



**Urban Vision Enterprise CIC
Biddulph Neighbourhood Development Order
Basic Conditions Statement
January 2020**

Contents

1. Introduction.....	3
2. Meeting the Basic Conditions.....	4
2.1 The Basic Conditions.....	4
2.2 Regard to National Policy	4
2.3 Achieving Sustainable Development.....	5
2.4 General Conformity with Strategic Local Policy.....	6
2.5 Listed Buildings	7
2.6 Conservation Areas	8
2.7 Compatible with EU Obligations	8
2.8 Human Rights	8
Appendices.....	9
Appendix 1 - HRA Screening Outcome.....	9
Appendix 2 - Equalities Assessment	10

1. Introduction

This is a 'Basic Conditions Statement', prepared to accompany the submission of the Biddulph Neighbourhood Development Order (NDO).

The NDO has been prepared by Biddulph Town Council, the qualifying body.

The NDO includes a statement that it will be in effect for 4 years.

The NDO relates to an area that forms part of, and is entirely within, the Biddulph Neighbourhood Area.

This statement sets out how the NDO meets the basic conditions.

2. Meeting the Basic Conditions

2.1 The Basic Conditions

The Basic Conditions that NDOs must meet are:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies contained in the development plan for the area of the authority;
- Not breach and be compatible with EU obligations;
- Have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses; and
- Have special regard to the desirability of preserving or enhancing the character or appearance of any conservation area.

In addition, Paragraph 33 and Schedule 3 (2) of the Neighbourhood Planning (General) Regulations 2012, as amended, specifies an additional basic condition for NDOs.

- Where the development described in an order proposal is EIA development, having regard to all material considerations, it is appropriate that the neighbourhood development order is made.

2.2 Regard to National Policy

The NDO has been prepared against the context of national policy and guidance, in particular the National Planning Policy Framework 2019 (NPPF) and National Planning Practice Guidance (NPPG).

Paragraph 85 of the NPPF includes:

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre ...

Biddulph Neighbourhood Development Order - Basic Conditions Statement

d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary ...

The NDO responds to the need to bring vacant upper floors back into use and also the desirability of introducing B1 uses into the centre of Biddulph. It enables changes of use, giving greater levels of certainty (Development permitted by Part 1 of the NDO). This clearly supports Paragraph 85 a), b) and d).

Paragraphs 125 and 126 of the NPPF state:

125. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.

126. To provide maximum clarity about design expectations at an early stage, plans or supplementary planning documents should use visual tools such as design guides and codes. These provide a framework for creating distinctive places, with a consistent and high quality standard of design. However their level of detail and degree of prescription should be tailored to the circumstances in each place, and should allow a suitable degree of variety where this would be justified.

This is an NDO rather than a plan, but it does include a clear design code for shop fronts and makes expectations clear (Development permitted by Part 2 of the NDO). The improvement of the appearance of the Town Centre forms part of a wider strategy to improve its appearance and make it more attractive to shoppers, businesses and investors.

The NDO has regard to national policy and guidance.

2.3 Achieving Sustainable Development

The NDO seeks to secure growth by enabling changes of use of upper floors to business uses falling within Class B1 of the Town and Country Planning Use Classes Order 1987 (as amended). This should help to support local enterprise and job creation.

Such growth will occur within one of the defined town centres in the Staffordshire Moorlands. Biddulph is a sustainable location for development, having a concentration of population and being served by public transport. At the same time,

Biddulph Neighbourhood Development Order - Basic Conditions Statement

Biddulph serves the surrounding rural hinterlands, providing more localised employment opportunities.

New business uses will create more footfall and help to make the town centre more vibrant. It will help bring unused floorspace back into productive use.

The NDO enables the installation of better quality shopfronts. This will improve the environment of the town, helping to attract more people to use or invest in the town.

The NDO therefore supports sustainable development by supporting growth and creating more sustainable live-work patterns and improving the environment.

2.4 General Conformity with Strategic Local Policy

The Staffordshire Moorlands Local Plan Core Strategy Development Plan Document (adopted 2014) includes the following spatial objectives:

***SO5.** To ensure the long-term vitality and viability of the three market towns of Leek, Biddulph and Cheadle.*

***SO8.** To promote local distinctiveness by means of good design and the conservation, protection and enhancement of historic, environmental and cultural assets throughout the District.*

By enabling reuse of upper floors for business purposes, the NDO helps in achieving Spatial Objective SO5.

By enabling the installation of shop fronts in accordance with design parameters, the NDO helps in achieving Spatial Objective SO8.

Policy TCR1 - Development in the Town Centres states:

Proposals relating to Biddulph Town Centre will be assessed against policies in the Biddulph Town Centre Area Action Plan Development Plan Document (adopted February 2007).

The Biddulph Town Centre Area Action Plan (adopted February 2007) includes aims for:

- 3. Improved local employment opportunities*
- 4. A high quality, well designed, safe and integrated centre*

The NDO addresses both of these, in the same way it addresses Spatial Objectives SO5 and SO8.

