

BAILDON NEIGHBOURHOOD DEVELOPMENT PLAN 2025 -2040

BASIC CONDITIONS ADDENDUM



In response to the implementation of The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026, with effect from 25th March 2026

June 2026

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Introduction

In response to the implementation of The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026, Bradford Council has requested that the qualifying body (Baildon Parish Council) should prepare an addendum to the submitted Basic Conditions Statement, setting out how the Neighbourhood Plan fulfils the legal and regulatory requirements, in view of the legal changes that came into force on 25th March 2026 regarding the basic conditions.

The submitted Basic Conditions Statement was prepared in April 2025 but does not fully address the relevant provisions of the Levelling-up and Regeneration Act 2023. This addendum does not replace the submitted Statement but supplements it by addressing the additional and amended requirements now applicable to the submission and then examination of the Baildon Neighbourhood Plan. Analysis of the implications of sections 98 and 99 of the Levelling-up and Regeneration Act 2023 for the submitted Baildon Neighbourhood Plan are set out in the table below:

2023 LURA (relevant section)	Analysis: implications for Baildon Neighbourhood Plan
Section 98(1): Section 38B of PCPA 2004 (provision that may be made by neighbourhood development plans) is amended as follows.	
(2) Before subsection (1) [of PCPA 2004 section 38B] insert— “(A1) A neighbourhood development plan may include— (a) policies (however expressed) in relation to the amount, type and location of, and timetable for, development in the neighbourhood area in the period for which the plan has effect; (b) other policies (however expressed) in relation to the use or development of land in the neighbourhood area which are designed to achieve objectives that relate to the particular characteristics or circumstances of that area, any part of that area or one or more specific sites in that area;	Baildon Neighbourhood Plan contains policies of the type now expressly described in section 38B as amended. Baildon Policy 1 – Housing Needs refers to Baildon Housing Needs Assessment (BHNA) 2024 (and Addendum 2026) and sets out the type of housing needed locally. The Plan includes a suite of non-strategic locally-specific policies relating to the particular characteristics and circumstances of Baildon neighbourhood plan area, parts of the area and specific sites within the area. The policies are designed to deliver objectives to protect and enhance the countryside, local

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2023 LURA (relevant section)	Analysis: implications for Baildon Neighbourhood Plan
<i>(c) details of any infrastructure requirements, or requirements for affordable housing, to which development in accordance with the policies, included in the plan under paragraph (a) or (b), would give rise;</i> <i>(d) requirements with respect to design that relate to development, or development of a particular description, throughout the neighbourhood area, in any part of that area or at one or more specific sites in that area, which the qualifying body considers should be met for planning permission for the development to be granted."</i>	green spaces and the natural environment and to protect and enhance Baildon's built environment by conserving designated and non-designated heritage assets and ensure any new buildings are well designed. In order to achieve this policies refer to the particular built character and natural heritage of the area and specific features withing it. Local policies relating to natural heritage assets include Baildon Policy 8 – Baildon Reservoir Site and Baildon Policy 9 Conserving and Enhancing the Landscape, both of which address biodiversity. Plan policies address designated and non-designated heritage assets and refer specifically to Shipley Glen Tramway which is identified as a key non-designated heritage asset. Baildon Neighbourhood Plan sets out requirements for various type of infrastructure including improvements to promote walking and cycling and green infrastructure along the Airedale River Corridor, canal and public transport corridors. There are also policies to protect and enhance community infrastructure including local community facilities and sport and recreation. It is expected that developments will be informed by the Baildon Design Guidance and Codes 2024 which requires proposals to respond to the local character and context. These are all matters which relate to the particular characteristics and circumstances of Baildon and are properly the subject of neighbourhood plan policies. Nothing in the submitted Plan appears to fall outside the scope of provision now permitted for neighbourhood development plans.

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(3) After subsection (2A) [of PCPA 2004 section 38B] insert—

“(2B) 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.

(2C) The neighbourhood development plan must not—include anything that is not permitted or required by or under subsections (A1) to (2A) or regulations under subsection (4), or (b) be inconsistent with or (in substance) repeat any national development management policy.”³

Baildon Neighbourhood Plan **notes that climate change and the climate emergency** is one of the most serious issues facing the world. **Policy 2 – Sustainable Housing Provision** requires housing schemes to consider flood plains, runaway water (including surface water on roads) and culverted underground streams. The Plan recognises that the River Aire corridor has an important functional role in flood risk management and climate change adaptation and notes that the River Corridor and Baildon Reservoir both provide opportunities for biodiversity.

The Plan notes that Baildon Moor and the countryside to the north, east and west of the settlement contain a number of biodiversity designations and these are listed in the Plan. Baildon reservoir site sits within the wider Baildon Moor and presents an opportunity to secure a range of benefits through a **nature recovery approach** to its remediation, including the creation of an important wetland habitat. It forms part of the wider Bradford Pennine Gateway National Nature Reserve.

Baildon Neighbourhood Plan is consistent with West Yorkshire Local Nature Recovery Strategy. The Local Habitat Map identifies many areas in Baildon that are of particular importance to biodiversity or which could become important to biodiversity. The maps of measures for built environment, farmland and agriculture, trees and woodland and water are highlighted as areas of particular significance and include numerous sites within the Baildon neighbourhood plan area. **Policy 9 – Conserving and Enhancing the Landscape** requires schemes to retain or enhance the biodiversity of ponds, streams, mature trees, woodland and hedgerows or where removal is unavoidable, providing, by way of offsetting, replacement equally biodiverse habitat elsewhere on-the site or within the neighbourhood plan area. Where new planting and landscaping is proposed, it should use native species and be designed in such a way to ensure that it is suitable when considered in the wider local landscape and its biodiversity, and where appropriate, links to existing woodland and hedgerows.

