

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

**Table 1: Examiner’s Recommendations**

<b>Requirement</b>	<b>Examiner’s Recommendations</b>	<b>District Council’s Response</b>
Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and 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 2017	I am satisfied that the basic conditions regarding compliance with European legislation, including the more recent basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the Plan has no conflict with the Human Rights Act.	SMDC accepts the Examiner’s recommendations.
Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development	<p>I can confirm that my overall conclusions are that both the Neighbourhood Plan and the Neighbourhood Development Order, <u>if amended in line with my recommendations</u>, meets all the statutory requirements including the relevant basic conditions tests and that it is appropriate, if successful at referendum, that the Plan and the Order, as amended, be made.</p> <p>On the question of the sustainable development basic condition test, I have concluded that the policies in the plan, when read as a whole, will deliver sustainable development.</p>	<p>SMDC accepts the Examiner’s recommendations, subject to revisions to some of the Examiner’s modifications to the Neighbourhood Plan as outlined in this report.</p> <p>There is one modification which SMDC does not accept relating to the timeframe of the Neighbourhood Plan.</p>
Consideration whether 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)	I am generally satisfied that the neighbourhood plan and the provisions of the NDO are in general conformity with the strategic policies set out in the recently adopted Local Plan and therefore meets that basic condition test.	SMDC accepts the Examiner’s recommendations.

<b>Requirement</b>	<b>Examiner's Recommendations</b>	<b>District Council's Response</b>
Whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.	I can confirm that the area of the Biddulph Neighbourhood Plan and Neighbourhood Development Order as designated by Staffordshire Moorlands District Council on 16th February 2016, namely the whole parish, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.	SMDC accepts the Examiner's recommendations.

**Table 2: Examiner's Recommended Modifications**

<b>Examiner's recommended modification</b>	<b>Examiner's reason</b>	<b>Town Council's Response</b>	<b>District Council's response</b>
That the end date of the Neighbourhood Plan should be 2033.	The plan period for the neighbourhood plan runs two years longer than the local plan's plan period which ends in 2033. The Neighbourhood Plan is proposing an end date of 2035. For the final two years of the neighbourhood plan period, the policies will not be guided by any strategic framework set by the local plan. I can see no justification for the neighbourhood plan having a different plan period than the local plan. Having a longer plan period could affect the amount of housing expected to be delivered in the town over the longer period. I am also conscious that the local plan is likely to be subject to an early review. I will therefore be recommending that the two end dates should be the same, i.e., that the neighbourhood plan period should run until 2033.	<p>The preference of the Town Council is for 2035. A new Local Plan would be adopted well before 2033, providing updated strategic level policy. If this wasn't the case, then it would be even more important for the NP to still be in place. In reality, the Neighbourhood Plan would also be renewed also, well before this time.</p> <p>The Biddulph Housing Needs Assessment that has informed the Neighbourhood Plan considers the period up to 2035.</p>	<p>SMDC notes the Examiner's recommendations but does not accept in this instance.</p> <p>The Local Plan sets the housing requirement for the neighbourhood plan area. This requirement covers the period up to the year 2033.</p> <p>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</p>

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			<p>Neighbourhood Plan relates to the period up to 2035.</p> <p>Whilst it recognised that the Examiner's recommendation is a logical modification to the plan in order to ensure greater consistency and conformity with the timeframes of the Local Plan, it is not an issue of general conformity and therefore we do not propose to accept the Examiner's recommendation.</p> <p>The consultation on the modifications will retain the Neighbourhood Plan running to 2035.</p>
<p>Policy HCT1: Enterprise and Tourism Development:</p> <p>The Business, Enterprise and Tourism Development policy be clarified so that it is clear that it only applies, outside the settlement boundaries where it requires proposals to be consistent with Green Belt policy.</p>	<p>I consider that as the focus of the policy is intended to be on the diversification of the economy of the rural parts of the plan area, the policy should explicitly state that it applies to the area beyond the settlement boundary. In which case, Green Belt policy allows new employment space to establish through the change of use of an existing rural building or indeed to allow for a replacement of existing building for a use within the same Use Classes so long as the replacement building is not materially larger or in the case of the redevelopment of previously developed sites, there is no greater impact on the openness of the Green Belt.</p>	<p>All of the suggested modifications are supported.</p>	<p>SMDC accepts the Examiner's recommendations.</p>

