

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Council Assembly

26 June 2019

TITLE:	Update on the Local Plan examination and consideration of options for Biddulph
PORTFOLIO HOLDER:	Councillor Wain - Portfolio Holder for Planning, Development and Property
CONTACT OFFICER:	Mark James - Senior Regeneration Officer (Planning Policy)
WARDS INVOLVED:	All outside Peak District National Park

Appendices Attached –

Appendix 1 – Biddulph Options Planning Analysis and maps

Appendix 2 – Sustainability Appraisal of Alternative Development Approaches in Biddulph

Appendix 3 – Draft Housing Implementation Strategy

Appendix 4 – Draft schedule of main modifications

1. Reason for the Report

- 1.1 To provide Councillors with an update on the Local Plan examination and advice from the Inspector to date. The report also seeks approval for a response to the Inspector regarding concerns over site BDNEW and the Green Belt in Biddulph and for the draft main modifications.

2. Recommendation

- 2.1 That Council notes the update on the examination to date and next steps in the process
- 2.2 That Council agrees to submit the proposal as set out in Section 7 of this report to the Inspector in response to the removal of site BDNEW from the Local Plan and the need to consider safeguarding Green Belt land.
- 2.3 To agree to consult on the schedule of main modifications as set out in Appendix 4, plus any further modifications as agreed under Recommendation 2.2 of this report or those deemed appropriate by the Inspector or minor typographical or grammatical corrections. To agree

that any such modifications can be approved by the Cabinet Member for Planning, Development and Property.

- 2.4 To agree that any “additional modifications” to the Local Plan can be approved by the Cabinet Member for Planning, Development and Property so long as they do not affect the substance of any policies or land allocations and may consist of the correction of typographical errors, factual updates and amendments made to ensure consistency.

3. Executive Summary

- 3.1 The Local Plan was subject to examination hearing sessions in October. In January, and in subsequent correspondence, the Inspector has identified a number of main modifications that he believes are necessary to make the plan “sound”. He has recommended the removal of site BDNEW from the Wharf Road Strategic Development Site in Biddulph due to Green Belt and landscape concerns and invited the Council to consider how to address the soundness of the plan in this regard. The Council has also been requested to consider the need for safeguarding Green Belt land so that its boundary can ensure beyond the plan period.
- 3.2 This report considers a number of options and recommends that the Council responds to the Inspector by highlighting a preference for safeguarding land at Gillow Heath (BD062, BD068 and BD087) and increasing the anticipated level of housing growth on exiting allocations; the remainder of the Wharf Road and Tunstall Road Strategic Development Sites. This option increases the overall supply of housing, safeguards land for potential future development whilst minimising loss of Green Belt
- 3.3 The Inspector will review the Council’s response and determine the next steps. This may include consultation on the approach to Biddulph as main modifications alongside the others that have been identified by the Inspector to date. There is a risk that the Inspector disagrees with, or is unsure of, the Council’s resolution in respect of Biddulph and invites the Council to re-consider, or to subject the matter to separate consultation and potentially a further hearing session prior to consultation on the modifications.
- 3.4 Only following the consultation on main modifications can the Inspector write his final report. Depending, on his conclusions, the Council may then be a position to adopt the Local Plan. This is expected to be towards the end of 2019 at the earliest.

4. How this report links to Corporate Priorities

- 4.1 The Local Plan will have implications for all four aims of the 2017-2019 Corporate Plan, namely:

Aim 1 -To help create a safer and healthier environment for our communities to live and work

Aim 2 - To meet our financial challenges and provide value for money

Aim 3- To help create a strong economy by supporting further regeneration of towns and villages

Aim 4 - To protect and improve the environment

5. **Alternative Options**

- 5.1 Option 1 (recommended) - agree to submit the recommended response to the Inspector to address matters of soundness and to agree to the draft main modifications. This approach to Biddulph will increase housing land supply, provide a degree of permanence beyond the plan period whilst minimising the loss of Green Belt overall. On balance, it provides the most appropriate solution to the issues raised by the Inspector when considered against the alternatives. Approval of the draft main modifications also allows the consideration of the plan to progress.
- 5.2 Option 2 (not recommended) - do not agree to submit a response to the Inspector – this would lead to a delay in the process and adoption of the Local Plan. This would prolong the period of time under which planning applications are determined without a fully up to date Local Plan and the absence of a five year supply of housing land.
- 5.3 Option 3 (not recommended) – submit an alternative response to the Inspector – this report and supporting appendices sets out a range of options to address the matters raised in the Inspector’s post hearing advice. Whilst there are benefits and dis-benefits associated with each option, on balance, the recommended option is considered to provide the most appropriate response. As such, the submission of an alternative may increase the risk that the Inspector does not deem it to be legally compliant or in line with the tests of soundness as set out in the National Planning Policy Framework (2012).

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

None direct

6.2 Workforce

Officer time required to work on the plan.

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's

Diversity and Equality Policies.

6.4 Financial Considerations

The costs for further consultation on the Local Plan will be met from the agreed budget.

6.5 Legal

In accordance with the Planning and Compulsory Purchase Act 2004 (as amended) (“the Act”), the Council has a statutory duty to prepare planning policies, which has been reinforced through the National Planning Policy Framework (NPPF) and the Localism Act 2011.

The Local Plan is a policy framework document as set out at Article 4 in the Constitution and is required by statute to be adopted by full Council.

