

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Council (SMDC)

18 October 2023

TITLE:	Biddulph Neighbourhood Plan - Referendum and Decision Statement
PORTFOLIO HOLDER:	Councillor Darren Price - Deputy Leader & Portfolio Holder for Regeneration and Planning
CONTACT OFFICER:	Claire Sansom - Planning Officer (Policy)
WARDS INVOLVED:	Biddulph West, Biddulph East, Biddulph South, Biddulph North and Biddulph Moor;

Appendices Attached –

Appendix 1 – Examiner’s report of the independent examination of the Biddulph Neighbourhood Development Plan and Neighbourhood Development Order (February 2022)

Appendix 2 - Addendum sheet for the Examiner’s report of the independent examination of the Biddulph Neighbourhood Development Plan and Neighbourhood Development Order (August 2022)

Appendix 3 – Biddulph Parish Neighbourhood Plan Submission Version (February 2020) https://www.staffsmoorlands.gov.uk/media/6686/Biddulph-Neighbourhood-Plan/pdf/Biddulph_Neighbourhood_Plan.pdf?m=1626175185923

Appendix 4 – List of Examiner’s Recommendations and Modifications to the Neighbourhood Plan and District Council’s response agreed by Cabinet on 8th August 2023

Appendix 5 – Modifications Consultation – Website Details (August 2023)

Appendix 6 – Modifications Consultation Document (August 2023)

1. Reason for the Report

- 1.1 To consider responses received to the consultation on the Council’s revised modifications to the Biddulph Neighbourhood Plan to determine if the plan has met the “basic conditions” required for the plan to proceed to referendum.

2. Recommendation

2.1 It is recommended that the Council:

- a) notes the representations received in response to the revised modifications consultation in relation to the Biddulph Neighbourhood Plan;
- b) following statutory consultation on revised modifications, that the District Council be satisfied that the basic conditions as required by Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) have been met for the Biddulph Neighbourhood Plan and that a Decision Statement is published to confirm this and the plan proceeds to referendum in the Parish of Biddulph expected to be on 7th December 2023.

3. Executive Summary

3.1 The Neighbourhood Plan Area was designated on the 16th February 2016. The Draft Neighbourhood Plan was consulted on between 15 July - 27 August 2021. The Independent Examination of the Biddulph Neighbourhood Plan commenced on 12th October 2021.

3.2 A Neighbourhood Development Order was produced alongside the Biddulph Neighbourhood Plan. On the 8th August 2023, Cabinet agreed that: subject to the modifications identified in that report, the District Council be satisfied that the basic conditions as required by Paragraph 8 (1) (a) of Schedule 4B to the Town and Country Planning Act 1990 have been met for the Biddulph Neighbourhood Development Order, that a Decision Statement is published to confirm this and consequently that the Development Order can then proceed to referendum. Consequently, this report concerns the Neighbourhood Plan only.

3.3 The Neighbourhood Plan sets out planning policies for the Biddulph Neighbourhood Area concerning: enterprise and tourism development, Albion Mill conversion, Mills Triangle policy area, new community facilities, existing community facilities, natural environment features, urban edge, local green space, Biddulph Valley Way, protection of views of local importance, housing, infill housing, critical road junctions, sustainable drainage, community infrastructure, design, public realm, car parking and movement.

3.4 The Examiner's report was received by the Council on 2nd February 2022. It finds that, subject to specified modifications, the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended by the Examiner that the Neighbourhood Plan should proceed to a local referendum based on the plan area. However, the decision as to whether the basic conditions and legal requirements have been met and therefore if the document can proceed to referendum rests with the District Council.

3.5 Having reviewed the Examiner's report and related regulations, and following discussions with Biddulph Town Council, the majority of the Examiner's

recommendations regarding the Neighbourhood Development Plan were accepted by Cabinet on 8th August 2023, though there were some exceptions. The Council is required to undertake further consultation on any modifications which differ from those proposed by the examiner. As a result of this, a statutory six week period for representations was held between 16th August and 27th September 2023 on revised modifications proposed by the District Council in agreement with the Town Council to meet basic conditions or to correct errors.

- 3.6 This report details the results of the consultation and recommends that the Neighbourhood Plan proceeds to referendum to be held at the same time as the referendum for the Biddulph Neighbourhood Development Order (expected to be on 7th December 2023).