<b>Examiner's recommended modification</b>	<b>Examiner's reason</b>	<b>Town Council's Response</b>	<b>District Council's response</b>
<p>Policy LE1: Biddulph Town Centre:</p> <p>The Biddulph Town Centre provisions to reflect the recent changes to the Use Classes Order. Where changes to residential uses take place at ground floor level there should be a requirement to retain any shop window.</p>	<p>The position regarding retail and other town centre uses has changed since the submission version of the neighbourhood plan was finalised. In September 2020, the Government introduced amendments to the Use Classes Order which included a new updated Use Class E, covering uses which had previously been within Classes A, B1 and some Class D uses. That therefore gives greater flexibility for changes of use to take place within the town centre than would have been possible under the previous version of the Use Classes Order.</p> <p>The response of the Town Council was to suggest revised policy wording, the first part includes support for uses "where they support and cause no harm to its vitality and viability". I consider that to be an appropriate test.</p> <p>The second element of the policy relates to residential uses. As submitted, the policy prohibits residential uses at ground floor level, but again recent changes in the planning secondary legislation will have a material impact on the policy. New permitted development rights allow the conversion of small vacant shop units to residential use subject to some prior approval conditions being met. Therefore, it may not be possible to prevent the principle of such changes of use if it prevents empty shops remaining vacant for long periods which itself has a deleterious effect on the viability or vitality of the town centre. The policy, as recommended by the Town Council, requires that changes to premises which will no longer be open to the public, including residential uses, can be permitted where planning permission is actually required, subject to provision or retention of a shopfront. Whilst retaining a large window area can pose issues for the privacy of the people now living within the former shop units, these are not considered to be an insurmountable obstacle and indeed, there are many</p>	<p>All of the suggested modifications are supported.</p>	<p>SMDC accepts the Examiner's recommendations.</p>

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	<p>examples across the country where residential conversions have taken place behind a retained shop front and window. I consider that this criterion can be retained to help achieve the Town Council's aspirations for a lively town centre.</p>		
<p>Policy LE2: Albion Mill Conversion:</p> <p>The Albion Mill policy is amended to permit residential uses at ground floor level.</p> <p>Delete the text in the interpretation section.</p> <p>Move map from appendix to main body of report.</p> <p>In the first bullet, delete 'above ground floor only'.</p>	<p>The policy interpretation section refers to Policy DSB 2 of the Local Plan but Albion Mill is not one of the mills identified in that policy which only applies to Yarn Mill and Minster Mill.</p> <p>The policy is entitled Albion Mill Conversion, so the policy is supporting the retention and conversion of the building. However, the building is not a listed building, and is not in a conservation area, but it is a non-designated heritage asset. Therefore, there is no statutory provisions which prevent the building being demolished. I know that planning permission has previously been granted for the building's redevelopment for housing. However, the policy by indicating that if conversion proposals were to come forward, in accordance with the range of uses set out in the various bullet points, then planning permission is likely to be granted. The policy does not prevent the redevelopment of the site being supported.</p> <p>Following my site visit, I concluded that there was no overriding planning justification for explicitly preventing residential uses on the ground floor. I consider that there is no overwhelming case for requiring the incorporation of a mixture of uses allowed in the policy, although a mix containing business and enterprise space, tourism related uses, cultural and entertainment uses and tourism related retail uses, could be permissible, but do not need to be required elements of a conversion. The insistence on uneconomic uses could affect the overall viability of any conversion works. Within these parameters I consider the policy, which</p>	<p>Deletion of the interpretation section would create an inconsistent format. Also, it is important to link this to the relevant Local Plan policy, to make clear that it augments rather than replacing that policy. Suggest amending wording to refer to 'adopted' Local Plan.</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 Plan erroneously references Local Plan Policy DSB2</p>