Before the draft Local Plan can be considered for adoption, the process for preparing the Local Plan must be followed as is set out in the Act and the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the Regulations”) as amended by the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017. S.22 of the Regulations state that the following must be submitted to the Secretary of State; the sustainability appraisal report, a submission policies map if the adoption of the local plan would result in changes to the adopted policies map; a statement setting out who was invited to make representations under Regulation 18, how they were invited, main issues raised and how they were taken into account and how many representation were submitted under Regulation 20, the main issues raised, copies of the representations and supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan.

In preparing the local plan, the local planning authority must take into account any representation made to them in response to the invitations above. In addition, the Council must comply with any commitments it has made in its adopted statement of community involvement.

The Local Plan must be subjected to Habitats Regulations Assessment (HRA), a parallel process which commences at an early stage in plan preparation.

This requirement is implemented in domestic English law through The Conservation of Habitats and Species Regulations 2010. The Local Plan Submission Version is supported by an assessment.

6.6 Sustainability

A Sustainability Appraisal of the Local Plan and alternative options has been undertaken and was submitted with the Local Plan in 2018. A Sustainability Appraisal of main modifications to the Local Plan is being prepared. Appendix 2 to this report provides an appraisal of alternative development approaches in Biddulph.

6.7 Consultation

The Local Plan has been subject to significant internal and external consultation in its preparation in accordance with the Statement of Community Involvement. Modifications to the Local Plan will be subject to further consultation following consideration by the Inspector.

6.8 Risk Assessment

If the Council does not agree to an appropriate response to the Inspector in relation to Biddulph, the examination process will not be able to proceed.

Without an up to date Local Plan in place, there is an increased risk of development coming forward which will have to be determined using the policies in the National Planning Policy Framework. This will significantly reduce the Council's ability to resist development which is considered to be inappropriate. The Government has also introduced new powers for the Secretary of State to intervene when insufficient progress has been made on preparing Local Plans. These risks will be minimised, but not eliminated, if the Council resolves to support the option recommended in Section 5.

There is a risk that the Inspector disagrees with, or is unsure of, the Council's resolution in respect of Biddulph and invites the Council to re-consider, or to subject the matter to separate consultation and potentially a further hearing session prior to consultation on the modifications. If this situation arises, it is unlikely that the Council would be in a position to adopt the Local Plan until 2020. On balance, it is considered that the recommended preferred option reduces this risk but it cannot be ruled out.

Dai Lerner
Executive Director (Place)

Web Links and Background Papers

National Planning Policy Framework, National Policy for Travellers Sites and Planning Practice

Location

Regeneration Services
Moorlands House,
Leek

Contact details

Mark James
Senior Regeneration Officer (Planning Policy)
mark.james@highpeak.gov.uk

Guidance:

<http://planningguidance.comunities.gov.uk/>

Local Plan evidence base:

<https://www.staffsmoorlands.gov.uk/article/1163/Evidence-base>

Local Plan examination library:

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

Local Development Scheme:

<https://www.staffsmoorlands.gov.uk/article/3488/Local-Development-Scheme>

Statement of Community Involvement:

<https://www.staffsmoorlands.gov.uk/article/1165/Statement-of-Community-Involvement-SCI>

Previous Local Plan consultations and supporting evidence,

http://staffsmoorlands-consult.objective.co.uk/portal/local_plan/

7. Detail

The Core Strategy

- 7.1 The Staffordshire Moorlands Core Strategy was adopted in March 2014. The Core Strategy identified a housing requirement of 300 homes per year and an employment land requirement of at least 24ha over the period 2011 to 2026. The Core Strategy also established the appropriate distribution of development across the District with the emphasis being on development in the market towns of Leek, Biddulph and Cheadle with a more modest scale of development in the villages that lie within the Rural Area. However, the Planning Inspector who considered the Core Strategy determined that an early and comprehensive review of the Core Strategy for the period 2016 – 2031 would be required to take account of longer term development requirements. The review of the Core Strategy would also roll it forward into a single local plan combined with site allocations as recommended by the Planning Inspector who considered the Core Strategy.

The Local Plan

Local Plan Submission Version (2018)

- 7.2 The Staffordshire Moorlands Local Plan will be a District wide development plan which replaces the Staffordshire Moorlands Core Strategy, Biddulph Area Action Plan (AAP) and previous 1998 Local Plan to provide a framework for delivering development.
- 7.3 The Local Plan sets out the development strategy, strategic and development management policies and land designations for the District. It influences how and where the Staffordshire Moorlands will develop in the future. It sets out what the District Council would like to achieve in each of the main towns and the rural areas outside the Peak District National Park. The Local Plan also provides the framework for future detailed guidance to supplement the policies.
- 7.4 The Local Plan covers only that part of the District for which the Council has responsibility as a local planning authority. It therefore excludes the Peak District National Park which is covered by a separate policy framework prepared by the Peak District National Park Authority.
- 7.5 Having been subject to extensive consultation and a statutory six week period for formal representations, on 13th June 2018, the Council agreed to submit the Local Plan Submission Version, representations, Sustainability Appraisal and other supporting evidence to the Secretary of State for examination. The Council had determined that the Local Plan was “sound” and legally compliant and therefore ready for submission to the Secretary of State.
- 7.6 To recap, the Local Plan Submission Version agreed by the Council in 2018 comprised the following main elements:
- A Portrait of Staffordshire Moorlands - a description of the District

- The Challenges - a summary of the key challenges facing the District
- The Vision – detailing what the Staffordshire Moorlands will be like in 2031
- Aims and Objectives – stating what the Local Plan is proposing to achieve
- A Spatial Strategy and Strategic Policies – setting out the over-arching strategy and policies for the District
- Development Management Policies – setting out specific measures to manage development
- Strategic Development Site Policies - specific policy to guide the development of strategic sites
- Implementation and Monitoring - a framework for how the plan will be implemented and monitored
- Maps - for Leek, Biddulph, Cheadle and the Rural Areas which identify proposed sites and boundaries. The maps will eventually form a separate “Policies Map” which will sit alongside the Local Plan from adoption.