4. How this report links to Corporate Priorities

- 4.1 The Biddulph Neighbourhood Plan will have implications for the following aims of the Corporate Plan (2019-2023).
- Aim 1 - To help create a safer and healthier environment for our communities to live and work.
- Aim 3 - To help create a strong economy by supporting further regeneration of towns and villages.
- Aim 4 - To protect and improve the environment and respond to the climate emergency.

5. Alternative Options

- 5.1 Option 1 (recommended) – that the Council agrees with the recommendations set out in Section 2 of this report. This option is recommended as the Neighbourhood Plan (as modified) is considered to meet the necessary requirements in order to proceed to referendum. This will enable the community to determine whether the Neighbourhood Plan should be used to determine relevant planning applications in the Parish.
- 5.2 Option 2 (not recommended) – that the Council does not concur with the recommendations set out in Section 2 of this report. This is not recommended as the Neighbourhood Plan (as modified) is considered to have met the relevant requirements to proceed to the referendum stage.

6. Implications

- 6.1 Community Safety - (Crime and Disorder Act 1998)
None direct.
- 6.2 Workforce
Staff time and resource will be required from the Election Services team to prepare for the referendum.

6.3 Equality Impact Assessment

An Equalities Impact Assessment has been completed for this project.

6.4 Financial Considerations

Within 2023/24, Local Planning Authorities can claim £20,000 once they have issued a decision statement detailing their intention to send a Neighbourhood Development Plan to referendum (as set out under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012). The date for the referendum does not have to be set in order to make this claim. This funding is intended to reimburse the Council for costs incurred and to help meet the cost of holding the referendum and the Examiner's fees incurred to date (£10,251.57).

6.5 Legal

Under the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans. The Neighbourhood Plan as proposed, is considered to meet the basic conditions which were set out in law following the Localism Act 2011. Only a draft neighbourhood Plan that meets each of a set of basic conditions can be put to a referendum and be made. Should the Council decide to accept the recommendations in this report; a Decision Statement will be prepared and published on the Council's website and preparations will be made for a referendum in accordance with the Neighbourhood Planning Referendum Regulations 2012.

6.6 Climate Change

Taken as a whole, policies in the proposed Neighbourhood Plan are considered to be beneficial in terms of climate change mitigation and adaptation. Flooding is particularly addressed in Policy INF2 and Policy DES2 promotes sustainable transport methods.

6.7 Consultation

The Neighbourhood Plan was subject to formal consultation in accordance with Regulations 14 and 16. A further six week period for representations on the revised modifications to the Neighbourhood Plan has now taken place in accordance with Regulation 17.

6.8 Risk Assessment

The risks are considered in section 7.

Neil Rodgers
Executive Director (Place)

**Web Links and
Background Papers**

<https://www.staffsmoorlands.gov.uk/article/6721/Biddulph---Notice-of-Submitted-Plan--Neighbourhood-Development-Order-Proposals>

<https://www.gov.uk/guidance/neighbourhood-planning--2#key-stages-in-neighbourhood-planning>

Contact details

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7. Detail

Background and process

- 7.1 Biddulph Parish was designated as a Neighbourhood Area by the District Council on 16th February 2016. The Neighbourhood Plan is informed by consultation undertaken by the Town Council with the local community and stakeholders. This included the statutory “regulation 14” consultation between 23rd September and 4th November 2019. The Neighbourhood Plan was then formally published for comments by the District Council for a period of six weeks closing on 27th August 2021.
- 7.2 In agreement with Biddulph Town Council, John Slater BA (Hons) DMS MRTPI, was appointed as the independent Examiner. The Examination in Public commenced on 12th October 2021 by written representations and the Examiner’s report was submitted to the Council on 2nd February 2022. An addendum to the report was subsequently issued by the Examiner in August 2022 to correct an erroneous paragraph number reference made in relation to the National Planning Policy Framework.
- 7.3 Subject to the outcome of the potential referendum, the Neighbourhood Plan will form part of the statutory development plan for the District and will be used to determine planning applications alongside other adopted documents. At present, the Staffordshire Moorlands Local Plan (2020), Minerals Local Plan for Staffordshire (2015-2030) Staffordshire and Stoke-on-Trent Waste Local Plan (2010 to 2026) form the development plan for Staffordshire Moorlands outside of the National Park.

