

Screening of Biddulph Neighbourhood Development Order - Strategic
Environmental Assessment

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Introduction

1 Introduction

1.1 Biddulph Town Council has prepared a draft Neighbourhood Development Order alongside its draft Neighbourhood Plan. The Order is being made as a response to the analysis of outcomes from community engagement and from the gathering of local evidence. The intention of the Order is to support the regeneration and economic development of Biddulph town centre.

1.2 Following determination as to whether Strategic Environmental Assessment of the draft Order is required, the Neighbourhood Development Order will be subject to a period of "pre-submission" public consultation alongside the Neighbourhood Plan. Following this consultation, the Town Council will prepare to submit both the draft Neighbourhood Plan and Development Order to the District Council in order that the documents might proceed to independent Examination and subsequent Referendum.

1.3 Only a draft Neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be "made" (adopted). The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

1.4 The District Council will need to be satisfied that the basic conditions have been met. A Neighbourhood Plan or Order must:

- have regard to national policy and guidance;
- have special regard to listed buildings (this applies only to Orders);
- have special regard to conservation areas (this also applies only to Orders);
- contribute to sustainable development;
- be in general conformity with strategic policies in the development plan;
- not breach EU obligations.
- comply with other prescribed matters.⁽¹⁾

1.5 Biddulph Town Council will be required to prepare a Basic Conditions Statement alongside the submitted Order, in order to demonstrate how the Order meets the basic conditions set out above.

¹ Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe 2 basic conditions in addition to those set out in the primary legislation. These are (1) that the making of a Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and (2) having regard to all material considerations, it is appropriate that a Neighbourhood Development Order is made where the development described in an Order is Environmental Impact Assessment development.

Legislative background

2 Legislative background

2.1 A Neighbourhood Plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. A key directive of relevance to neighbourhood planning is Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (often referred to as the Strategic Environmental Assessment {or SEA} Directive).

2.2 The District Council has prepared this screening assessment to help determine whether the policies and proposals set out in the draft Biddulph Neighbourhood Development Order will require a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004.

2.3 The Environmental Assessment of Plans and Programmes Regulations 2004 explain the process to be followed in undertaking a Strategic Environmental Assessment in respect of plans and programmes. They implement the European Directive and require an SEA to be undertaken on any land use plan or programme "which sets the framework for future development consent of projects".

2.4 A strategic environmental assessment is unlikely to be required where a planning document deals only with a small area at a local level (regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects. Screening is used to determine whether significant environmental effects are likely.

2.5 The National Planning Practice Guidance offers further guidance on when an SEA may be required for a Neighbourhood Plan⁽²⁾. SEA is more likely to be necessary if:

- a neighbourhood plan allocates sites for development (for example for housing or employment) that have not already been appraised through the Sustainability Appraisal of the Local Plan;
- the neighbourhood plan area contains sensitive environmental assets that may be affected by the policies and proposals in the neighbourhood plan;
- the neighbourhood plan is likely to have significant environmental effects not already addressed through the sustainability appraisal of the Local Plan.

2.6 When determining whether a plan proposal requires SEA, the SEA Regulations require that the criteria set out in Schedule 1 of the SEA Regulations be considered. These are the criteria for determining the likely significance of effects on the environment. The criteria are split into two categories: those relating to the characteristics of the plan and those to the characteristics of the effects and area likely to be affected.

2.7 The results of the screening process must be detailed in a Screening Statement, available to the public and the findings must be subject to consultation with Historic England, the Environment Agency and Natural England.

2.8 Neighbourhood Planning (General) (Amendment) Regulations 2015 require submission either of a statement of reasons as to why SEA was not required, or an environmental report (a key output of the SEA process) to accompany a plan proposal when it is submitted to the local planning authority.

2 Paragraph: 046 Reference ID: 11-046-20150209

2.9 Providing there are no significant changes to the proposals and the policies of the current draft Neighbourhood Development Order, this screening assessment undertaken by Staffordshire Moorlands District Council helps fulfil this requirement to accompany submission of the Neighbourhood Order.

The draft Biddulph Neighbourhood Development Order

3 The draft Biddulph Neighbourhood Development Order

Planning Context

National

3.1 A Neighbourhood Development Order is an Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

3.2 Paragraph 52 of the National Planning Policy Framework (February 2019) clarifies that communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. The paragraph states that local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.

3.3 A Neighbourhood Development Order can grant planning permission for specific types of development in a specific neighbourhood area. A Neighbourhood Development Order can therefore ⁽³⁾ :

- Apply to a specific site, sites, or wider geographical area.
- Grant planning permission for a certain type or types of development.
- Grant planning permission outright or subject to conditions.

3.4 A Neighbourhood Development Order can be used to permit ⁽⁴⁾:

- Building operations (eg structural alterations, construction, demolition or other works carried out by a builder).
- Material changes of use of land and buildings; and/or
- Engineering operations.