7.7 Key proposals in terms of the level and distribution of housing and employment development in the Local Plan Submission Version included:

- An average annual housing requirement of 320 homes per annum
- A gross employment land requirement of 27 Hectares.
- The distribution of housing as follows: Leek 30%, Biddulph 20%, Cheadle 25% and Rural Areas 25%.
- The distribution of employment as follows: Leek 30%, Biddulph 20%, Cheadle 20%, Rural Areas 30%.
- A residual housing requirement for the District of 3859 new homes to be delivered between April 2017 and March 2031 (Policy SS4)¹.

7.8 Green Belt release was proposed to support development on land off Wharf Road and Tunstall Road Biddulph (approx. 340 homes and 4.99ha employment land), Werrington (approx. 75 homes) and Cheadle (approx. 35 homes and highways infrastructure). Green Belt can only be released in exceptional circumstances. The Council’s Green Belt Review identified a number of sites that could be released from the Green Belt in exceptional circumstances.

7.9 The Core Strategy acknowledged that some Green Belt release would be necessary to enable sufficient housing growth in Biddulph. The Local Plan Submission Version sought to deliver Biddulph’s housing requirement for the full plan period whilst ensuring that Green Belt release was kept to a minimum.

National policy context

7.10 The Local Plan Submission Version responded to national policy and legislation and evidence as highlighted in this section of the report. The Local Plan was prepared under the provisions of the National Planning Policy Framework (NPPF) published in 2012. Whilst the 2012 NPPF was superseded in 2018, the 2018 NPPF confirmed that Local Plans submitted to the Secretary of State on or before 24th January 2019 would be considered under the terms

¹ As of 31 March 2017.

of the 2012 NPPF at examination. Accordingly, all references to the NPPF in this report relate to the 2012 version unless stated otherwise.

7.11 Paragraph 182 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities are required to submit a Local Plan for examination that is considered to be “sound” – namely that it is:

- **“Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities which it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.”

7.12 In order for the Local Plan to be recommended for adoption by the Secretary of State, it must also be found to be legally compliant in terms of the relevant statutory requirements for undertaking a Local Plan. These include compliance with the Duty to Co-operate, the preparation and consideration of a Sustainability Appraisal of the plan, and compliance with consultation procedures as set out in the Council’s Statement of Community Involvement and regulations.

7.13 Paragraph 14 of the NPPF is a critical element of national planning policy both in relation to the preparation of Local Plans and in determining planning applications. As such, in order to pass the tests of soundness, it is essential that Local Planning Authorities to comply with its requirements. In relation to plan-making, the paragraph states that:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking.*

For plan-making this means that:

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted²”*

² “For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of

7.14 It is therefore clear that identified development needs for the District should normally be met. This issue was discussed in detail in the report to Council Assembly on 8th March 2017 regarding the Local Plan development requirements for housing and employment. In terms of how this may be achieved, Paragraph 157 of the NPPF states that “...*Local Plans should:*

- *...indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map*
- *allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate*
- *identify areas where it may be necessary to limit freedom to change the use of buildings, and support such restrictions with a clear explanation*
- *identify land where development would be inappropriate, for instance because of its environmental or historic significance...*”

7.15 The NPPF specifies that the **Green Belt** is of great importance in order to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF is clear that “*once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of a Local Plan*” (NPPF, para. 83). It goes to state that:

“At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”

7.16 Local authorities should take account of the need to promote sustainable patterns of development when establishing Green Belt boundaries (NPPF, para. 84). In addition, when defining boundaries, local planning authorities should:

- *“ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
- *not include land which it is unnecessary to keep permanently open;*
- *where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
- *make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
- *satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
- *define boundaries clearly, using physical features that are readily recognisable and likely to be permanent”* (NPPF, Para. 85)

- 7.17 This matter is pertinent to the Inspector's post hearing advice and is therefore considered further later in this report.
- 7.18 With regards to **housing land**, Paragraph 47 of the NPPF requires local planning authorities "to identify a specific deliverable³ sites sufficient to provide five years worth of housing against their housing requirements" with a buffer to provide choice and competition. In the medium to long term, the NPPF states that local planning authorities should "identify a supply of specific, developable⁴ sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15". This element of national policy is discussed again later in this report.
- 7.19 The NPPF also allows for a windfall allowance to be included in the local planning authorities housing land supply calculations where this can be supported by evidence.

