

## **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 As a result, I requested that my report be temporarily withdrawn whilst any implications arising from the new provisions were considered.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 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 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.

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1 May 2026