Local

3.5 The Staffordshire Moorlands Local Plan was submitted for examination on 28th June 2018. The emerging Local Plan has been subject to Sustainability Appraisal and Habitats Regulations Assessment. The Plan and its assessments can be seen at:

https://www.staffsmoorlands.gov.uk/examination_library

Neighbourhood Development Order

3.6 The parish of Biddulph was designated as a Neighbourhood Area on 16th February 2016.

3.7 Biddulph Town Council is preparing a Neighbourhood Development Plan. The draft Neighbourhood Plan has been subjected to screening alongside the Neighbourhood Development Order.

3 National Planning Practice Guidance Paragraph: 010 Reference ID: 41-010-20140306

4 National Planning Practice Guidance Paragraph: 011 Reference ID: 41-011-20140306

3.8 The Neighbourhood Development Order relates to change of use of upper floors of commercial properties to business and enterprise space (Use Class B1) and the replacement of shopfronts within a specified town centre boundary. The Order grants planning permission for these types of development in Parts 1 and 2, providing proposed development meets the conditions and criteria set out.

3.9 The Order will be monitored during its period of application. If necessary, the Order may be revised and/or remade in the future.

Assessment

4 Assessment

Methodology

4.1 To decide whether a draft plan proposal might have significant environmental effects, its potential scope should be assessed at an early stage against the criteria set out in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004. (These regulations implement the Strategic Environmental Assessment Directive in England.)

4.2 The criteria set out Schedule 1 of the Regulations are shown in the table below, alongside an assessment finding in relation to the draft Biddulph Neighbourhood Development Order.

Assessment

| Significance Criteria set out in SEA Directive (Annex ii) and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004 | Impact of the draft Biddulph Neighbourhood Development Order |
|---|---|
| 1. The characteristics of plans and programmes, having regard, in particular, to: | |
| (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources; | The Neighbourhood Development Order would, if adopted, form part of the Statutory Development Plan and as such does contribute to the framework for future development consent of projects. However, the Plan sits within the wider framework set by the National Planning Policy Framework, the emerging Local Plan and adopted Core Strategy policies as well as the emerging Biddulph Neighbourhood Plan. In addition, the projects for which this Order helps to set a framework are local in nature and have limited resource implications. The scope of the Order is set out in Section 3 of this report. |
| (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy; | The Neighbourhood Development Order is considered to be in general conformity with the National Planning Policy Framework. The development permitted by the Order conforms with the Core Strategy Policies and complements the Council's emerging strategic policies. The Neighbourhood Development Order is unlikely to influence other Plans or Programmes. |
| (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development; | The Neighbourhood Development Order will work to support the regeneration and economic development of Biddulph town centre. The draft Order relates to a defined area of the town centre only. The draft Order will help to support an attractive and vibrant town centre. It is therefore considered that the Neighbourhood Development Order will promote sustainable development. |

| Significance Criteria set out in SEA Directive (Annex ii) and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004 | Impact of the draft Biddulph Neighbourhood Development Order |
|---|---|
| (d) environmental problems relevant to the plan or programme; and | Biddulph is a former mining town that lies in the north west of the Staffordshire Moorlands district. It is the second largest settlement in the District with a population of 19,892 (including Biddulph Moor). The town has suffered from economic decline and includes the Biddulph East area, a former coal board housing estate that experiences a range of socio-economic and environmental deprivation problems. Appropriate alternative uses for vacant town centre units and derelict buildings are being supported. Environmental concerns relevant to the Order include impacts on air quality and climate change associated with economic growth. |
| (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection). | The Neighbourhood Development Order is not proposing development specifically related to waste management or water management. |
| 2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to: | |
| (a) the probability, duration, frequency and reversibility of the effects; | The Neighbourhood Development Order is likely to have modest but enduring positive sustainability effects through enabling growth and enhancement of Biddulph town centre. The introduction of a wider range of uses and general improvements, including site specific enhancements, is likely to provide additional jobs for local people and attract an increased number of visitors to help sustain and add to the vibrancy of the town centre economy. |
| (b) the cumulative nature of the effects; | It is intended that the effects will lead to positive, cumulative benefits for the area, for example through permitting change of use within a defined area. |
| (c) the transboundary nature of the effects; | There are no transboundary issues across member states. Any effects on adjoining Staffordshire Moorlands parishes are likely to be positive, for example through town centre improvements. |