Examiner’s report

- 7.4 The Examiner’s role is to consider whether the Neighbourhood Plan meets the legislative and procedural requirements. This includes determining whether the plan meets the “basic conditions”. Only when a Neighbourhood Plan is

considered to have met the basic conditions can it be put to referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions in relation to a Neighbourhood Plan are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the plan.
- b) the making of the neighbourhood plan contributes to the achievement of sustainable development.
- c) the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- d) the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations.
- e) the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017¹

7.5 In addition to the basic conditions, the Examiner's report also considers:

- whether a Neighbourhood Plan is compatible with the Convention Rights²
- whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.

7.6 The Examiner's report must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

7.7 Whilst the Examiner's report must address the issues above, it is the responsibility of the local planning authority to ensure that all of the regulations appropriate to the nature and scope of the draft Neighbourhood Plan submitted have been met in order for the draft Neighbourhood Plan to progress.

7.8 Schedule 4B to the Town and Country Planning Act 1990 requires that the local planning authority must:

- (a) consider each of the recommendations made by the report (and the reasons for them), and

¹ This Basic Condition arises from the coming into force, on 28 December 2018, of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 whereby the Neighbourhood Planning Regulations 2012 are amended. This basic condition replaced a basic condition "the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects".)

² The Convention Rights has the same meaning as in the Human Rights Act 1998.

(b) decide what action to take in response to each recommendation.

The local planning authority must then publish the decisions it makes in relation to the Examiner's recommendations (a 'Decision Statement'), the reasons for making those decisions and such other matters relating to those decisions and to notify the qualifying body and other relevant bodies.

7.9 The Examiner's full report is available at Appendix 1 and an Addendum Sheet from the Examiner with a correction at Appendix 2. The Submission Version of the Biddulph Neighbourhood Plan is available at Appendix 3. A summary of the Examiner's recommendations alongside a response from the District Council agreed at the Cabinet meeting on 8th August 2023 is available at Appendix 4.

7.10 As highlighted in Appendix 4 – Table 1, the Examiner has recommended modifications to the Neighbourhood Plan in order to meet the basic conditions. Appendix 4 – Table 2 details each of the Examiner's recommended modifications and his reasoning for them alongside comments from the Town Council and the agreed conclusions of the District Council.

7.11 As reported to Cabinet on 8th August 2023, following receipt of the Examiner's report, discussions took place with Biddulph Town Council who expressed concerns regarding a number of the Examiner's conclusions and recommended modifications. Whilst it is the District Council's responsibility to consider the Examiner's recommendations and determine if the plan can proceed to referendum, the Town Council's views have been carefully considered as part of this process.

7.12 The only modifications that the local planning authority may make are:

(a) modifications that the authority consider need to be made to secure that the draft order meets the basic conditions mentioned in paragraph 8(2),

(b) modifications that the authority consider need to be made to secure that the draft order is compatible with the Convention rights,

(c) modifications that the authority consider need to be made to secure that the draft order complies with the provision made by or under sections 61E(2), 61J and 61L

(d) modifications specifying a period under section 61L(2)(b) or (5)

(e) modifications for the purpose of correcting errors.

7.13 To address the concerns raised, in line with regulations, Cabinet agreed that further consultation on modifications which differ from those proposed by the examiner could take place.

7.14 Note that the submitted plan was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications recommended by the Examiner or

revised modifications put forward by the Council are considered to necessitate revisiting any of these assessments.

Revised Modifications Consultation

7.15 The modifications which were the subject of this further consultation are reproduced in the table below. For clarity, it was agreed that the Council concurs with the Examiner's recommendations on the remainder of the Neighbourhood Plan (refer to Appendix 4 for details).

