

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Council Assembly

9 September 2020

TITLE:	Adoption of the Staffordshire Moorlands Local Plan
PORTFOLIO HOLDER:	Councillor Wain - Portfolio Holder for Planning, Development and Property
CONTACT OFFICER:	Mark James – Principal Planning Officer
WARDS INVOLVED:	All outside the Peak District National Park

Appendices Attached

- Appendix 1 – Local Plan Submission Version (June 2018)
- Appendix 2 – Inspector’s Final Report (June 2020)
- Appendix 3 – Annex to the Inspector’s final report – main modifications
- Appendix 4 - Main modification MM56
- Appendix 5 – Main modification MM59
- Appendix 6 – Additional modifications (July 2019)
- Appendix 7 – Consultation responses to the additional modifications (September 2020)
- Appendix 8 – Revised additional modifications (September 2020)
- Appendix 9– Changes to the Policies Map in light of the main and additional modifications (September 2020)
- Appendix 10 Sustainability Appraisal of the main modifications
- Appendix 11 Equalities Impact Assessment of the Local Plan (September 2020)

1. Reason for the Report

- 1.1 To inform the Council of the Final Report of the Inspector regarding the Examination of the Staffordshire Moorlands Local Plan, to recommend the adoption of the Local Plan incorporating the Inspector’s recommended main modifications and the Council’s additional modifications and to delegate approval to the Executive Director (Place) for the preparation of the Policies Map and any further additional modifications to the Local Plan that relate to factual updates, grammatical and formatting corrections.

2. Recommendation

- 2.1 That the Council notes the Inspector's report on the examination of the Local Plan and his recommended main modifications (Appendix 2, 3, 4, 5).
- 2.2 That the Council notes the consultation feedback regarding the additional modifications (Appendix 6) and supports the suggested Council responses (Appendix 7).
- 2.3 That the Council notes the Sustainability Appraisal of the main modifications (Appendix 10) and the Equalities Impact Assessment of the Local Plan (Appendix 11).
- 2.4 That the Council adopts the Staffordshire Moorlands Local Plan (Appendix 1) with the main modifications recommended by the Inspector (Appendix 3, 4 & 5) and the revised additional modifications proposed by the Council (Appendix 8) to be incorporated.
- 2.5 That the Council notes the proposed changes to the Policies Map in light of the main and additional modifications.
- 2.6 That the Council delegates to the Executive Director (Place) authority to prepare the Policies Map to illustrate geographically the application of the policies in the adopted Local Plan.
- 2.7 That the Council delegates to the Executive Director (Place) authority to make further additional modifications to the Local Plan that relate to factual updates, grammatical and formatting corrections as required.

3. Executive Summary

- 3.1 The Local Plan has been subject to extensive public consultation since 2015. In June 2018, the Council agreed to submit the plan for examination. Following hearing sessions in October 2018 and February 2020 and further subsequent consultation, the Inspector's final report was published in July 2020.
- 3.2 The Inspector's report concludes that *"the Staffordshire Moorlands Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework"* with the main modifications identified by the Inspector as being necessary to make the plan sound.
- 3.3 Whilst there is no obligation for the Council to adopt the Local Plan. It can only adopt the plan with the Inspector's main modifications, plus any other "additional modifications" deemed necessary by the Council.
- 3.4 Subject to approval, an adopted Local Plan will be prepared along with an updated version of the Policies Map. The plan and related documents must be published as soon as practicable after adoption.

3.5 Upon adoption, the Local Plan will supersede the Core Strategy and Biddulph Town Centre Area Action Plan and form part of the statutory development plan for the District. As such, it will be used by the Council to determine planning applications.

4. **How this report links to Corporate Priorities**

4.1 The Local Plan links to all four aims of the Corporate Plan (2019-2023), namely:

- Aim 1 - To help create a safer and healthier environment for our communities to live and work
- Aim 2 – To use resources effectively 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 and respond to the climate emergency

5. **Alternative Options**

5.1 Under the provisions of Section 23 of the Planning and Compulsory Purchase Act 2004, the Council can only adopt the plan with all the main modifications as recommended by the Inspector and any other additional modifications that do not materially affect the policies set out in the Plan. The only other alternative is not to adopt the Local Plan.