| Significance Criteria set out in SEA Directive (Annex ii) and Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004 | Impact of the draft Biddulph Neighbourhood Development Order |
|---|---|
| (d) the risks to human health or the environment (for example, due to accidents); | No significant risks to human health or the environment have been identified. |
| (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected); | The Neighbourhood Development Order relates to a defined area within Biddulph town centre. The magnitude and spatial extent of the effects are therefore comparatively small. |
| (f) the value and vulnerability of the area likely to be affected due to: <ul style="list-style-type: none"> (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use; and | Biddulph town centre is focused along the central High Street / Tunstall Road. Until 2003 this was the main route through Biddulph and for those travelling between Congleton and Stoke-on-Trent. The bypass provides a bypass to the town centre, rather than a bypass to the town, and has significantly reduced the amount of traffic through the town centre. The town centre has a range of small independent shops and service outlets. These principally front onto High Street, along with some on the adjoining roads. |
| (g) the effects on areas or landscapes which have a recognised national, Community or international protection status. | There are no SSSIs within the Neighbourhood Plan Area. The Plan Area is 10km beyond the 2km zone of influence around the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area and similarly 10km beyond the 500m zone around the Peak District Dales and South Pennine Moors Special Areas of Conservation. The Biddulph Valley Way (Whitemoor) Local Nature Reserve is around 3km north of the town centre. The emerging Staffordshire Moorlands Local Plan and adopted Core Strategy include policies for the protection of landscape character, the natural environment and sites of European importance. |

Table 4.1 Determination of the likely significance of environmental effects

Conclusions

5 Conclusions

5.1 Having taken into account the:

- Findings of the integrated SEA / SA of the emerging SMDC Local Plan.
- Findings of the assessment set out in section 4.

5.2 It is considered that the draft Biddulph Neighbourhood Development Order is unlikely to lead to any significant environmental effects beyond those already assessed through the environmental assessments (SEA/SA and HRA) of the emerging SMDC Local Plan. In line with regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004, it is therefore considered that no further environmental assessment is required.

5.3 If the scope of the Neighbourhood Development Order subsequently changes, the LPA reserves the right to reassess this screening opinion.

Consultation

6 Consultation

6.1 Prior to a determination being made, this screening report has been sent to the relevant statutory consultation bodies to seek their opinion.

6.2 The SEA consultation bodies are the Environment Agency, Natural England and Historic England.

6.3 The screening opinions of the three consultees have been added to this screening report before a statement of reasons for the determination is prepared and published.

Date: 22 July 2019
Our ref: 289316
Your ref: Biddulph SEA and HRA Screening

Joanna Bagnall
Regeneration Service

BY EMAIL ONLY
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Dear Ms Bagnall,

SEA and HRA Screening:
Draft Biddulph Neighbourhood Plan
Draft Neighbourhood Development Order – Biddulph Town Centre

Thank you for your consultation on the above dated 4th July 2019 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Strategic Environmental Assessment Screening

We welcome the production of the SEA Screening reports. Natural England notes and concurs with the screening outcome of both the Neighbourhood plan and the Neighbourhood Development Order that significant effects on the environment are considered to be unlikely to occur. Therefore no further environmental assessment is required.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the [National Planning Practice Guidance](#).

Habitats Regulations Assessment Screening

Natural England welcomes the consideration given to the Habitats Regulations. We are satisfied that the conclusion of the Local Planning Authority (as competent authority) that there are no likely significant effects on European sites is appropriate, and therefore advise that further Habitats Regulations Assessment is not required for both the Neighbourhood Plan and the Neighbourhood Development Order.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Victoria Kirkham
Consultations Team

From: McLaughlin, Anne-Marie M
Sent: 12 September 2019 16:06:21 (UTC) Dublin, Edinburgh, Lisbon, London
To: Joanna Bagnall
Subject: RE: Biddulph SEA/HRA Screening

Hi Joanna,

I have had a look at the Neighbourhood Development Order and we have no comments or issues with the proposals.

If you have any queries, do not hesitate to contact me.

Kind regards,

Anne-Marie

Anne-Marie McLaughlin
Planning Advisor – Sustainable Places | West Midlands Area
Environment Agency | Sentinel House, 9 Wellington Crescent, Fradley Park, Lichfield,
Staffordshire, WS13 8RR

Contact | Ext: 020 302 54111 | Int: 54111 | www.gov.uk/environment-agency

Incident management standby role: Incident Support Officer



**Creating a better place
for people and wildlife**





Historic England

Ms Joanna Bagnall
Staffordshire Moorlands District Council

Direct Dial: 0121 625 6887

Our ref: PL00599784
26 July 2019

Dear Ms Bagnall

BIDDULPH NEIGHBOURHOOD DEVELOPMENT ORDER- SEA SCREENING

Thank you for your consultation and the invitation to comment on the SEA Screening Document for the above Neighbourhood Development Order.

For the purposes of consultations on SEA Screening Opinions, Historic England confines its advice to the question, "Is it likely to have a significant effect on the environment?" in respect of our area of concern, cultural heritage.

Our comments are based on the information supplied with the screening request. On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of the 'SEA' Directive], Historic England concurs with your view that the preparation of a Strategic Environmental Assessment is not required.

The views of the other statutory consultation bodies should be taken into account before the overall decision on the need for a SEA is made. If a decision is made to undertake a SEA, please note that Historic England has published guidance on Sustainability Appraisal / Strategic Environmental Assessment and the Historic Environment that is relevant to both local and neighbourhood planning and available at:

<https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>

I trust the above comments will be of assistance.

Yours sincerely,

Peter Boland
Historic Places Advisor
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cc:



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