Page	Suggested change	Reason
Throughout plan	The end date of the Neighbourhood Plan. Not to have an end date of 2033 (Examiner's recommendation). Retain the end date of 2035 (as it appears in the submitted plan).	SMDC notes the Examiner's recommendations but does not accept in this instance. In relation to matters raised by the Town Council, it is agreed that both the Local Plan and Neighbourhood Plan are likely to have been updated before 2033. It is also acknowledged that some of the evidence that has informed the Neighbourhood Plan relates to the period up to 2035.
Policy LE2: Albion Mill Conversion:	<p>LE 2: ALBION MILL CONVERSION</p> <p>Within the defined area shown on the Map of Albion Mill Conversion, the following uses will be supported:</p> <ul style="list-style-type: none"> • Residential development; • Business and enterprise space, including co-working space; • Tourism-related uses; • Cultural and entertainment uses such as performance venues; • Limited tourism-related retail as part of a wider mix of uses. <p>This is subject to there being no significant adverse impact on the amenities of nearby residential properties.</p> <p>INTERPRETATION</p>	<p>The District Council concurs with the Examiner's recommendations to move the map from an appendix to main body of report and in the first bullet, delete 'above ground floor only'.</p> <p>In relation to the Examiner's recommendation to delete the text in the interpretation section, the District Council agrees with the concerns of the Town Council that this would create an inconsistency in the plan as all other policies are accompanied by an interpretation.</p> <p>However, the Examiner's concern that the interpretation as provided in the current Neighbourhood</p>

Page	Suggested change	Reason
	<p>This policy should be applied in conjunction with Policies SS6, E1, E4 and H1 of the Local Plan</p> <p>The map showing the location of Albion Mill should be located alongside the policy rather than in a separate appendix.</p>	<p>Plan erroneously references Local Plan Policy DSB2 is also valid.</p> <p>As such, the District Council proposes an alternative modification to the Neighbourhood Plan in order to rectify what may be deemed an erroneous omission from the plan. It is proposed that the interpretation section is retained but that the text is replaced with the following:</p> <p>“This policy should be applied in conjunction with Policies SS6, E1, E4 and H1 of the Local Plan.”</p> <p>Necessary to comply with basic condition: e)the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)</p>
<p>Policy NE1: Natural Environment Features</p>	<p>Replace NE 1 with:</p> <p>NE 1: NATURAL ENVIRONMENT FEATURES</p> <p>New development should preserve and take opportunities to enhance the rural character of the area, taking account of the following features which have particular significance for landscape character, biodiversity and ecological interest:</p> <ul style="list-style-type: none"> • Wildlife areas including designated Local Wildlife Sites (see Map – Nature Conservation Sites); • Wildlife corridors and networks, watercourses, ponds and lakes (see Map – Wildlife Corridors / Networks map); • Priority habitats (see Map – Habitat 	<p>The Examiner’s modifications address the concerns raised by objectors in terms of conflict with the NPPF and are supported.</p> <p>Necessary to comply with basic condition: a). having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).</p> <p>The broad intention of the Examiner’s recommendations is supported, however in discussion with the Town Council, an alternative form</p>

Page	Suggested change	Reason
	<p>Distinctiveness map);</p> <ul style="list-style-type: none"> • Other natural habitats (see Map - Habitat Map); • Location of reported Protected Species (see Map – Protected species within Biddulph Parish); • Veteran trees, mature trees and hedgerows; • Former mineral extraction sites that have been fully worked and are becoming a natural habitat or have an ecological value or importance. <p>INTERPRETATION</p> <p>The policy includes a general requirement to consider impacts on the natural environment and also highlights elements of the natural environment that are particularly sensitive.</p> <p>The policy should be applied with policy NE1 of the Staffordshire Moorlands Local Plan:</p> <p>Maps are included within the introductory section and appendices. High resolution documents are available online and when applying the policy, reference should be made to these maps.</p> <p>Insert the appropriate maps into the main body of the plan rather than in Appendices.</p>	<p>of wording has been proposed.</p>
<p>Policy NE3: Local Green Space:</p>	<p>Replace NE3 with:</p> <p><i>The Neighbourhood Plan designates the following local green spaces:</i></p> <ol style="list-style-type: none"> <i>1. Humber Drive Community Space</i> <i>2. The Clough</i> <i>5. Biddulph Bowling Club</i> <i>7. Well Street Allotment</i> <i>10. Woodhouse Lane wooded area</i> <i>14. Ringwork Castle</i> <i>17. Eiger Close</i> <i>18. Uplands Play Area</i> <i>19. Geneva Way Green Space</i> <i>20. Behind Oxhey Drive</i> 	<p>Support the addition proposed by the Town Council.</p> <p>National policy states that Local Green Space has similar protection to Green Belts. It should be noted that the purpose of Local Green Space designation is related to community value, so is different to the five purposes for 'Green Belts'.</p> <p>Further to the above, a typographical error has been identified with part of the</p>

