

**INDEPENDENT EXAMINATION OF THE
BLACON COMMUNITY NEIGHBOURHOOD DEVELOPMENT ORDER
Blacon Neighbourhood Forum (Blacon Neighbourhood Alliance)**

EXAMINER: Andrew Freeman BSc (Hons) DipTP DipEM FRTPI

Examination Ref: 03/AF/BNDO

Laura Smith
Blacon Neighbourhood Forum Secretary

Marc Hallows
Blacon Neighbourhood Alliance Vice-Chair

Catherine Morgetroyd
Principal Planning Officer – Planning Policy
Cheshire West and Chester Council

Via email

16 March 2026

Dear Ms Smith, Mr Hallows, and Ms Morgetroyd

You will be aware that section and 99 of the Levelling-up and Regeneration Act 2023 will be coming into force on 25 March 2026. This is by virtue of *The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026*, which were made on 2 March 2025.¹

In relation to neighbourhood development orders, section 99 amends the Town and Country Planning Act 1990² in respect of the Basic Conditions requirements.

There is a new Basic Condition requirement that:

- the making of the order 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. **Note:** this **replaces** the former Basic Condition that the neighbourhood development order should be in general conformity with the strategic policies contained in the development plan for the area.³

A further Basic Condition⁴ related to the new environmental assessment framework⁵ is commenced albeit, 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.

As the examination of the Blacon Community NDO is currently in progress, I am providing you with an opportunity to comment on these changes. I also consider that any persons who may have an interest in the examination should be given the similar opportunity to comment, including those who submitted representations at Regulation 23.

¹ View at: <https://www.legislation.gov.uk/uksi/2026/169/made#top>

² Paragraph 8(2), Schedule 4B to the 1990 Act: <https://www.legislation.gov.uk/ukpga/1990/8/schedule/4B>

³ Basic Condition '(e)' is replaced by '(ea)'.

⁴ New Basic Condition '(fa)'.

⁵ Part 6, Levelling-up and Regeneration Act 2023: <https://www.legislation.gov.uk/ukpga/2023/55/part/6>

Therefore, I request that Cheshire West and Chester place a notice on their website cross referencing this letter, advising that anyone with an interest in the examination may, should they wish, comment on the Basic Conditions changes outlined above.

It should be made clear that there is no need for responses to repeat representations that have already been made in relation to any other matters (since the Regulation 23 representations stand as submitted). Similarly, it is not an opportunity to raise new matters that do not relate to these legal points.

I suggest that the local authority's website should advise that **2 weeks** will be provided to submit comments to the Cheshire West and Chester Council. I would also request Cheshire West and Chester Council contact those who made representations at Regulation 23 to this opportunity. Should any person(s) request additional time in order to respond, you should seek to accommodate this provided a revised and reasonable response date is proposed.

Any responses received at the end of the 2 week (or, where requested, extended) period, along with those of the Blacon Neighbourhood Alliance and Cheshire West and Chester, should be forwarded to the IPe office team for my attention.

Should you have any questions in relation to this letter or any other related examination matters, please contact the IPe office team in the first instance.

In the interests of transparency, may I prevail upon you to ensure that a copy of this letter and any subsequent response is placed on the Blacon Neighbourhood Alliance and Cheshire West and Chester Council websites.

Thank you in advance for your assistance.

Yours sincerely

Andrew Freeman

Examiner