was therefore held between 11 – 29 May 2026. Six representations were received.
- Given that I had issued a final report, I consider the most pragmatic way forward is to add this Addendum Report to that Final Report. The purpose of this Addendum is therefore to examine the Bures Neighbourhood Plan (the Plan) in the light of the new provisions.

2.0 New provisions

The role of the examiner is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.

In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:

- that the Plan as submitted proceeds to a referendum; or

- that the Plan should proceed to referendum as modified (based on my recommendations); or
- that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

In examining the Plan I am required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development; and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Section 98 of the Levelling-up and Regeneration Act 2023 requires that a neighbourhood plan:

- so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must 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
- so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must 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 plan area.

The Basic Conditions as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in the area than if the neighbourhood plan were not to be made;
- be compatible with, and not breach, assimilated obligations; and
- meet prescribed conditions and comply with prescribed matters.

Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

3.0 Assessment

In the final report I consider the qualifying body, the Plan area, the Plan period, excluded development and the development and use of land issues. All the requirements were found to be satisfactorily met. I have reassessed these issues in the light of the new provisions and conclude they remain satisfactorily met with the modifications recommended to Community Actions 2, 7 and 10 which are contained in my final report as modifications MN4, MN24 and MN21.

I turn now to the new provisions.

Climate change

The Plan refers a number of times specifically to climate change and has clearly been written with an awareness and desire to mitigate and adapt to the impacts of climate change. I note that the Plan's vision specifically refers to this and refers to green technical innovation to address and protect against the impacts of climate change. The long term commitment to the mitigation and adaption to the impacts of climate change is demonstrated by the Parish Councils' adoption of the Friends of the Earth 20 Actions on Climate and Nature Emergency in 2018.

A number of policies seek to ensure that development is appropriate to the natural and local environment. The Plan area falls partly within the Dedham Vale National Landscape and has the Arger Fen Site of Special Scientific Interest as well as various Local Nature Reserves, County Wildlife Sites and priority habitats.

Various policies including Policies BP6 and BP7 seek to protect and enhance trees and green spaces which the National Planning Policy Framework recognise as important for the mitigation and adaption to climate change. I recognised this in my assessment of Policy BP6. Other policies such as Policies BP8, BP10, BP17, BP19 and BP23 particularly speak to this requirement.

Having regard to these matters and the responses received to the focused consultation, I consider that the Plan so far as is appropriate has been designed to secure that the development and use of land in the neighbourhood area contributes to the mitigation of, and adaptation to, climate change.

Local Nature Recovery Strategy

Babergh District Council has advised that two Local Nature Recovery Strategies (LNRS) are relevant to the Plan area. These are the Suffolk LNRS and the Essex LNRS.

There is comprehensive coverage in the Plan on landscape, the natural environment, biodiversity and wildlife. A number of policies, including Policies BP4, BP5, BP8, BP10 and BP19 are particularly pertinent to this issue.

In my final report, I recommended two modifications that specifically referred the two LNRs; modifications MN2 and MN3 (which concerns Policy BP4).

Having regard to these matters and the responses received to the focused consultation, I am satisfied that overall the Plan and its policies so far as is appropriate takes account of and does not conflict with the LNRs.

New basic condition on housing

This new basic condition replaced the basic condition which referred to “the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area.”

I considered and set out the planning context in relation to housing in my final report. I set out that the Plan does not address the amount of housing needed or its distribution preferring to leave this to the local planning authorities. The Plan does not contain any site allocations, a stance agreed with both local planning authorities. I regarded this as a pragmatic approach given the strategic work being progressed on new Local Plans at District levels. In general terms, the local plans of Babergh District Council and Braintree District Council direct most new housing to the larger settlements. In addition, I considered that the Plan seeks to ensure that policies would not constrain the delivery of District level strategies.

Various policies including Policies BP14, BP15, BP16, BP17 and BP18 support local housing needs.

As such I am satisfied that the implementation of the Plan will not have the effect of preventing development from taking place which is proposed in the development plan.