Evidence base

- 7.20 In addition to national policy, the Local Plan seeks to reflect the extensive evidence base which has been commissioned to ensure that the plan is robust. Key studies for the purposes of this report include those outlined below. Full details of all studies can be viewed online via the web link at the end of this report:
- **Green Belt Review (2015) and Updates (2016 and 2017)** – made multiple recommendations regarding the suitability of sites to be released from the Green Belt when exceptional circumstances exist. Please see the study for site specific details (examination library ref. 22.4 to 22.7). The following sites were identified for potential release in Biddulph. Please note that the review only assessed land against Green Belt purposes and did not address wider planning considerations to determine the suitability of land for development. Wider planning issues were assessed in other elements of the evidence base and considered by officers. A summary of relevant evidence, consultation feedback and the Council's conclusions for all sites is provided in the Site Allocations Topic Paper Biddulph (examination library ref. 13.2).
 - **Landscape, Local Green Space and Heritage Impact Assessment (2016) and Review of Representations (2018)** – assessed potential sites in term of the landscape and heritage impacts and made recommendations for

³ "To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans."

⁴ "To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged."

mitigation. Potential new Local Green Space designations were also recommended following a review of Visual Open Space designations in the previous Local Plan.

- 7.21 Reference is made to relevant evidence in the consideration of the options set out in Appendix 1 to this report.

Sustainability Appraisal and Habitats Regulations Assessment

- 7.22 The Local Plan Submission Version was supported by a Sustainability Appraisal (examination library ref. 6.1 to 6.7). The appraisal has helped to inform the content of the Local Plan and considers options for development requirements, sites and policy proposals and meets the requirements of the European Directive on strategic environmental assessment. An additional Sustainability Appraisal (Appendix 2) has been prepared to assess the broad options to address the Inspector's post hearing advice in relation to Biddulph housing land and Green Belt. This is considered later in this report.
- 7.23 A Habitats Regulations Assessment Report was also prepared which considered which any impacts of the Local Plan against the conservation objectives of sites of European importance for nature conservation in, and outside the plan area, to ascertain whether it would adversely affect the integrity of any sites concerned. These sites, often just referred to as European sites, include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). This report has also shaped the policies of the Local Plan. With the recommended mitigation measures, the report concluded that the Local Plan Submission Version would not result in adverse effects on European sites, both alone and in combination with growth in neighbouring areas. Natural England confirmed that they agreed with this conclusion. Specifically in relation to Biddulph, the screening exercise did not identify any "likely significant effects" in relation to the draft site allocations in Biddulph. This was due to the relative separation of the town from the designated areas. The Habitats Regulations Assessment can be viewed online (examination library ref. 7.1 to 7.3).

Duty to Co-operate

- 7.24 In order to address strategic matters as required under the Duty to Co-operate as set out in section 110 of the Localism Act, the Council has worked with a number of relevant public bodies to identify and address such matters. A Duty to Co-operate Statement was prepared by the Council to summarise the issues identified and how they had been addressed. A copy of the statement is available to view online (examination library ref. 9.3). Key outcomes included:
- The provision of suitable supporting infrastructure for planned growth, including transport, education, utilities, green infrastructure and health with Staffordshire County Council, Highways England, Clinical Commissioning Groups and other bodies. This work has fed into the Local Plan policies, sites

and Infrastructure Delivery Plan and in principle support for future joint working to consider the implications of growth in the A50.

- A Statement of Common Ground with the Peak District National Park Authority. This included an agreement that housing completions within the National Park and Staffordshire Moorlands could count towards Local Plan requirements and a commitment to protect the setting of the National Park
- A Statement of Common Ground with Stoke-on-Trent City Council, Newcastle-under-Lyme Borough Council and Stafford Borough Council This included an acknowledgement that no authority is currently able to assist in addressing any unmet housing, employment or travellers needs from neighbouring authorities.
- Engaging in the emerging proposals for economic growth and investment through the Constellation Partnership which seeks to benefit from planned investment in HS2 at Crewe and beyond

Update on the examination process

7.25 Following the submission of the Local Plan to the Secretary of State in June 2018, Planning Inspector Mark Dakeyne was appointed to examine the plan. The following provides a chronological summary of key aspects of examination process to date:

July –August 2018 – Inspector sets out his preliminary views and questions on the Local Plan (examination library ref. EL1.001a), this included the identification of necessary modifications to the plan. The Council responded to the questions and issued an initial draft schedule of modifications as directed by the Inspector (examination library refs. EL1.001b, EL3.001a - EL3.001d).

September 2018 - Inspector then issued his Matters, Issues and Questions (MIQs) which effectively set the agenda for the upcoming hearing sessions. They covered a range of issues from the compliance with the Duty to Co-operate, to development requirements, policies and the proposed allocations (examination library ref EL1.004a). All participants in the examination were invited to submit statements to the Inspector in response to the MIQs with the Council addressing each of the MIQs in turn (examination library ref. EL.046 – EL2.058)

October 2018 – Examination hearing sessions were held at Moorlands House when each of the MIQs were subject to a round table discussion amongst the participants, led by the Inspector. The purpose of these sessions is to enable participants to support their respective positions whilst enabling the Inspector to narrow down the number of outstanding issues to be resolved. During the hearing sessions, a number of actions were identified for the Council which were duly addressed (examination library ref. EL5.005). They provided the Inspector with further information in order for him to reach his initial conclusions.

January 2019 – Inspector issues his post-hearing advice (examination library ref. EL6.004). This set out his initial conclusions on several key areas of the

Local Plan and next steps for the Council following the hearing sessions. This included the identification of further main modifications to the Local Plan that were deemed necessary to make the plan “sound”. Key recommended main modifications and actions for the Council are listed below. Please note that the Inspector’s final conclusions regarding soundness and procedural compliance will be set out in his final report following consultation on the main modifications. As such, his findings may alter in the light of any further evidence that emerges including the consultation process. The latest draft schedule of main modifications is provided in Appendix 4. Please note that the precise wording of the main modifications is still to be signed off by the Inspector as suitable for consultation purposes.