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	In total 23 Local Green Spaces are proposed in Policy 12 and many of these have existing value for wildlife and potential for enhancement and nature recovery (see Appendix D).
<i>(4) In subsection (4)(b) [of PCPA 2004 section 38B], after “requiring” insert “or permitting”.</i>	This amendment does not give rise to any separate issue for the Baildon Neighbourhood Plan.
Section 99: Neighbourhood development plans and orders: basic conditions	
<i>(1) In paragraph 8(2) of Schedule 4B to TCPA 1990 (basic conditions for making neighbourhood development order or neighbourhood plan)—</i> <i>(a) for paragraph (e) substitute—</i> <i>“(ea) the making of the order would not have the effect of preventing development from taking place which—</i> <i>(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,”;</i>	The Baildon Neighbourhood Plan does not prevent housing development proposed in the development plan from coming forward. The revised basic condition requires consideration of whether the making of the neighbourhood plan would result in the development plan for the area proposing that less housing is provided by means of development taking place in that area than if the neighbourhood plan were not made. Baildon Neighbourhood Plan does not allocate less housing than the Local Plan, delete or amend any strategic housing allocation, or introduce a policy which would prevent housing proposed through the development plan from coming forward. Its housing policies provide local detail on housing mix and criteria to be applied alongside the strategic policies of Bradford Council’s Local Plan. The Plan would therefore not result in less housing being provided than would be the case if the Neighbourhood Plan were not made.
<i>(1) (b) after paragraph (f) (but before the “and” at the end of that paragraph) insert—</i> <i>“(fa)any requirements imposed in relation to the order by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with,”.</i>	As at June 2026, although the Levelling-up and Regeneration Act 2023 has inserted a basic condition referring to Environmental Outcomes Report requirements, there are no Environmental Outcomes Report requirements in practical operation that apply to the submitted Baildon 3Neighbourhood Plan. The Plan has therefore been considered through the existing Strategic Environmental Assessment and Habitats Regulations Assessment screening framework.

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	The Basic Conditions Statement records that SEA and HRA screening was undertaken. The SEA Screening report concluded that Baildon NP is unlikely to have significant environmental effects and therefore SEA will not be required and the HRA Screening concluded that no further work will be required in order to comply with the Habitat Regulations. Historic England advised that in relation to the buffer zone for the World Heritage Site the need for SEA of the draft plan cannot be screened out as it is likely to result in significant environmental effects (positive or negative). However, the views of the other two statutory consultee should be taken into account before a conclusion is reached on whether SEA is needed. Environment Agency agreed with the Screening Assessment conclusion and there was no response from Natural England. Baildon Town Council responded to Historic England in the Consultation Report and concluded that a full Environmental Report was not required. The SEA and HRA regulations remain the relevant framework unless and until the Environmental Outcomes Report regime is implemented.
<i>(2) In section 38C(5) of PCPA 2004 (neighbourhood development plans: modifications of Schedule 4B to TCPA 1990), in paragraph (d), for the words from “if” to the end substitute “if—</i> <i>(i) sub-paragraphs (2)(b) and (c) were omitted,</i> <i>(ii) in sub-paragraph (2), for paragraph (ea) there were substituted—</i> <i>“(ea)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 that area than if the neighbourhood development plan were not to be made,” and (iii)sub-paragraphs (3) to (5) were omitted.”</i>	Baildon Neighbourhood Plan does not result in the development plan for the area proposing that less housing is provided than would be the case if the Neighbourhood Plan were not to be made. For the reasons set out above in relation to section 99(1)(a), no conflict with the revised housing-related basic condition is identified.
<i>3) In paragraph 11(2) of Schedule A2 to PCPA 2004</i> <i>(modification of neighbourhood development plans: 9basic conditions)—</i> <i>(a)for paragraph (c) substitute—</i>	9Bailon Neighbourhood Plan would not result in the development plan providing for less housing than would be the case if the draft Plan were not made. The analysis set out above in relation to housing applies equally here.

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<i>“(ca)the making of the 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 that area than if the draft plan were not to be made,”;</i>	
<i>(3)(b) after paragraph (d) (but before the “and” at the end of that paragraph) insert— “(da)any requirements imposed in relation to the plan by or under Part 6 of the Levelling-up and Regeneration Act 2023 (environmental outcomes reports) have been complied with,”.</i>	As at May 2026, although the Levelling-up and Regeneration Act 2023 has inserted a basic condition referring to Environmental Outcomes Report requirements, there are no Environmental Outcomes Report requirements in practical operation that apply to the submitted Baildon Neighbourhood Plan. The Plan has therefore been subject to Strategic Environmental Assessment and Habitats Regulations Assessment screening, in accordance with the existing SEA and HRA framework. The SEA and HRA Regulations remain in force until regulations regarding EORs are implemented.

The analysis above reveals that Baildon Neighbourhood Plan 2025–2040, as submitted, fulfils the revised basic conditions introduced by sections 98 and 99 of the Levelling-up and Regeneration Act 2023, which came into force on 25th March 2026. This addendum should therefore be read alongside the submitted Basic Conditions Statement dated May 2026 for the purposes of the examination.