Page	Suggested change	Reason
	<p> 21. Corner of the Uplands (southern part) 23 Knypersley Cricket Club 24. Knypersley Sports Ground 26. Knypersley Bowling Club 27. Knypersley Fishing Pool 28. Green on Conwey Road 29. Mill Hayes Sports Ground 30. Butterfly Garden 31. Mill Hayes Grass Verge 32. Greenway Bank 33. Mill Hayes Fishing pool 34. Top Springfield Road 35. Park Lane Allotments 36. Moorland Road Allotments 38. Shepherd Street/ Slater Street 42.Green space Kingsfield Crescent 43.Lawton Crescent 44. Land opposite Lawson Crescent 45. Hawthorn Grove Play Area 46. Queens Drive Green 48. Highfield Place Green Space 50.Land at end of Healey Avenue 51. Farnworth Close 52. Corner of Craigside 59. Millennium Gardens 60. Gillow Heath Station 61. Paddock Play Area 64. Brown Lees Fun Park 65. Trent Head Well 66. Hot Scotch Park 68. Land adjacent to New Road Methodist Church 69. Village Green 70. Fields Behind Talbot Car Park 71. Land behind bungalow off grange Road 75 Coracle Grove 76 Brown Lees Village Green (southern part) 77 Brook Street Green Areas 86. Cherry Tree Lane 87. Hazel Grove Green Space 88. Stoneyfields Green Space </p> <p> Development proposals within these areas will be determined in accordance with national Green Belt policy. </p>	<p> Examiner's recommendation modification. Local Green Space number 86. is incorrectly named Cherry Garden Lane. The correct name is Cherry Tree Lane. Accordingly, a revision to the modification to correct this error. </p>

Page	Suggested change	Reason
	<p>INTERPRETATION</p> <p>National policy states that Local Green Space has similar protection to Green Belts. It should be noted that the purpose of Local Green Space designation is related to community value, so is different to the five purposes for Green Belts.</p>	
<p>HOU1: Housing</p>	<p>Replace HOU1 with:</p> <p>HOU 1: HOUSING</p> <p>For developments where housing mix or affordability requirements apply, the following must be achieved:</p> <ul style="list-style-type: none"> • Affordable provision should be provided within the development. If this is not possible, affordable provision will be expected to be provided within the neighbourhood area, except in exceptional circumstances; • Housing must be designed to be tenure-blind. <p>The mix of housing should be based on a current housing needs assessment, to ensure that local need is fully reflected. In particular, housing mix must address identified deficiencies in Biddulph, including:</p> <ul style="list-style-type: none"> • Housing suitable for independent living for older people (preferably in proximity to a bus stop); • Affordable homes that include shared equity, discounted market for sale housing shared ownership and affordable rent. <p>The following types of housing are particularly welcomed:</p> <ul style="list-style-type: none"> • First Homes • Self-build housing; 	<p>The broad intention of the Examiner's recommendations is supported, however in discussion with the Town Council, an alternative form of wording has been proposed.</p> <p>To ensure the correct interpretation of the policy and to reduce ambiguity, the following modification is proposed;</p> <p>"If this is not possible, affordable provision will be expected to be provided within the neighbourhood area, except in exceptional circumstances."</p> <p>Necessary to comply with basic condition:</p> <p>a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).</p> <p>e) the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).</p>

Page	Suggested change	Reason
	<ul style="list-style-type: none"> • Innovative design; and • high environmental performance. <p>INTERPRETATION</p> <p>Affordable Homes provision and requirements are set in policy H3 of the emerging Local Plan. As part of the neighbourhood plan review the Housing Needs Assessment will be considered and amended where applicable. This policy encourages self-build.</p>	
INF1	<p>Replace INF 1 with:</p> <p>INF 1: CRITICAL ROAD JUNCTIONS</p> <p>In considering whether development would have a severe adverse impact on road capacity or safety, particular regard should be made to the following congestion pressure points:</p> <ul style="list-style-type: none"> • A527- Newpool Road • A527- Park Lane • A527- Tunstall Road • A527- St Johns Road <p>INTERPRETATION</p> <p>The plan outlining the ‘Critical Road Junctions’ shows all the critical junctions in Biddulph, where there is particular concern over traffic safety and congestion. Applying this policy will require consideration of the impact of the new development, together with the combined impact of other approved developments.</p> <p>The submission of a Transport Assessment for qualifying schemes is a requirement of the Local Planning Authority.</p> <p>The format of the policy should be consistent with others. The interpretation should be with the policy, not on a later page, separated. By other material.</p>	<p>The broad intention of the Examiner’s recommendations is supported, however in discussion with the Town Council, the reference to the submission of Transport Assessments has been retained in the interpretation rather than the policy.</p>