Summary of key main modifications

- Amending the period from 2016-2031 to 2014-2033 and associated housing and employment land requirement to better reflect the available evidence and provide a longer period of time post-adoption. The gross housing requirement remains as per the Council’s previously agreed Local Plan Submission Version (6080). The employment land requirement increases from 27ha to 32ha.
- The inclusion of text and a monitoring indicator to consider the effects of removal of settlement boundaries for smaller villages under Policy SS2
- The addition of commentary on the need to closely monitor the provision of employment land on allocated sites and through windfall to determine if additional sites should be released through a Local Plan review
- Close monitoring of the provision of windfall housing completions, including affordable housing in order to determine if expected levels of provision are being met.
- Inclusion of a 10% “slippage” allowance in the housing land supply to take account of planning permissions that may lapse
- Amendments to the affordable housing policy to reflect the new threshold at which contributions can now be sought under the new NPPF (10 homes+ or 0.5ha)
- Amending Policy DSL2 regarding the development of land at the Mount, Leek to ensure that proposals recognise the recreational value of the Mount to the community and reflect this in master planning
- The removal of proposed employment land allocation on land west of Basford Lane, Leekbrook due to the potential impact on residents’ living conditions, landscape and biodiversity
- The removal of the part of Wharf Road, Biddulph mixed-use allocation within the Green Belt known as site BDNEW due to Green Belt and landscape harm. Whilst this particular site was deemed unsuitable, the Inspector could “*see the case for exceptional circumstances existing to justify the alteration of Green Belt boundaries around Biddulph*”.
- The removal of proposed Local Green Space designations at Ox Pasture, Cheddleton and Werrington as they did not meet the criteria set out in the NPPF and would limit opportunities for windfall housing development.

Actions for the Council

- a. Council to consult on a Housing Implementation Strategy (HIS) which sets out how the planned level of housing growth, including 5 year housing land supply, will be sustained.
- b. Review all remaining Local Green Space designations to confirm if they met the test that they are “demonstrably special” as required by the NPPF.
- c. The Council should consider how the soundness of the Local Plan should be resolved given that exceptional circumstances had not been adequately demonstrated for the removal of site BDNEW from the Green Belt. The post hearing advice refers to potential housing delivery on alternative sites in Biddulph and that the Council’s evidence shows that other sites could be released from the Green Belt without damaging Green Belt purposes to the same extent as BDNEW. However, unlike many of the other issues identified, the post hearing advice does not specify what modifications would be necessary to make the Local Plan sound
- d. The Council should consider whether it would be appropriate to identify areas of ‘safeguarded land’ in order to meet longer-term development needs in Biddulph i.e. to release land from the Green Belt now in order to facilitate potential development in a future Local Plan.

7.26 Actions c. and d. above require further consideration by the Council and are therefore the central focus of this report in terms of decision making.

January – April 2019 – Council consults on the Housing Implementation Strategy with examination participants and submits comments to the Inspector. The Inspector subsequently requests that the Council further review the assumptions in the housing trajectory to ensure that they are realistic. The revised document establishes that even with the removal of site BDNEW from the housing supply and revised delivery assumptions, there is a supply of 5.16 years of housing and a sufficient supply for 10 years⁵ – two key requirements of the NPPF (Appendix 3). However, it should be noted that the Inspector has yet to draw his own conclusions of this issue. The Council also sought further supporting evidence that the Local Green Space designations are “demonstrably special” from Town/Parish Councils and District Councillors. This information is submitted to the Inspector for further consideration.

May 2019 - Inspector sets out his views on the implications of the new Local Green Space evidence. Whilst many of the proposed designations are expected to be taken forward, several are recommended to be deleted or amended to become amenity open space. In the case of the latter, these sites would be afforded some protection from development under open space policy. A new Local Green Space has been recommended in Bagnall.

Local Green Spaces to be deleted:

⁵ According to the most recent housing trajectory at the end of 2028/29 the cumulative completions would be at 5162 for the District against the cumulative housing requirement would be 4800 - therefore surplus of 362 homes.

- 25 – The Rocks, Brown Edge
- 29 – Ox Pasture (west), Cheddleton
- 30 – Ox Pasture (east), Cheddleton
- 31 – Land south of Caldon Canal, Cheddleton
- 39 – Central Square, Waterhouses
- 50 – Stallington Road, Blythe Bridge

Local Green Spaces to be deleted and become or revert to amenity open space:

- 13 - Dorset Drive (west), Biddulph - already open space
- 14 - Dorset Drive (east), Biddulph - already open space
- 23 - Glebe Road, Cheadle - already open space
- 35 - North of Cotehill Road, Werrington - half is already open space, half is not currently open space
- 38 – Mayfair Avenue, Ipstones - not currently open space
- 47 - Caverswall Old Road, Blythe Bridge - already open space
- 51 - Bliethe View, Blythe Bridge - not currently open space
- 52 – Elmwood Drive, Blythe Bridge - already open space

New and amended Local Green Spaces

- 40 - Bagnall Village Green – pub garden, remove car park from
- Add a new designation at The Green, Bagnall