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	<p>seeks to offer support for the building's conversion for any of the uses proposed is sensible and I will recommend accordingly. I agree with the Town Council that the map showing the location of Albion Mill would be better located alongside the policy rather than within a separate appendix.</p>		<p>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: c)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 CF1: New Community Facilities</p> <p>No comments</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

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<p>Policy CF2: Existing Community Facilities:</p> <p>The amendment of the policy which seeks to support proposals which affect community facilities to allow those proposals that enhance their community value to be permitted and also to incorporate into the policy a test if a community facility is to be lost. Also, that reference to the Sainsbury Community Room be removed.</p>	<p>I consider that a policy which supports developments that “<i>affect</i> existing community facilities” is somewhat ambiguous. It could be that a neighbouring development could <i>affect</i> a community facility, possibly in an adverse way.</p> <p>The intention of the policy would be clearer, if it stated that development which enhanced the community value of the premises, will be supported. The exceptions to the general presumption in favour of the protection of the facility, namely, if it is demonstrated that there is or will be a similar quality of or better facilities provided nearby, should be included as part of the test of the policy rather than being referred to in the supporting text, which will not have the same weight as a development plan policy.</p> <p>I understand that the Sainsbury Community Room was not provided pursuant to any planning requirements and it forms part of the overall retail planning unit of the store. Therefore, the change of use of that part of the building to retail related uses would not constitute a material change of use and would not require planning permission. . Therefore, reference to the Sainsbury's Community Room within the policy serves no purpose as its retention would not be a matter for planning control.</p>	<p>All of the suggested modifications are supported.</p>	<p>SMDC accepts the Examiner's recommendations.</p>
<p>Policy NE1: Natural Environment Features:</p> <p>Replace the policy with:</p> <p>“The neighbourhood plan</p>	<p>The policy requires all developments to preserve or enhance the special rural character of the area. Whilst the areas outside of the town, have a special rural character, I would describe what I saw within the town centre and its residential areas as having an essentially urban character.</p>	<p>A Neighbourhood Plan may not apply policies of a Local Plan. Only adoption of the Local Plan can achieve this. In other instances,</p>	<p>SMDC accepts the Examiner's recommendations.</p> <p>The Neighbourhood Plan can cross</p>

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<p>identifies the sites shown on the following maps to be of particular significance for biodiversity and ecological interest and development affecting such sites will be considered against the following policies of the Staffordshire Moorlands Local Plan:</p> <ul style="list-style-type: none"> <li>• Local wildlife sites to be covered by Policy NE1 (4) are shown on the map entitled Nature Conservation Sites within Biddulph parish.</li> <li>• Wildlife corridors/network, watercourses ponds and lakes to be covered by Policies C2 and C3 are shown on the Ecological/Wildlife Corridors Map.</li> <li>• Priority habitat protected by Policy NE 1 (8) are shown on the Habitat Distinctiveness Map and Habitats Maps.</li> <li>• Sites containing protected species which are protected by Policy NE1(8) are shown on the Protected Species within Biddulph Map.</li> <li>• Areas with opportunities to enhance or create new</li> </ul>	<p>The policy places the same expectations on the ecological and environmental features of the area, irrespective of their significance. In effect, it would mean at the test of the impact on a local nature reserve site will be the same as local wildlife sites which are lower down the hierarchy. That is contrary to the approach set out in the NPPF which refers to policies protecting and enhancing sites of biodiversity value, in a manner commensurate with the statutory status or identified quality in the development plan.</p> <p>The concerns expressed by objectors are that the policy as drafted does not give the decision maker guidance as to how a proposal affecting these sites, is to be considered, beyond an absolute requirement that the proposal must preserve the features.</p> <p>It has also been pointed out that the evidence set out in the plan is high-level information which is appropriate for plan making but that the policy in terms of development proposals should be supplemented by specific surveys on individual sites.</p> <p>Recommend a policy modification whereby the neighbourhood plan identifies the sites within the plan area that are natural features of significance and their proposed status and the policy then directs the decision maker to the specific requirements set out in Local Plan Policy NE 1 (and Policy C2 and C3) which stipulates the tests that should apply to any proposals affecting the status of the site.</p>	<p>Examiners have deleted policies that have sought to apply Local Plan policy.</p> <p>The suggestion to move plans to the relevant policies in the main body of the plan is supported.</p>	<p>reference to relevant policies in the adopted Local Plan. Indeed it does elsewhere in the document.</p> <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>