5.2 Option 1 (recommended) – the Council follows the recommendations set out in Section 2 of this report. This will enable the Local Plan to be adopted. From adoption, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. By adopting the Local Plan, the Council will:

- Demonstrate a five year housing land supply and agree to a positive plan to support the housing and economic growth requirements of the District
- 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 has introduced powers to intervene in areas without an up to date Local Plan

- 5.3 Option 2 (not recommended) – the Council does not follow the recommendations set out in Section 2 of this report. This option is not recommended as the Local Plan would not be adopted and therefore not carry as much weight when determining planning applications. At this stage, the Council cannot contest the Inspector’s conclusions regarding the main modifications. Not adopting the Local Plan will leave the Council in a position where it does not have an up to date plan upon which to determine planning applications. Government guidance states that *“While the local planning authority is not legally required to adopt its local plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly with adopting a plan that has been found sound.”*¹

6. **Implications**

6.1 Community Safety - (Crime and Disorder Act 1998)

None direct

6.2 Workforce

None direct

6.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies. An Equalities Impact Assessment of the Local Plan accompanies this report (Appendix 11)

6.4 Financial Considerations

Upon the adoption of the Local Plan, the document and associated Policies Map will need to be printed and published. This has been accounted for in the 2020/21 Development Services budget.

Housing growth, with its links to New Homes Bonus (and any likely successor scheme), is a key area of focus within the Council's Efficiency and Rationalisation Strategy.

6.5 Legal

In accordance with the Planning and Compulsory Purchase Act 2004 ,(the Act), the Council has a duty to adopt a Local Plan to be used when considering future planning applications. Since 2015, public consultation has taken place to inform the content of the

¹ National Planning Practice Guidance, Paragraph: 058 Reference ID: 61-058-20190315

Plan ahead of submitting the Plan to the Inspector for examination.

The Inspector's report has now been received and it concludes that the Local Plan is compliant and sound having regard to the legal requirements set out in Section 20(5) of the Act, and that it meets the criteria for soundness in the National Planning Policy Framework.

The decision to adopt the Local Plan can be judicially reviewed within a period of six weeks from the date of the decision. The Local Plan would continue to have weight in planning considerations during any period of legal challenge.

6.6 Climate Change

Spatial Objective 2 (SO2) of the Local Plan is *“To create a District where development minimises its impact on the environment, helps to mitigate and adapt to the adverse effects of climate change and makes efficient use of resources.”*

The Local Plan seeks to address climate change by encouraging sustainable patterns of development and by providing specific policy requirements, including for renewable or low-carbon energy schemes, carbon saving measures in developments and flood risk.

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 and the Town and Country Planning (Local Planning) (England) Regulations 2012. Given that the examination has now ended, no further consultation is proposed.

6.8 Risk Assessment

If the Council does not agree to adopt the Local Plan, 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 would otherwise be considered to be inappropriate. Without the new Local Plan, the Council would also not have a strategy to support the sustainable growth of the District and to address the historic under delivery of housing.

The Government has also introduced 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.

Neil Rodgers
Executive Director (Place)

**Web Links and
Background Papers**

Local Plan examination library -

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

Local Plan evidence base -

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

Summary of responses to main modifications consultation

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https://www.staffsmoorlands.gov.uk/media/4749/EL11.002-Updated-Summary-of-Main-Modification-Consultation-Responses/pdf/EL11.002_Updated_Summary_of_responses_to_MM1.pdf?m=1579621699020

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7. Detail

National policy

- 7.1 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 of the 2012 NPPF at examination. Accordingly, all references to the NPPF in this report relate to the 2012 version unless stated otherwise.
- 7.2 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.”*

7.3 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. The examination process is intended to enable a planning inspector to conclude on these matters.

7.4 Section 23 of the Planning and Compulsory Purchase Act 2004 makes provision for the adoption of Local Plans with main modifications (as recommended by the Inspector) and additional modifications if the additional modifications (taken together) do not materially affect the policies. Main modifications are amendments to the Local Plan deemed necessary by the Inspector to make the plan sound. Additional modifications are not a matter for consideration by the Inspector as they relate to minor typographical, numbering and formatting amendments which are often required to ensure that the plan is coherent once the main modifications have been incorporated.