Consideration of housing sites and Green Belt safeguarding options in Biddulph

- 7.27 As outlined above, the Inspector has requested that the Council considers how to address the soundness of the Local Plan given the concerns regarding site BDNEW, his subsequent request that the site be removed from the Local Plan and the need to consider whether it is appropriate to “safeguard” Green Belt land.
- 7.28 In order to address these points, a range of board options has been developed for consideration. Within each broad option, more detailed options were then identified. The broad options are:
- Option 1: Do nothing.
 - Option 2: Allow targeted Green Belt release around the town to enable additional site allocations where considered deliverable.
 - Option 3: Allow strategic Green Belt release around the town to enable identification of safeguarded land.
 - Option 4: Allow both targeted and strategic Green Belt release around the town to enable additional site allocations where considered deliverable and identification of further land for safeguarding.
- 7.29 Following the appraisals of options 1 to 4 above, a fifth option was considered. This was:
- Option 5: Increase densities at Wharf Road and Tunstall Road to limit the need for Green Belt release as well as limited safeguarding for a future plan period.

- 7.30 Appendix 1 to this report provides an assessment of each of the detailed options (sites and safeguarding areas) within each of the broad options. All options for new allocations or safeguarding areas are located within the Green Belt and could only be released in exceptional circumstances. Options for potential housing allocations and areas for safeguarding are assessed against a range of factors including; Green Belt, highways, deliverability and availability. Each option is then ranked in order of preference. This is also informed by the Sustainability Appraisal of each of the broad options which are set out in full in Appendix 2.
- 7.31 The sites assessed and listed below along with their ranking⁶. Rank 1 sites were all deemed to have a limited contribution towards the Green Belt purposes, are available for development, are acceptable in principle in terms of highways and are less constrained when considered against the alternatives. Please see Appendix 1 for further details of the assessments, including site boundaries:
- BD062 Land north of York Close & Essex Drive – Rank 1
 - BD068 Land west of Portland Drive – Rank 1
 - BD087 Land off Beaumont Close – Rank 1
 - BD138c Marsh Green Nursery – Rank 4
 - BD069 Former Nursery adjoining Knypersley Hall – Rank 2
 - BD131b Land off Harlech Drive – Rank 4
 - ADD04 Land off Mill Hayes Road – Rank 3
 - Part of BD063a Land off Newpool Road – Rank 4
 - Newpool Road Caravan Site – Rank 1
- 7.32 The NPPF requires Local Plans to identify specific deliverable sites sufficient to provide five years worth of housing and in the medium to long term, a supply of specific, developable sites or broad locations for growth, for years 6-10. Land for development in years 11-15 of the plan period should be identified “where possible”. As such, whilst it is mandatory for Local Plans to demonstrate a land supply for a 10 year period, the identification of housing land beyond this point is not essential.
- 7.33 As highlighted above (para. 7.26), the Council’s updated housing trajectory demonstrates that even with the removal of site BDNEW (estimated housing capacity of 255) and amendments to the start dates of sites to reflect the outcome of the HIS consultation, the Local Plan can meet the mandatory requirements of providing sufficient land for 10 years for the District as a whole.
- 7.34 Turning to housing land supply in Biddulph, the removal of site BDNEW does exacerbate a shortfall in supply for the town when measured against the requirement of 962 for the remainder of the plan period up to 2033 -14 years (Table 1).

⁶ Rank 1 sites being the most suitable to Rank 4 sites being the least suitable.

Table 1 - Housing land supply in Biddulph 2019 to 2033 (excluding site BDNEW)

Biddulph	
Net housing requirement	962
New allocations	475
Large windfall site allowance	20
Small sites allowance (10 per year)	110
TOTAL POTENTIAL PROVISION	605
Deficit against net requirement for plan period	357

- 7.35 Whilst housing supply for the required timeframes for the District can be met, it is clear that supply in Biddulph is below that envisaged. Indeed, even without the removal of site BDNEW, supply in Biddulph would be short by 72 over the 14 year period.
- 7.36 Potential site allocations in Biddulph were considered during the preparation of the Local Plan and the subsequent examination. This included Sustainability Appraisal (examination library ref. 6.5) of sites and a wider consideration of their planning merits (examination library ref. 13.2) having regard to the evidence.
- 7.37 The inclusion of additional sites that are deliverable in the short term would improve upon the five year housing land supply position (5.16 years) commensurate to their capacity. This would have the benefit of providing additional flexibility in land supply and reduce the risk that the five year supply would be lost if sites were stalled. However, the inclusion of the site options would not significantly enhance the 5 year supply position in isolation or cumulatively. This is due to the lead in times from the allocation of the site through to granting of planning consent to the start of completions on-site. Indeed, even if all of the site options identified in Appendix 1 were allocated, they would only increase the 5 year land supply position to 5.85 years (a supply of 0.69 years). The inclusion of additional sites that were capable of delivering homes in the medium to long term would provide a greater surplus against the 10 year housing requirement than the 362 which has already been demonstrated.
- 7.38 In order to inform and facilitate the development of two strategic development sites in Biddulph, the Council has commissioned masterplans for the emerging allocations in the Local Plan at Tunstall Road and Wharf Road. Both sites are intended to support a mix of uses including housing, employment, and in the case of Wharf Road – retail. The draft masterplan for the Wharf Road site reflects the Inspector’s view that area BDNEW should not form part of the Wharf Road allocation.
- 7.39 Both draft masterplans have revealed that the respective sites have more capacity for housing than was assumed in the Local Plan Submission Version. In the case of Wharf Road, whilst the overall number of homes to be delivered

is lower than that envisaged in the Local Plan Submission Version due to the removal of BDNEW, there is a capacity for an additional 109 homes above that previously expected on the remainder of the Wharf Road site which lies outside of the Green Belt. In the case of the Tunstall Road allocation, a further 20 homes could be delivered within the boundary proposed in the Local Plan Submission Version. Therefore, the supply of housing in Biddulph could be increased by a total of 129 homes without any further Green Belt release.