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<p>habitat links to be covered by Policy C3 are shown on the Nature Recovery Map.”</p> <p>Insert the appropriate maps into the main body of the plan rather than in Appendices.</p>	<p>By providing a local context within the polices through identifying sites which are covered by an existing Local Plan policy, the recommended policy will meet the Secretary of State's requirements for a hierarchical approach to biodiversity matters and it will therefore meet the basic conditions.</p>		
<p>Policy NE2: Urban Edge</p> <p>At the end of the second sentence of the Interpretation section, add “unless adequately screened / softened by landscaping.”</p>	<p>I consider the use of fencing etc can, as acknowledged by the Police increase householders' sense of security and it can, in some situations, be an appropriate means of enclosure, if its harsh visual impact is softened by planting on the external side of the fence. I will recommend that the interpretation section be amended to the effect that hard boundary treatments would not be appropriate unless adequately screened / softened by landscaping.</p>	<p>All of the suggested modifications are supported.</p>	<p>SMDC accepts the Examiner's recommendations.</p>
<p>Policy NE3: Local Green Space:</p> <p>Deleting a number of local green spaces and clarifying the test of development that takes place on local green spaces to that which is consistent with national Green Belt policy.</p>	<p>The plan is proposing a significant number of local green spaces (75) even for a town the size of Biddulph.</p> <p>A number of these already enjoy the LGS status through the Local Plan's own designation and there is no value in duplicating them.</p> <p>A number of areas of highway verge are proposed for designation. I imagine that many of these were being chosen because of their contribution to the Biddulph in Bloom. However, works in the public highway tend to be covered by highway legislation and enjoy permitted development rights. As the policy could not influence a planning application, this policy would not be capable of being utilised. I am therefore proposing that these sites are excluded from the list of LGS.</p>	<p>With regard to the suggested policy wording, we are unsure that the Examiner's wording accurately reflects the wording in the NPPF. Therefore, we suggest adding the following to the interpretation:  'National policy states that Local Green Space has similar protection to Green Belts. It should be noted that the</p>	<p>SMDC accepts the Examiner's recommendations for revisions to the policy and designated sites.</p> <p>SMDC accepts the Examiner's recommendation to delete the two sites as they are not considered to be consistent with the local planning of sustainable development.</p> <p>Necessary to comply</p>

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	<p>One of the Secretary of State stipulations is that the designation of local green space should be consistent with the delivery of sustainable development and can be expected to be capable of being retained as green space beyond the plan period. There are three sites which the Town Council has proposed for designation as local green spaces which have also been identified by the District Council as deliverable housing sites within the SHLAA. These are Gillow Fold Field (Site 57), the Gas Works (Site 85) and Knypersley Green Space (Site 25). Two of the sites are currently within the Green Belt and may therefore be considered already protected. However I do note that the Local Plan states that in any future Local Plan review, if development requirements dictate, both sites would be considered for development.</p> <p>It is not for me to express a view as to whether these two sites should be released from the Green Belt but in light of the conclusions of the SHLAA, I consider that it would be premature to grant LGS status on these areas, pending the local plan review as it could prevent the delivery of sustainable development. If I had recommended the confirmation of LGS status it would mean that the sites, which the SHLAA recognises as being deliverable, will essentially then be sterilised well beyond the current plan period. The two sites will remain within the Green Belt, as currently drawn but to declare them as local green space, would not, in my opinion, meet the tests set out in paragraph 101<sup>1</sup> of the Framework.</p>	<p>purpose of Local Green Space designation is related to community value, so is different to the five purposes for Green Belts'.</p>	<p>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>Support the addition proposed by the Town Council.</p> <p>Further to the above, a typographical error has been identified with part of the Examiner's recommendation modification. Local Green Space number 86. is incorrectly named Cherry <i>Garden</i> Lane. The correct name is Cherry <i>Tree</i> Lane. Accordingly, the District Council proposes a revision to the modification to correct this error.</p>

<sup>1</sup> Examiner's report dated February 2022 erroneously referred to paragraph 103 of the Framework. His subsequent addendum dated August 2022 corrected this reference to read paragraph 101.