The adopted Core Strategy

7.5 The Staffordshire Moorlands Core Strategy was adopted in March 2014. It forms part of the development plan for the District outside of the Peak District National Park alongside the Biddulph Area Action Plan. 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. The Local Plan now being considered for adoption fulfils this requirement.

The Local Plan

7.6 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 Policies Map to provide a framework for delivering development.

7.7 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.

- 7.8 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.
- 7.9 Having been subject to extensive consultation, evidence gathering 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.
- 7.10 A summary of the key milestones in the examination process since then is provided below:
- **October 2018** – Examination hearing sessions were held at Moorlands House when each of the Matters Issues & Questions were subject to a round table discussion amongst the participants, led by the Inspector.
 - **January 2019** – Inspector issues his post-hearing advice (examination library ref. EL6.004). This included a request to prepare a Housing Implementation Strategy, provide new supporting evidence for Local Green Space designations, to remove site “BDNEW” from the Wharf Road Strategic Development Site from the Local Plan and to consider the need for alternative options and Green Belt “safeguarded” land
 - **January – April 2019** – following the Inspector’s initial post-hearing advice, the Council prepares and consults on a Housing Implementation Strategy which sets out how housing development will be delivered. The Council also sought further supporting evidence that the Local Green Space designations are “demonstrably special” from Town/Parish Councils and District Councillors.
 - **May 2019** - Inspector sets out his views on the implications of the new Local Green Space evidence. Whilst many of the designations proposed by the Council are supported by the Inspector, several are recommended to be deleted or amended to become “amenity open space”. This included the removal of the proposed Local Green Space at Ox Pasture, Cheddleton, Central Square, Waterhouses and The Rocks, Brown Edge. For further details, please see the report to Council Assembly on 26th June 2019.
 - **June 2019** – a Council Assembly meeting on 26th June considered alternative options to address the Inspector’s concerns regarding the provision of housing and the approach to Green Belt in Biddulph and agreed to consult on a proposed schedule of main modifications to the Local Plan. Specifically in relation to Biddulph, the Council agreed to propose the safeguarding of land at Gillow Heath (BD062, BD068 and BD087). Subject to the outcome of the examination process, this would release land from the Green Belt to enable future consideration as a housing allocation in the next Local Plan review. The Council also agreed to propose increase the estimated housing capacity at the

Tunstall Road and Wharf Road Strategic Development sites to 109 and 442 homes respectively to help address the housing shortfall in the town in light of the removal of BDNEW.

- **September 2019** – public consultation commences on the main modifications, additional modifications and background documents, namely, the Council's assessment of options for housing and Green Belt changes in Biddulph, the Sustainability Appraisal of the main modifications, an updated Housing Implementation Strategy and Biddulph options and an Equalities Impact Assessment. The responses to the main modifications were submitted to the Inspector for consideration (a link to a summary of the comments and officer responses is provided at the end of Section 6 to this report).
- **February 2020** – further examination hearing sessions are held to discuss the proposals to safeguard land at Gillow Heath and housing in Biddulph, housing land supply for the District, Local Green Space proposals at Ox Pasture, Cheddleton, Dorset Drive, Biddulph and in Blythe Bridge. A session is also held to discuss the main modifications generally.
- **July 2020** – the Inspector's final report on the Local Plan is published following consideration of the discussions at the February hearing sessions and evidence. This draws an end to the examination process.

Inspector's report

7.11 A copy of the Inspector's report and associated appendices which set out his final main modifications to the Local Plan are provided at Appendix 2, 3, 4 and 5 to this report². The report *"concludes that the Staffordshire Moorlands Local Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it."* The key main modifications can be summarised as follows:

- Adjusting the Plan period to 2014 to 2033 to align with the evidence base
- Articulating the exceptional circumstances for the release of Green Belt land
- Clarifying and updating the components of housing land supply, the assumptions that will be relied upon to calculate the five-year supply and the role of a Housing Implementation Strategy
- Clarifying the employment land requirement, the components of employment land supply and ensuring that employment policies are effective
- Ensuring that the strategic and generic policies, including those relating to housing and the historic and natural environment, are positively prepared, justified, effective, consistent with national policy, and clear to the decision maker

² Please note an erratum to Inspector's Report - paragraph 22 of the report incorrectly states that an allowance has been made for 100 dwellings per annum inside the Peak District National Park. In fact the allowance of 100 dwellings for the national park is for the whole of the Plan period as set out in paragraph 169 of the report.