- 7.40 If the additional 129 homes on the existing allocations were to be reflected in the housing land supply for the Local Plan, it would not increase supply in the first five years. This is because both sites are already featured in the supply in this period and their annual rate of development would not increase as a result of a higher overall yield – they would simply deliver housing for a longer period of time. However, their inclusion would enhance the 10 year supply for the District to provide 5291 for the District against the cumulative housing requirement would be 4800 - therefore a total surplus of 424 homes. 67 dwellings on Wharf Road would fall into years 11-14. This would also reduce the deficit in supply in Biddulph for the plan period (Table 2).

Table 2 - Housing land supply in Biddulph 2019 to 2033 (excluding site BDNEW with increased capacity at Wharf Rd and Tunstall Road)

Biddulph	
Net housing requirement	962
New allocations	604
Large windfall site allowance	20
Small sites allowance (10 per year)	110
TOTAL POTENTIAL PROVISION	734
Deficit against net requirement for plan period	228

- 7.41 It must be noted that the two draft masterplans cannot guarantee the provision of the extra housing, although the same could be said of any such exercise. Ultimately, the Council and Inspector must be satisfied that exceptional circumstances exist for the release of Green Belt land to support new housing allocations. Whilst the allocation of additional housing sites through the release of Green Belt may further enhance the 5 and 10 year housing land supply position of the Local Plan, on balance, it is not considered that exceptional circumstances exist for any of the potential housing allocations in the Green Belt. This is because they are not required in order for the Local Plan demonstrate a 5 or 10 year supply of housing land as required by Paragraph 47 of the NPPF. Furthermore, their allocation would only provide a relatively modest uplift to the 5 year land supply position.

- 7.42 With regards to the need for safeguarding, the options assessment (Appendix 1) and Sustainability Appraisal (Appendix 2), the following options were identified and ranked⁷ in order of preference:
- Area North of Mill Hayes Road, Knypersley – Joint Rank 2
 - Area west of Biddulph Valley Way (incorporating BDNEW and ADD03) – Rank 3
 - Area to the north of Biddulph at Gillow Heath (BD062, BD068 and BD087) – Rank 1
 - Area south of Brook Street, west of Brown Lees Road – Joint Rank 2
- 7.43 The Rank 1 option is preferred on the basis that it is less harmful to Green Belt purposes when compared with the alternatives, suffers from fewer wider planning constraints (e.g. agricultural land classification and access) and the land is being actively promoted for development and is therefore likely to deliverable when required. United Utilities have removed their previous objection to these sites as they cannot demonstrate that the land will be needed for their purposes in the future which had been identified as a concern by them. However, United Utilities preference would still be for other locations due to the residual risks of odour and noise arising on occasions. On this matter, the site owners in question have provided an assessment of these issues which indicates that the matter could be addressed.
- 7.44 As highlighted in this report, the Inspector’s post-hearing advice states that Council should consider whether it would be appropriate to identify areas of ‘safeguarded land’. This would be order to help meet longer-term development needs in Biddulph i.e. to release land from the Green Belt now in order to facilitate development in a future Local Plan. This statement is reflective of para. 83 of the NPPF which requires Green Belt boundaries to endure beyond the plan period.
- 7.45 Biddulph is one of three “towns” as identified in the Local Plan and is therefore deemed to be one of the most sustainable settlements in the District and therefore suitable for housing and employment growth. 20% of the District’s housing and employment growth is earmarked for Biddulph in the Local Plan. However, of the towns, it is the only one which is entirely surrounded by Green Belt. This could be significant constraint to the future growth of the town beyond 2033 unless land is released from the Green Belt.
- 7.46 However, given the long term nature of this issue, there are several key factors which may influence the need for Green Belt release which cannot be fully resolved at this point in time:
- New development sites within the town may become available, for instance due to changes in ownership, market conditions or other economic factors.
 - Housing and employment land requirements are subject to change. The current Local Plan requirement for the District (320 homes per year) meets the objectively assessed need for housing as determined under the 2012 NPPF

⁷ Rank 1 being most preferable to Rank 3 being least preferable. Please note that two options score as Rank 2 as there is little to differentiate them.

and associated planning guidance that the Local Plan is being assessed against. However, applying the new methodology for calculating Local Housing Need from the new NPPF and guidance indicates that the housing requirement for the District would decrease to around 169 homes per year excluding any necessary uplift to support jobs growth should a new Local Plan commence which applies the new national policy. This figure is updated annually as new data on housing affordability is released and bi-annually with new household projections when published by the Office for National Statistics. However, the direction of travel in terms of housing requirements in future Local Plans arising from the new methodology for assessing housing needs is likely to be a decrease from the current Local Plan.

- The Council may pursue a different spatial strategy with an increased focus on growth in Leek, Cheadle or the villages which may not be as dependant on Green Belt release.

7.47 Exceptional circumstances for land released from the Green Belt for safeguarding must be demonstrated. Given the issues raised above, it is considered unlikely that exceptional circumstances could be claimed for the larger of the safeguarding options as they may not be required to support the next Local Plan. Nevertheless, it is considered prudent to safeguard a limited amount of land in recognition of the Green Belt constraints facing Biddulph and the need to provide additional opportunities for growth in the future which could support the sustainability of the town.