Page	Suggested change	Reason
DES1	<p>Replace DES 1 with:</p> <p>DES 1: DESIGN</p> <p>New development must complement the local context and be sustainable.</p> <p>Development must:</p> <ul style="list-style-type: none"> • complement the existing character and townscape in terms of scale and massing; • complement the established layout in terms of set-back from the road and spacing around dwellings; • use high quality, durable materials, to complement the site, character and surrounding context; • provide sustainable drainage and permeable surfaces in hard landscaped areas; • provide screened storage space for bins and recycling. <p>Authentic, distinctive, site-specific architectural solutions will be encouraged, especially innovative designs in terms of building energy performance.</p> <p>INTERPRETATION</p> <p>Design and access statements submitted with planning applications should make clear how the requirements of this policy have been met. In terms of high-quality materials, the policy would be met by authentic local materials and other materials with a high standard of finish and durability.</p>	<p>Agreed with the deletion of “authentic”</p> <p>The Examiner’s suggestion to delete the final paragraph and 3 associated bullet points is also supported</p> <p>In relation to the use of the word “durable”, it is noted that the term is used in the National Design Guide as a fundamental principle for good design (para. 4) and referenced elsewhere in the document (e.g. para. 30. With this in mind its use is accepted.</p> <p>Necessary to comply with basic condition:</p> <p>a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).</p>
DES2	<p>DES 2: PUBLIC REALM, CAR PARKING AND MOVEMENT</p> <p>New development must demonstrate high standards of urban design by:</p> <ul style="list-style-type: none"> • providing ease of movement for pedestrian routes and footpaths, including links to local services; 	<p>The broad intention of the Examiner’s recommendations is supported, however in discussion with the Town Council, an alternative form of wording has been proposed.</p> <p>As written, the absolute</p>

Page	Suggested change	Reason
	<ul style="list-style-type: none"> ensuring flanking buildings in residential areas have active frontages to provide natural surveillance; providing a mix of car parking as an integral part of the layout, including garages, covered spaces and driveways, so that vehicles do not dominate the streets and spaces; ensuring that the number of parking spaces provided within the curtilage of each dwelling is proportionate to the size of the property; improving and enhancing existing footpaths, pedestrian routes, cycle routes and bridleways (and their settings) including the Biddulph Valley Way. <p>INTERPRETATION</p> <p>The above policy requirements should be applied in a proportionate manner appropriate to the scale and type of development.</p> <p>Applying this policy will require consideration of the impact of the new development, together with the combined impact of other approved developments.</p>	<p>requirement would apply to all developments, some of which may not be able to address the respective requirements due to the type and scale of development proposed.</p> <p>Nevertheless, to ensure the correct application of the policy, a further modification is proposed to update the interpretation section to read as follows:</p> <p>“The above policy requirements should be applied in a proportionate manner appropriate to the scale and type of development”.</p> <p>Necessary to comply with basic condition:</p> <p>a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).</p>

7.16 In line with statutory requirements, representations were invited for a six week period between 16th August and 27th September 2023. Details were published on the District Council’s website (refer to Appendix 5), including a consultation document (refer to Appendix 6). The prescribed persons were notified of the consultation prior to its commencement and sent a copy of the consultation document. Representations were invited from the qualifying body (the Town Council), all parties whose representation was submitted to the Examiner and any consultation body that was previously consulted.

7.17 Seven consultation responses were received, as summarised in the table below.

Respondent	Summary of Comment	District Council’s Response
Historic England	Historic England does not wish to comment in detail but can see	Comment noted.