- Clarifying the open space requirements for housing development
- Deleting that part of the Wharf Road Strategic Development Area which lies to the west of the Biddulph Valley Way and retaining the land as Green Belt
- Deleting land west of Basford Lane, Leekbrook as an allocation for general employment use
- Identifying policy requirements for the brownfield opportunity sites at Bolton Copperworks, Froghall and Anzio Camp, Blackshaw Moor
- Modifying the development criteria for allocations so that they are positively prepared, justified and effective
- Ensuring that Local Green Space designations are positively prepared, justified and consistent with national policy
- Ensuring that monitoring requirements and key triggers that would lead to a review, particularly those relating to housing delivery, windfall sites and employment land supply, are embedded in the Plan

7.12 In terms of the matters discussed at the February 2020 hearing sessions, the Inspector concluded that the area of land proposed by the Council to be safeguarded at Gillow Heath, Biddulph should not form part of the Local Plan. As such, the main modifications do not include this proposal and the land (BD062, BD068 and BD087) will remain as Green Belt. This is due *to varying adverse effects on Green Belt purposes and...a range of landscape and other constraints*". A proposal to allocate the sites for housing development in the Local Plan would also not fully bridge the gap in housing land supply in Biddulph.

7.13 Moreover, the Inspector states that *"if additional land is required in Biddulph in the future, the Gillow Heath sites may not necessarily represent the most suitable option taking into account all things considered in the round, including the amount of land required at that time, Green Belt purposes, the location relative to the town's services and a review of constraints affecting these and other sites"* As such, the Inspector recommends that the sites may be re-considered as part of a future Local Plan review which would also consider development requirements and the need to release Green Belt land at the time. The Inspector's final conclusion on this matter effectively reverts the status of sites BD062, BD068 and BD087 back to that which the Council agreed to as part of the Local Plan Submission Version in June 2018 i.e. Green Belt.

7.14 Whilst the Inspector acknowledges that the Local Plan (as modified) will result in a shortfall of around 230 homes in Biddulph against the requirement to 2033, sufficient sites remain in the Local Plan to meet Biddulph's housing requirement for the next 10 years. A review of the Local Plan within 5 years (as is now required by the 2019 NPPF) could consider these matters again. The review may need to come sooner if the delivery of the remaining sites in Biddulph is delayed.

- 7.15 In relation to the Local Green Space matters discussed at the February 2020 hearing sessions, the Inspector has finally concluded that Dorset Drive West and East, Biddulph and Ox Pasture West and East, Cheddleton are suitable designations. Again, in this instance, the Inspector's final conclusions concur with the Council's own position at the time that it agreed to submit the Local Plan for examination i.e. the sites should be protected as Local Green Space.
- 7.16 After extensive scrutiny, the Inspector, determines that the Local Plan would provide a five year supply of housing land as required – 5.32 years upon adoption with a base date of March 2019. This includes a 20% buffer to provide flexibility in supply in recognition of the past under delivery of housing across the District. The absence of an up to date Local Plan which provides housing allocations is identified by the Inspector as *“likely to have been one of the main reasons for poor housing delivery in the District”*.
- 7.17 As well as considering the tests of soundness, the Inspector sets out his conclusions in relation to the duty to co-operate and the legal compliance of the plan. He is satisfied that *“the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met”*
- 7.18 Furthermore, the Inspector is satisfied with the Council's adherence to the Local Development Scheme (timetable for plan) and Statement of Community Involvement in relation to public consultation which is recognised as exceeding the requirements set out in the regulations. The Council's Sustainability Appraisal of the Local Plan and main modifications is deemed to be adequate and no adverse comments are made in relation to the Habitat Regulations Assessment of the Local Plan which concluded that with the recommended mitigation, the Local Plan would not result in adverse effects on European designated for sites, either alone, or in combination with other plans and projects.
- 7.19 A new “Policies Map” will need to be published by the Council. This map illustrates geographically the application of the policies in the adopted development plan. The current Policies Map largely dates back to 1998 when the Council last adopted a Local Plan for the whole District with allocations. The Biddulph Town Centre Area Action Plan (2007) and Core Strategy (2014) also introduced some changes.
- 7.20 To date, for convenience, the Council has incorporated proposed changes to the Policies Map in the appendices to the Local Plan. They included proposed housing allocations, employment land and Local Green Spaces. However, the Policies Map is not defined in statute as a development plan document and so the Inspector is not able to recommend main modifications to it. That said, the Inspector does state that a number of the main modifications to the Local Plan text require corresponding changes to the Policies Map. Proposed changes are provided in the appendices to the Local Plan Submission Version (Appendix 1) with further changes arising from the examination process being illustrated in Appendix 9 to this report.
- 7.21 As the Policies Map does not form part of the statutory development plan, it is proposed to remove the maps from the appendices of the final version of the