7.48 Furthermore, of the five broad options, the Sustainability Appraisal supports Option 5 – “Increase densities at Wharf Road and Tunstall Road to limit the need for Green Belt release as well as limited safeguarding for a future plan period” (Appendix 2). As such, it is considered that limited release of land from the Green Belt is appropriate.

Conclusions

7.49 In response to the Inspector’s post hearing advice, it is recommended that the Council suggests additional main modifications to those set out in Appendix 4 to:

- Safeguard land at Gillow Heath (BD062, BD068 and BD087). In line with para. 85 of the NPPF, the modifications would make it clear that the safeguarded land is not allocated for development at the present time and that planning permission for the permanent development of safeguarded land would only be granted following a Local Plan review which proposes the development
- Amend the estimated housing capacity at the Tunstall Road and Wharf Road Strategic Development sites to 109 and 442 homes respectively along with consequential increases to the housing land supply for the District and Biddulph.

7.50 In addition, it is recommended that the draft Housing Implementation Strategy (Appendix 3) is further amended and submitted to the Inspector to reflect the additional housing capacity now expected at Tunstall Road and the remainder of Wharf Road.

7.51 The preferred approach to housing sites and safeguarding in Biddulph (Option 5) is recommended on the basis that:

- Additional housing allocations are not considered to be essential at this stage given that the Council can demonstrate it has sufficient housing supply to provide for 5 years (5.16) and 10 years without replacing site BDNEW with additional sites in the Green Belt. Indeed, housing supply (for 10 years and plan period) can be boosted without any further Green Belt release by maximising capacity on existing allocations. As such, exceptional circumstances do not exist for additional allocations.
- On balance, the principle of the identification of safeguarded land in Biddulph is deemed appropriate in order to provide potential opportunities for development in a future Local Plan review. Biddulph is one of three towns in the District but is the only one which is surrounded entirely by Green Belt. It is likely that some land outside the current town boundary will be necessary in order to support housing growth and the sustainability of Biddulph in the long term.
- It is supported by the Sustainability Appraisal

7.52 Land at Gillow Heath (BD062, BD068 and BD087) is the preferred location for safeguarding as it:

- Is less harmful to Green Belt purposes when compared with the alternatives
- Suffers from fewer wider planning constraints (e.g. agricultural land classification and access). United Utilities have removed their objection to the site as they cannot demonstrate that the land will be needed for their purposes in the future. However, their preference would still be for other locations
- The land is being actively promoted for development and is therefore likely to deliverable when required.

7.53 Given the above, it considered that exceptional circumstances have been demonstrated to release land at Gillow Heath (BD062, BD068 and BD087) for the purposes of safeguarding. Exceptional circumstances for other options where substantial areas of Green Belt would be released would be more difficult to justify given uncertainty regarding future housing requirements for the District and priorities in relation to the spatial strategy. Indeed, the new methodology for assessing Local Housing Need as set out in the new NPPF and guidance suggests a lower housing requirement in the District is possible.

7.54 It is recommended that the Council supports the draft main modifications as set out in Appendix 4 for consultation, subject to further amendments in light of the Council's conclusions on Biddulph as set out in this report. The final schedule will also be subject to further consideration by the Inspector prior to consultation.

7.55 If the Council agrees to a response to the Inspector, it will allow the examination process to continue. Ultimately, if the Local Plan is accepted by the Inspector and adopted, the Council will:

- Demonstrate a five year housing land supply
- Have a greater ability to manage development in accordance with its own agreed policy framework and priorities
- Provide local communities, landowners and developers with greater certainty over development opportunities which will help the District to attract the investment it needs to thrive
- Reduce the risk of potential future sanctions by Government which may intervene in areas without an up to date Local Plan

Next steps

- 7.56 Subject to the Council agreeing a response to the Inspector, this information will be submitted to him for consideration. If the Inspector is satisfied, he may then instruct the Council to incorporate the changes in the emerging schedule of main modifications that he has already identified as being necessary. The main modifications and additional⁸ modifications would be subject to consultation for a period of six weeks. The responses to this consultation would then be considered before the Inspector writes his final report which will set out his conclusions in detail regarding the soundness and legal compliance of the Local Plan. If appropriate, the Council may then be in a position to resolve to adopt the Local Plan, with the necessary modifications. This would be towards the end of 2019 at the earliest.
- 7.57 However, there is also a risk that the Inspector disagrees with, or is unsure of, the Council's resolution in respect of Biddulph and invites the Council to re-consider, or to subject the matter to separate consultation and potentially a further hearing session prior to consultation on the modifications. If this situation arises, it is unlikely that the Council would be in a position to adopt the Local Plan until 2020. On balance, it is considered that the recommended preferred option reduces this risk but it cannot be ruled out.
- 7.58 In the event that the Council is directed to provide additional housing allocations and/or safeguarded land in Biddulph, the ranking exercise of options as set out in Appendix 1 will inform this process.
- 7.59 It is recommended that the Portfolio Holder is granted delegated authority to approve the schedule of additional modifications prior to consultation and the final schedule of main modifications as agreed by the Inspector.

⁸ Additional modifications do not affect the substance of any policies or land allocations and may consist of the correction of typographical errors, factual updates and amendments made to ensure consistency