

**KIRKBY MALZEARD, LAVERTON AND DALLOWGILL
NEIGHBOURHOOD PLAN
2025 - 2035**

**BASIC CONDITION STATEMENT ADDENDUM PREPARED BY
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KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL**

May 2026

1.0 INTRODUCTION

1.1 This document is an addendum to the prepared Conditions Statement for the draft Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan ('the Plan') submitted in April 2026 to North Yorkshire Council. This is due to sections 98 and 99 of the Levelling-up and Regeneration Act 2023 which came into force on the 25th of March 2026, which introduced new legal compliance and the Basic Condition requirements for neighbourhood plans.

1.2 In summary, the additional legal compliance requirements are as follows:

- 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.

1.3 In addition, there is a new Basic Condition requirement (that replaces the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area). In summary this new Basic Conditions requires that the making of the neighbourhood plan would not have the effect of preventing development from taking place which (i) is proposed in the development plan for the area of the authority (or any part of that area), and (ii) if it took place, would provide housing.

1.4 A further Basic Condition relating to the new environmental assessment framework is also in place. However, until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, it is considered that compliance with this Basic Condition cannot be assessed.

2.0 LEGAL COMPLIANCE AND PLAN CONTENT

2.1 Section 98 of the LURA introduces further legal compliance as follows:

“So far as the qualifying body considers appropriate, having regard to the subject matter of the neighbourhood development plan, the plan must—

(a) 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

(b) 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, including in particular—

- (i) the areas identified in the strategy as areas which—
 - (A) are, or could become, of particular importance for biodiversity, or
 - (B) are areas where the recovery or enhancement of biodiversity could make a particular contribution to other environmental benefits,
- (ii) the priorities set out in the strategy for recovering or enhancing biodiversity, and
- (iii) the proposals set out in the strategy as to potential measures relating to those priorities”

2.2 In respect of point (a) above, we consider that the Plan policies will ensure that the development and use of land in the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan Area will contribute to the mitigation of, and adaptation to, climate change. The vision, objectives, policies and parish actions of the Plan explicitly promote sustainable development and resilience to climate change. Objective 3 ‘Natural Environment’ makes specific reference to “*Support measures to assist climate change resilience*”. Additionally, through the policies on ensuring high quality design (KMLD:8) with its requirement at clause 8 that development must “*Positively contribute to mitigation of climate change and meeting climate change target*” as well as KMLD 9: CONSERVING AND ENHANCING THE LANDSCAPE; POLICY KMLD 12: PROTECTING AND ENHANCING BIODIVERSITY and POLICY KMLD 16: ULTRA-LOW EMISSIONS VEHICLE INFRASTRUCTURE.

2.3 In respect of point (b) above, we consider that the Plan is consistent with and supports the North Yorkshire and York Local Nature Recovery Strategy (LNRS). Although the strategy was published (February 2026) a few weeks before the Plan was submitted, the development of the Plan’s policies was designed with the intention of providing local context to the wider LNRS including through consideration of the draft version of the strategy.

2.4 In particular, Policy KMLD 12: PROTECTING AND ENHANCING BIODIVERSITY. This policy supports measures to improve the biodiversity of the Parish contained in the Plan and more generally, including through habitat and creation. The Policy at clause b is explicit in its support for “*the incorporation of measures in development schemes to support the habitats of locally important species of wildlife as identified by the North and East Yorkshire Ecological Data Centre*”.

2.5 Additionally, POLICY KMLD 11: CONSERVING DARK SKIES seeks to protect dark skies, in particular as, “*These dark skies are also important for the local wildlife. This includes several species of ‘light-sensitive’ bat and owl, as well as species of ‘light-sensitive’ moths*

that have been recorded across the parish". Policy KMLD 10: LOCAL GREEN SPACES safeguards areas of high ecological and community value, contributing to biodiversity conservation and local habitat protection.

- 2.6 Overall, the Plan demonstrates clear alignment with the priorities and objectives of the LNRS including by its emphasis on habitat protection and enhancement; planting of native tree species; achieving biodiversity net gains; and controlling invasive species.

3.0 **New Basic Condition**

- 3.1 With regard to the new Basic Condition outlined in paragraph 1.3 which requires amongst other things that the making of the neighbourhood plan would not result in less housing being provided in that area than if the neighbourhood plan were not to be made. It is considered that the Plan will not result in it proposing that less housing is provided than would otherwise be delivered. The Plan supports the strategic spatial approach as set out in the adopted Local Plan, including the role of Kirkby Malzeard as a "service centre" suitable for modest growth.
- 3.2 Additionally, the Plan supports focusing development to sustainable locations within defined settlement development limits and provides qualified support for housing and other forms of windfall development and appropriate development in rural areas, including rural exception sites for affordable housing. It complements and acknowledges housing allocations in the approved Local Plan, including three allocations in Kirkby Malzeard.
- 3.3 As such, the Plan, and the policies it contains, does not introduce restrictions that would reduce housing supply. Instead, it provides a locally distinctive framework to guide development in a way that is sustainable, deliverable and consistent with national and local planning policies.