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	<p>The final SHLAA site is the Gas Works. From what I saw on my site visit this is a fully enclosed urban site and I am not satisfied from what I have seen that it possesses such a richness of wildlife to be considered “demonstrably special” for that reason to the local community. I consider that it could be appropriately developed, in line with current policy to make best use of urban brownfield land for residential purposes. I will therefore be proposing that the site be deleted from the LGS policy.</p> <p>I am also proposing the deletion of two of the proposed local green spaces as they constitute extensive tracts of land, namely Biddulph Valley Way (Site 16) and land east of Newpool (Site 63), both of which are covered by the proposed Policy NE 4.</p> <p>The purpose of local green space designation is to offer the highest-level protection of green spaces which have to be particularly valued by the community for having special significance. It is not a tool to seek to protect every piece of open space within an area.</p> <p>Some of the spaces are outside the urban area and are already subject to Green Belt policy. However, I need to be conscious of the Secretary of State's advice in Planning Practice Guidance which recognises that “LGS designation could help to identify areas which are of particular importance to the local community” even if they fall within the Green Belt.</p>		

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	<p>Turning to the policy as it affects the LGSs for managing development, the policy as submitted does not accord with the approach set out in paragraph 103 of the Framework which sets out that policies for managing development within a LGS should be consistent with those for the Green Belt. I do not consider that say the building of a community building would necessarily accord with Green Belt principles which are essentially aimed at keeping the green spaces open. I will propose an amended form of wording which relates more closely to the Secretary of State's approach and would be consistent with Policy DC 4 of the Local Plan.</p>		
<p>Policy NE4: Biddulph Valley Way</p> <p>After "must" insert "where practical"</p>	<p>My only comment on this policy is that it is only development which lies adjacent to the route that should take the opportunity to enhance the route "where practical".</p>	<p>We think that adding 'where practical' to policies is poor practice and provides an easy 'get out' clause for developers.</p> <p>Our preference would be to replace the word 'must' with 'should'.</p>	<p>SMDC accepts the Examiner's recommendations.</p> <p>The policy as written would apply to all development, including extensions and other types of projects for which "taking opportunities to enhance the route" would be impossible. The Examiner's insertion of "where practical" would allow the decision makers to determine if the requirement was applicable on a case by case basis.</p>

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			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>Policy NE5: Protection of views of local importance:</p> <p>The Protection of Views policy should only require applicants of major schemes to demonstrate how the layout and form has taken account of the views.</p>	<p>I consider that this is entirely appropriate for a neighbourhood plan to seek to identify locally important views. I witnessed for myself each of the views which provide essentially long-distance views of the countryside beyond the town. These are shown on the map entitled "Direction of Key Views". I consider that it will be helpful to annotate each of the arrows to cross reference the number of the photos in the document.</p> <p>The policy implies that all planning applications will be accompanied by Design and Access Statements. However, these are only required in the case of "major" development (there are no conservation areas which are affected by the views so that does not trigger a need for such statements). I will propose a form of wording that requires developments which affect these views to demonstrate how they have taken account of the key view in terms of the form and layout of the development.</p>	<p>We still think the wording of the policy is a little confusing, due to the repetition of the word 'development' so suggest replacing the term 'development' in the last sentence with 'scheme'.</p>	<p>SMDC accepts the Examiner's recommendations.</p> <p>The Examiner's suggested modification would be understood by the decision maker and is supported.</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>