4.0 Conclusion

In my final report, I concluded that the Bures Neighbourhood Plan, subject to the modifications I recommended in Annex 1 to my final report, met the basic conditions and the other statutory requirements.

Having considered the new provisions, I remain of the opinion that, subject to the modifications recommended in Annex 1 to my final report, the Bures Neighbourhood Plan meets the basic conditions and other statutory requirements. I have had regard to the responses made at the focused consultation stage and do not consider any additional or revised modifications need to be recommended.

Subject to those modifications, the Bures Neighbourhood Plan can proceed to a referendum. I remain of the view that there is no reason or need to extend or alter

the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Bures Neighbourhood Plan should proceed to a referendum based on the Neighbourhood Plan area as approved by Babergh and Braintree District Councils on 25 November 2021.

Finally, I would like to recognise the considerable amount of time and effort that has clearly been devoted to the preparation of this Plan which will be a useful tool for future change in Bures over the coming years. I recognise that the need to undertake an additional period of focused consultation at a very late stage in the examination process has delayed the next stages of getting this Plan in place and I offer my sincere apologies to the Parish Councils for this delay.

Ann Skippers MRTPI
Ann Skippers Planning
17 June 2026

Appendix 1

Independent Examination of the Bures Neighbourhood Plan Implications of Sections 98 and 99 of the Levelling Up and Regeneration Act 2023

Context

The provisions of Sections 98 and 99 of the Levelling Up and Regeneration Act (LURA) 2023 came into force on 25 March 2026. This means that the new requirements for neighbourhood plans came into immediate effect and those preparing neighbourhood plans or examining neighbourhood plans should do so in accordance with the new legal requirements.

The new provisions came into force during the fact check stage of this examination. I issued my final report on 20 April 2026, but this did not address the new provisions. As a result, I requested that my report be temporarily withdrawn whilst any implications arising from the new provisions were considered.

It is anticipated that neighbourhood planning guidance will be updated in due course and expand on how the new requirements should be applied.

However, at this point in time, I consider it prudent to provide an opportunity to the qualifying body, the local planning authorities and other interested parties, including those who submitted representations at the Regulation 16 stage, to comment on these changes including putting forward suggested modifications for my consideration to ensure the Neighbourhood Plan meets the new requirements.

Action required

I have therefore requested that Babergh District Council and Braintree District Council hold a minimum two week period of focused consultation on the new provisions.

It should be made clear that there is no need for responses to repeat representations that have already been made at the Regulation 16 stage. These have already, and will continue to be, taken into account.

As the Regulation 16 consultation period has ended, it is not an opportunity to raise new matters that do not relate to these legal considerations.

What happens after the focussed consultation has ended?

After I have received any representations made during the focused consultation, I will undertake a desktop-based reassessment of the Bures Neighbourhood Plan against the new provisions.

The consultation stage will assist me to recommend appropriate modifications if any are necessary to ensure the Neighbourhood Plan meets the new requirements.

I will then produce an Addendum to my final report setting out the context, the process undertaken and an assessment of whether the Neighbourhood Plan and its policies should proceed to referendum with or without additional, amended or deleted modifications to those contained in the final report.

Given this has implications for the timetable, I will aim to minimise any delay and will seek to issue a further fact check report and Addendum as soon as I can.

Legislative changes – informal summary for information purposes only

The further legal requirements are:

- So far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use of land in the neighbourhood area, contributes to the mitigation of, and adaption to, climate change; and
- So far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must 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 plan area.

The new basic conditions are:

- The making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in the area than if the neighbourhood development plan were not to be made.

Please note that this new basic condition replaces the former basic condition that the neighbourhood plan had to be in general conformity with the strategic policies in the development plan for the area.

- Any requirements imposed in relation to the plan by or under Part 6 of LURA 2023 (environmental outcomes reports) have been complied with.

Please note that whilst this basic condition has commenced, until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this basic condition cannot be assessed.

Ann Skippers MRTPI
Independent Examiner
1 May 2026