Local Plan. In line with the Inspector's advice, a separate Policies Map will be prepared to illustrate the new policies. Keeping the Policies Map as a separate document from the Local Plan will also allow for future updates to the Policies Map to take account of policies in neighbourhood plans across the District once they are "made".

- 7.22 As highlighted earlier in this report, additional modifications to the Local Plan can also be made to address minor issues which do not materially affect the policies. This can include typographical, formatting and numbering related amendments. A schedule of additional modifications was subject to public consultation alongside the main modifications in September 2019 (Appendix 6). A summary of the comments received is provided at Appendix 7. It is considered that none of the comments necessitate further changes to the additional modifications. However, further changes are proposed to ensure that the plan remains consistent with the final main modifications once they have been incorporated into the plan.

Conclusions

- 7.23 Given the above, it is strongly recommend that the Council adopts the Local Plan, incorporating the Inspector's main modifications and the revised additional modifications. By adopting the Local Plan, the Council will:
- Demonstrate a five year housing land supply and agree to a positive plan to support the housing and economic growth requirements of the District
 - 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 has introduced powers to intervene in areas without an up to date Local Plan
- 7.24 Under the Planning and Compulsory Act 2004 (Section 23(3)), if the Inspector recommends main modifications to make the plan sound, the Council can only adopt the plan with all those modifications and any other 'additional' modifications that do not materially affect the policies set out in the plan. There is no scope at this stage of the process to seek further modifications that relate to the substance of policy.
- 7.25 Upon the adoption of the Local Plan, it will supersede the adopted Core Strategy and Biddulph Town Centre Area Action Plan and be used by the Council to determine planning applications. Neighbourhood plans in the District must also be in general conformity with its strategic policies. As per the 2019 National Planning Policy Framework, the plan will need to be reviewed within 5 years of adoption to determine if it can still be considered up to date. This review may need to be undertaken sooner if housing delivery falls short of

the trajectory in the plan. It should also be recognised that the recently published “Planning for the Future” White Paper proposes fundamental changes to the planning system, which if taken forward, will necessitate significant changes to the Local Plan. Nevertheless, it is considered to be in the best interests of the District to adopt this Local Plan in order to provide a clear policy framework for the short to medium term at least.

Next steps

- 7.26 If the Council agrees to adopt the Local Plan, the adopted version of the Local Plan will be finalised. This must incorporate all of the Inspector’s main modifications as well the agreed additional modifications. It is also recommended that the Executive Director (Place) is given delegated authority to make any further necessary additional modifications and changes to update the Policies Map in order to properly reflect the Local Plan as adopted.
- 7.27 In line with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 “*as soon as reasonably practicable*” after adopting the Local Plan, the Council must make available; the Local Plan, an Adoption Statement, the Sustainability Appraisal and send a copy of the Adoption Statement to persons who wish to be notified and the Secretary of State. Copies of this documentation are usually required to be made available at the Council’s principal office as well as on the website. However, the Town and Country Planning (Local Planning) (England) (Coronavirus) (Amendment) Regulations 2020 currently remove the requirement for the deposit of paper copies.
- 7.28 Following adoption, there is a six week period for a High Court Challenge from the date of adoption of the Local Plan. Any person who is aggrieved by the Local Plan may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that the document is not within the appropriate power and/or procedural requirements have not been complied with.