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<p>Policy HOU1: Housing:</p> <p>In the first bullet point, second sentence after "provision", replace "should" with "will be expected to" and at the end of the sentence, insert "if it is feasible to do so".</p> <p>At the end of the policy insert a new bullet point before "Self-build housing" entitled "First Homes".</p>	<p>I appreciate the desire of the Town Council that any affordable housing provided offsite, should nevertheless be provided within the plan area, but equally I concur with the views of the District Council it is better that affordable housing is delivered for those in housing need within the district, rather than being lost, through lack of opportunity within the parish. I will propose a suitable form of wording to cover this.</p> <p>With the introduction of First Homes, a form of housing which offers discounts in the market housing and is expected to be treated as a form of affordable housing, although not required under the transition arrangements, can in accordance with the Town Council's suggested response be included in the list of types of housing which will be particularly welcomed in the parish.</p>	<p>Most of the suggested modifications are supported. We have concern over the suggested addition wording 'if it is feasible to do so'. This would provide an easy 'get out' clause for developers. Better wording would be to add 'where there are robust planning reasons to do so'.</p>	<p>SMDC accepts the Examiner's recommendations with an addition.</p> <p>The Examiner's suggested wording would not be a "get out" as the requirement for affordable housing (and cost to the developer) would still apply.</p> <p>However, 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: a) having regard to national policies and</p>

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			<p>advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).</p> <p>c)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 HOU2: Infill housing:</p> <p>The infill housing policy should apply to sites within or adjacent to settlement boundaries.</p> <p>After "small infill sites" insert "within or adjacent to settlement boundaries"</p>	<p>The policy appears to cover the whole plan area, including the areas outside the urban areas of Biddulph and Biddulph Moor. I consider the criteria for those parts of the plan area within the Green Belt should be excluded from the remit of the policy, rather than being referred to within the interpretation section, which does not have the same weight as a development plan policy. National policy allows "limited infilling within villages" which I interpret as applying to villages that are washed over by the Green Belt as opposed to the situation at Biddulph Moor where the village is excluded from the Green Belt. However, the Local Plan does allow in Policy H1, limited infilling on sites <i>adjacent</i> to the settlement boundaries of larger villages which includes Biddulph Moor so I consider that should be reflected in the policy.</p>	<p>The modifications are supported.</p>	<p>SMDC accepts the Examiner's recommendations.</p> <p>The introduction to the housing section in the neighbourhood plan acknowledges that the policies should be read in conjunction with Policy H1 of the Local Plan.</p> <p>In relation to housing proposals for "limited infill" outside of</p>

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			<p>settlement boundaries, the Local Plan Policy H1 states the following requirements for developments outside of towns (e.g. Biddulph), Larger Villages (e.g. Biddulph Moor) and the Green Belt (i.e. all of Biddulph Parish outside of Biddulph and Biddulph Moor).</p> <p><i>"The development will adjoin the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses..."</i></p> <p><i>...In all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside...</i></p> <p><i>...When development is located in the Green Belt, national Green Belt Policy will apply."</i></p> <p>The above is intended to</p>



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			<p>safeguard against the type of development that the Town Council is concerned about. The whole of the parish outside of the settlement boundaries of Biddulph and Biddulph Moor is designated as Green Belt. The Examiner's modification is aligned to both the Local Plan and NPPF and is not contrary to the Basic Conditions.</p> <p>Necessary to comply with basic conditions:</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>Policy INF1: Critical road junctions:</p> <p>The need to demonstrate whether there is a severe impact on the four key junctions be restricted to those sites which are required to submit a</p>	<p>This policy essentially requires transport assessments to assess, in particular, the impact of development on four key junctions along the A527. The test set out in paragraph 111 of the NPPF, is that "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway</p>	<p>Given that a Neighbourhood Plan can set requirements for development to meet, but cannot set submission requirements, our suggestion would be to add reference to</p>	<p>SMDC accepts the Examiner's recommendations.</p> <p>The Examiner's modification does not</p>

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<p>Transport Assessment.</p> <p>Replace "and" with "an"</p> <p>After "made" insert "in any submitted Transport Assessment"</p>	<p>safety or the residual cumulative impact on the highway network would be severe".</p> <p>I am pleased that the "severe impact" threshold is included within the policy. I feel that it would be an over onerous obligation to be placed on decision-makers to require assessment of development on each junction in respect of all proposals. I consider that it will be relevant for those scheme proposals which require the submission of a Transport Assessment.</p>	<p>transport assessments to the interpretation, rather than the Policy itself.</p>	<p>set submission requirements.</p> <p>It states "in any submitted transport assessment" i.e., those that are already required to be submitted, should consider the identified "congestion pressure points"</p> <p>Necessary to comply with basic conditions:</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>Policy INF2: Sustainable Drainage</p> <p>No recommended modifications</p>	<p>N/A</p>	<p>N/A</p>	<p>SMDC accepts the Examiner's recommendations that no modifications are required.</p>
<p>Policy INF3: Community infrastructure:</p> <p>Deletion of the Community</p>	<p>A neighbourhood plan policy is required to be a policy for the use and development of land, which can be used for the determination of a planning application. As written the policy seeks to identify what infrastructure is</p>	<p>The suggested modification is supported.</p>	<p>SMDC accepts the Examiner's recommendations.</p>