Respondent	Summary of Comment	District Council's Response
	the logic in your approach and accordingly has no adverse comment to make.	
Natural England	I can confirm that Natural England has no specific comments to make on the proposed modifications.	Comment noted.
Staffordshire County Council - Highways	<p><i>DES2: Public Realm, Car Parking and Movement</i> These requirements should be proportionate to the scale of development whilst adhering to national policies and advice as well taking account of other local development.</p> <p><i>INF1: Critical Road Junctions</i> The requirement for Transport Assessments by the Local Planning Authority should be made clear.</p> <p>I believe these are covered by the modifications made but wanted to reiterate these points.</p>	<p>Comments noted.</p> <p>It is agreed that the points made are covered by the modifications so no further amendments to the Neighbourhood Plan policy are required.</p>
Severn Trent	We currently have no specific comments to make.	Comment noted.
Staffordshire Police	<p>This point was raised during previous consultation in August 2021.</p> <p>Policy DES1 (Design) quotes from the NPPF stating that planning policies and decisions should ensure that developments meet 5 obligations. However, the NPPF actually cites a 6th obligation that planning policies and decisions should satisfy: "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."</p> <p>Object to this arbitrary omission.</p>	<p>Comments noted.</p> <p>It is not necessary for the Neighbourhood Plan to repeat NPPF policy as this is taken into account when assessing planning applications. In any case, the Staffordshire Moorlands Local Plan, which will also be used to assess planning applications in the neighbourhood area also contains a design policy – Policy DC1 – which requires new development to create ".....safe public and private environments which incorporate 'designing out crime' initiatives and the principles of Active Design."</p>

Respondent	Summary of Comment	District Council's Response
		No further amendments to the Neighbourhood Plan policy are required.
Coal Authority	We commented on the Neighbourhood Plan in a letter to the Planning Policy Team dated 24 th August 2021. In this letter we noted that as no new sites were being allocated for future development we had no specific comments to make. I have reviewed the modifications to the Neighbourhood Plan proposed and can confirm that the Planning team at the Coal Authority have no comments to make on these.	Comment noted.
British Horse Society	Policy DES 2: Public Realm, Car Parking and Movement - It is encouraging to see horse riding included in the proposals with regards to 'improving and enhancing...bridleways' as required by the NPPF. Improvement to multi-user routes such as the Biddulph Valley Way should be consulted on with all user groups as PRow would be to ensure access is inclusive e.g. surfaces, vehicle barriers, gates etc.	Comments noted. No further amendments to the Neighbourhood Plan policy are required.

7.18 The consultation responses received do not raise any issues which conflict with the basic conditions and there is no need for further independent examination. No further modifications to the plan are required as a result of the consultation responses. Therefore, it can be concluded that the plan has met the basic conditions required to proceed to referendum.

Next Steps

7.19 Given the above, it is recommended that the District Council agrees to send the Neighbourhood Plan (as modified) to referendum. A full list of modifications to the Submission Version Neighbourhood Plan can be viewed in Appendix 6.

7.20 Should the Council agree to the recommendations of this report, it will need to issue a decision statement which sets out the decision taken by the District Council that the plan should proceed to referendum.

7.21 The District Council is responsible for making the necessary arrangements for the referendum to be held. A notice of the referendum will need to be issued. In line with the Neighbourhood Planning (referendums) Regulations 2012, Schedule 1, the following question will be asked:

“Do you want Staffordshire Moorlands District Council to use the neighbourhood plan for Biddulph to help it decide planning applications in the neighbourhood area?”

7.22 As explained in the Cabinet report on 8th August 2023, in the interests of efficiency, it would be preferable for the referenda on the plan and Neighbourhood Development Order to occur on the same date. This is expected to be 7th December 2023. For the Neighbourhood Development Order in line with the Neighbourhood Planning (referendums) Regulations 2012, Schedule 1, the following question will be asked:

“Do you want the type of development in the neighbourhood development order for Biddulph to have planning permission?”

7.23 A neighbourhood plan attains the same legal status as a Local Plan (and other documents that form part of the statutory development plan) once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).

7.24 If a majority of votes are in favour of the Neighbourhood Plan / Neighbourhood Development Order, they will come into force as part of the statutory Development Plan for the District. The Council must ensure that the plans are “made” within eight weeks of the referendum for them to take effect. An exception to this time limit is when the decision made by the Council to proceed to referendum is subject to legal challenge. The risk of challenge is considered to be low as the plan has been subject to scrutiny by Council officers to help ensure that it fulfils the statutory requirements.