The NDO is compatible with and does nothing to undermine the spatial strategy set out by the Local Plan.

Biddulph Neighbourhood Development Order - Basic Conditions Statement

The NDO is in general conformity with the strategic policies of the Staffordshire Moorlands Local Plan Core Strategy Development Plan Document (adopted 2014). Strategic local policies relevant to the Biddulph NDO are as follows:

- SS1 Development Principles
- SS1a - Presumption in Favour of Sustainable Development
- SS2 - Future Provision of Development
- SS3 - Distribution of Development
- SS5 – Towns
- SS5b - Biddulph Area Strategy

These policies are considered in detail below:

SS1 Development Principles:

The NDO responds to the development principles informing the design and sustainability of development, encouraging effective re-use of existing buildings or vacant or underutilised upper floorspace. This makes the best use of previously developed land.

SS1a - Presumption in Favour of Sustainable Development:

Taking a positive approach to enhance the sustainability and robustness of the town centre. Through encouraging better designed shopfront and re-using existing buildings more effectively.

SS2 - Future Provision of Development:

The NDO supports the provision for new services to meet the identified needs of the settlement, by encouraging re-use of vacant or underutilised upper floorspace.

SS3 - Distribution of Development:

The NDO does not seek to modify the allocation but provide new ways to help support a sustainable growth within the town centre to maintain its range of offer and vitality. In turn this will help to achieve the identified levels of growth.

SS5 – Towns:

The NDO responds to identified levels of growth and range of employment and retail offer by encouraging better designed shopfront and re-using existing buildings more effectively.

SS5b - Biddulph Area Strategy:

The Area Strategy sets out a positive area strategy in which the NDO aims to achieve and encourage the town centre elements relating to diversifying and encouraging a range of employment and retail uses. The NDO is built on the principle of supporting the vitality and sustainability of the town centre.

2.5 Listed Buildings

Bringing vacant floorspace back into use is likely to result in properties being better maintained, improving their appearance. The NDO makes clear that changes of use of upper floors to Class B1 uses does not grant consent for any operational works, such as creation of new access. Such works would need to be the subject of a

Biddulph Neighbourhood Development Order - Basic Conditions Statement

planning application, which means that the special statutory duties for listed buildings would apply.

The installation of new shopfronts requires compliance with design parameters. This ensures that new shopfronts allowed would enhance the street frontage. The NDO has the potential to enhance the setting of listed buildings.

2.6 Conservation Areas

No part of the NDO area or the wider Neighbourhood Area is designated as a conservation area. None of the land flanking the Neighbourhood Area is designated as a conservation area.

2.7 Compatible with EU Obligations

The NDO has no effect on any European Sites. Staffordshire Moorlands District Council has screened the NDO for HRA and confirmed that it is not required.

The NDO does not fall within any of the categories of development specified in Schedule 2 to the Town and Country Planning (Environment Impact Assessment) Regulations 2017.

Therefore, the NDO is compatible with EU obligations (or equivalent obligations if the UK leaves the European Union).

Given that the NDO does not permit EIA development, it meets the requirements of the additional basic condition under Paragraph 33 of the Neighbourhood Planning (General) Regulations 2012.

2.8 Human Rights

The NDO process has included a programme of community engagement activities, including with local businesses. Further details can be found in the Consultation Statement.

An equalities assessment has been undertaken and has been included in Appendix 2. It has indicated that the impact of the plan on protected characteristics is either neutral or positive.

Appendices

Appendix 1 - HRA Screening Outcome

Screening Biddulph Neighbourhood Development Order - Habitats Regulations Assessment

5 Conclusions

5.1 Emerging Staffordshire Moorlands Local Plan Policy NE 1 Biodiversity and Geological Resources provides protection for European sites. The Policy includes the following provision:

The biodiversity and geological resources of the District and neighbouring areas will be conserved and enhanced by positive management and strict control of development (and having regard to relevant ecological evidence) by:

1. Resisting any proposed development that could have an adverse effect on the integrity of a European site (or successor designation) alone or in combination with other plans or projects unless it can be demonstrated that the legislative provisions to protect such sites can be fully met. Any development with a potential to adversely affect a European site/s through construction activities should ensure that Ciria construction guidelines are followed including environmental good practice on control of dust and water pollution.

5.2 The HRA undertaken of the emerging Staffordshire Moorlands Local Plan concluded that the Submission Local Plan will not result in adverse effects on European sites, both alone and in combination with growth in neighbouring areas.

5.3 As a result of the assessment set out in section 4 of this report, it is considered unlikely that any significant environmental effects will occur as a result of the implementation of proposals set out in the draft Neighbourhood Development Order - Biddulph Town Centre.

HRA Stage 1 Screening Outcome

5.4 The draft Neighbourhood Development Order - Biddulph Town Centre does not require further HRA work to be undertaken.

Appendix 2 - Equalities Assessment

Legal Requirements

The Equality Act 2010 places a duty on all public authorities in the exercise of their functions to have regard to the need to eliminate discrimination, to advance equality of opportunity, and to foster good relations between persons who have a “protected characteristic” and those who do not. Protected characteristics are defined in the Equality Act as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

An Equalities Assessment is a systematic analysis to scrutinise the potential for an adverse impact on a particular group or community, in particularly those with a protected characteristic.