<b>Examiner's recommended modification</b>	<b>Examiner's reason</b>	<b>Town Council's Response</b>	<b>District Council's response</b>
<p>Infrastructure policy but its contents should be moved to the supporting text.</p>	<p>to be prioritised within the plan area. However, determining how CIL monies are spent is essentially a budgetary decision to be taken by the District Council, apart from those 25% of funds which are allocated to the Town Council, in which case they fall within the direct control of the Biddulph Town Council.</p> <p>Planning obligations can only be sought to fund infrastructure where the obligation meets all three tests set in Regulation 122 of the Community Infrastructure Levy Regulations 2010, namely that the contribution is required to:</p> <ul style="list-style-type: none"> <li>• Make the development acceptable in planning terms</li> <li>• Is directly related to the development</li> <li>• And is reasonably related in scale and kind to the development.</li> </ul> <p>Developers can only be expected to contribute to the infrastructure identified in the policy if it meets each of the three tests. That is reflected in Local Plan Policy SS 12. I have therefore concluded that as a policy to be used to determine applications, this does not meet the basic conditions. However, I do consider that it is reasonable for the Town Council to refer to its priorities for extra spending in the parish. I am therefore recommending that it can be retained but not as a policy but as part of the supporting text under the Infrastructure Chapter.</p>		
<p>Policy DES1: Design: Removing reference to the</p>	<p>Reference to the authenticity and durability of materials are not necessarily matters that can be determined by a planning decision maker. If the choice of materials</p>	<p>The suggested deletion of the word 'authentic' is supported.</p>	<p>Agreed with the deletion of "authentic"</p>

<b>Examiner's recommended modification</b>	<b>Examiner's reason</b>	<b>Town Council's Response</b>	<b>District Council's response</b>
<p>authenticity and durability of materials from the design policy.</p>	<p>complements the local materials used in the vicinity and is an appropriate material for the context, it is not necessary for the decision-maker to have to assess the long-term performance of that particular product.</p>	<p>However, we consider that it is important that materials be durable and that this is a key part of ensuring that development is sustainable.</p>	<p>The Examiner's suggestion to delete the final paragraph and 3 associated bullet points is also supported. The current reference to self-build is not relevant to design. As indicated by the Examiner, the other 2 bullet points regarding innovative design and environmental performance are already addressed in elsewhere in Policy DES1.</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</p>

Examiner's recommended modification	Examiner's reason	Town Council's Response	District Council's response
			appropriate to make the order (or neighbourhood plan).
<p>Policy DES2: Public Realm, Car Parking and Movement</p> <p>In the first sentence after "demonstrate" insert "where it is appropriate"</p>	<p>I have no fundamental concerns regarding this policy but as submitted in places this policy applies obligations on all new development in the parish. That would not necessarily be relevant considerations for many projects, so I propose to caveat the policy by applying it "where it is appropriate".</p>	<p>We think that adding 'where it is appropriate' to polices is poor practice and provides an easy 'get out' clause for developers. We consider that the recommendation to add this fails to reflect the NPPF and National Model Design Code.</p>	<p>SMDC accepts the Examiner's recommendations.</p> <p>As written, the absolute 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>For example, an application for a single dwelling would not necessarily be able to comply with the requirement to "provide ease of movement for pedestrian routes and footpaths". A mix of parking "including" garages, covered spaces and driveways is also unlikely to be applicable to a proposal for a warehouse extension.</p> <p>Nevertheless, to ensure the correct application of</p>

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			<p>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>