An assessment has been made on whether the NDO has a positive, negative or neutral impact on each of the protected characteristics. If the impact is negative, this is given a high, medium or low assessment. The following table describes these:

Impact	Description
High	A significant potential impact, risk of exposure, history of complaints, no mitigating measures in place etc.
Medium	Some potential impact exists, some mitigating measures are in place, poor evidence.
Low	Almost no relevancy to the process, e.g. an area that is very much legislation-led.

General Population Characteristics

Sourced from the 2011 Census key statistics the following table illustrates the age structure of the Parish residents.

Age structure

	Persons	
	Biddulph Parish	
	count	%
All usual residents	19,892	100.0
Age 0 to 4	1,082	5.4
Age 5 to 7	565	2.8
Age 8 to 9	433	2.2
Age 10 to 14	1,099	5.5
Age 15	236	1.2
Age 16 to 17	456	2.3
Age 18 to 19	424	2.1
Age 20 to 24	1,020	5.1
Age 25 to 29	943	4.7
Age 30 to 44	3,770	19.0
Age 45 to 59	4,169	21.0
Age 60 to 64	1,605	8.1
Age 65 to 74	2,292	11.5
Age 75 to 84	1,324	6.7
Age 85 to 89	298	1.5
Age 90 and over	176	0.9
Mean Age	42.8	-
Median Age	44	-

(Source: <https://www.nomisweb.co.uk/reports/localarea?compare=E04009025>, accessed 2nd January 2020)

Biddulph Neighbourhood Development Order - Basic Conditions Statement

Sourced from the 2011 Census key statistics the following table illustrates the Ethnic Groups who live in the Parish.

Ethnic group

	Persons	
	Biddulph Parish	
	count	%
All usual residents	19,892	100.0
White	19,671	98.9
English/Welsh/Scottish/Northern Irish/British	19,493	98.0
Irish	46	0.2
Gypsy or Irish Traveller	4	0.0
Other White	128	0.6
Mixed/multiple ethnic groups	115	0.6
White and Black Caribbean	51	0.3
White and Black African	8	0.0
White and Asian	37	0.2
Other Mixed	19	0.1
Asian/Asian British	77	0.4
Indian	11	0.1
Pakistani	18	0.1
Bangladeshi	0	0.0
Chinese	24	0.1
Other Asian	24	0.1
Black/African/Caribbean/Black British	20	0.1
African	6	0.0
Caribbean	10	0.1
Other Black	4	0.0
Other ethnic group	9	0.0
Arab	4	0.0
Any other ethnic group	5	0.0

There are no statistics available on other protected characteristics.

(Source: <https://www.nomisweb.co.uk/reports/localarea?compare=E04009025>, accessed 2nd January 2020)

Impact on Protected Characteristics

Age

The NDO creates new employment space within the town centre. This will help to ensure that the town centre caters for all ages, by creating local economic opportunity. Reinstatement of shopfronts will create a better environment and more attractive town for all.

The impact on all ages will be positive or neutral.

Disability

The needs of persons who are disabled or who have limited mobility are addressed with the shop front designs, which seek to create well-designed and accessible environments.

Access to upper floors will be regulated through the Building Regulations.

The impact on people with disabilities will be positive or neutral.

Maternity and Pregnancy

Key issues for women who are pregnant or have young children are access to appropriate housing, flexible employment, and community facilities. New shopfronts can provide more level access. The NDO seeks to provide new employment space within the town centre.

The impact on pregnant women will be positive or neutral.

Race

A very small proportion of the population of Biddulph are from non-white ethnic groups.

For the most part, the NDO will have an equal impact on the local population regardless of race. The NDO seeks to create an enhanced town centre environment and also work space to provide business or employment opportunities.

The impact will be positive on people of all races.

Biddulph Neighbourhood Development Order - Basic Conditions Statement

Sex (Gender)

The NDO contains no specific policies or proposals for any particular gender.

No gender is disadvantaged by any of the policies and proposals in the NDO. People will benefit equally from the implementation of the NDO. This includes people with prams or pushchairs, who may access the ground floor shops.

The impact will be positive for all genders.

Religion, Gender Re-assignment, Sexual orientation

Key issues for religious groups are discrimination relating to employment, housing and the provision of services.

Key issues for gender re-assigned people, gays and lesbians are personal relationships, transphobia and/or discrimination, and hate crime.

The NDO does not and cannot directly address the social attitudes that underpin hate crimes. However, it does seek to provide a built environment with a safe public realm for all.

The impact will be positive on all people, regardless of religion or LGBT+ status.

Conclusion

The NDO provides a strategy for the sustainable development of the Biddulph Town Centre. The development proposed will result in positive benefits for many parts of the local community with protected characteristics.

Contact



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