

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Council

6 December 2023

TITLE:	Biddulph Neighbourhood Plan and Neighbourhood Development Order Adoption
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 1a-e Biddulph Neighbourhood Plan (Referendum Version)**
- Appendix 2 Biddulph Neighbourhood Development Order (Referendum Version)**

1. Reason for the Report

- 1.1 Cabinet at their meeting on the 8th August 2023 and Council on 18th October 2023 resolved that the Biddulph Neighbourhood Development Order and Biddulph Neighbourhood Plan, as amended met the appropriate requirements and should proceed to referendum. The referendum is to be held on the 7th December 2023. Regulations stipulate that the Council must formally deem to 'make' (adopt) the Neighbourhood Plan and Neighbourhood Development Order within 8 weeks of the date of the referendum. As there are no Council meetings scheduled within this period, Council are being asked to delegate authority to make the Biddulph Neighbourhood Plan and Neighbourhood Development Order to the Executive Director (Place) in consultation with the Portfolio Holder for Regeneration and Planning upon receipt of a positive vote at referendum.
- 1.2 A report will be brought to Council on the 28th February 2024 confirming the result of the referendum and whether the Plan and Neighbourhood Development Order were 'made'.

2. Recommendation

- 2.1 To delegate authority to make the Biddulph Neighbourhood Plan and Neighbourhood Development Order, assuming a positive result at referendum to the Executive Director (Place) in consultation with the Portfolio Holder for Regeneration and Planning.
- 2.2 The result of the referendum and delegated decisions to be reported to Council at the meeting on the 28th February 2024.

3. Executive Summary

- 3.1 A Neighbourhood Plan and Neighbourhood Development Order have been prepared for the Parish of Biddulph and both have been subject to consultation and examination. The Cabinet resolved on 8th August 2023 that the Neighbourhood Development Order met all necessary requirements and was suitable to proceed to the referendum stage. The Council resolved on 18th October 2023 that the Neighbourhood Plan met all necessary requirements and was suitable to proceed to the referendum stage. The referendum for both will take place on Thursday 7th December 2023.
- 3.2 When more than half of the votes at the referendum are in favour of the Neighbourhood Plan / Neighbourhood Development Order, the legislation dictates that the Council must deem them to be “made” within 8 weeks of the referendum. As there are no meetings of full Council scheduled to take place within this period, assuming a favourable vote for each at referendum, approval is sought for the documents to be made under delegated powers. If they are made both documents will then form part of the statutory development plan and be used to determine planning applications.
- 3.3 If the documents are made, a Decision Statement will be issued which outlines the resolution of the Council and the documents will be published.

4. How this report links to Corporate Priorities

- 4.1 The Biddulph Neighbourhood Plan and Neighbourhood Development Order will have positive implications for the following aims of the Corporate Plan (2023-2027).
Aim 3 - To help create a strong economy by supporting further regeneration of towns and villages.
Aim 4 - To protect and improve the environment.

5. Alternative Options

- 5.1 Council could choose not to approve the delegation of power to ‘make’ the Biddulph Neighbourhood Plan and Neighbourhood Development Order to the Executive Director (Place) in consultation with the Portfolio Holder for Regeneration and Planning. Assuming a positive vote at referendum, the Council would then have to convene a special meeting within 8 weeks of the

referendum to formally 'make' the Neighbourhood Plan and Neighbourhood Development Order.

- 5.2 As the Council has formally approved the Plan and Neighbourhood Development Order to proceed to referendum, the Council has accepted that they meet all the conditions and should be 'made' dependent upon the outcome of the referendum result. The only option the Council has is to make the plan and Neighbourhood Development Order unless it considers that the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). On 8th August and 18th October 2023, the Council agreed with the examiner's conclusions that no such conflict exists.

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

An Equalities Impact Assessment has been completed for this project.

6.4 Financial Considerations

Local Planning Authorities can claim £20,000 from the Government once they have set a date for a referendum following a successful examination where a neighbourhood plan has not previously been made for that area. A further £20,000 can be claimed for the Neighbourhood Development Order reaching Referendum. A claim for £40,000 has recently been made. This funding will reimburse the Council for costs incurred and help to meet the cost of holding the referendum and the Examiner's fees (which amounted to £10,251.57).

6.5 Legal

The Neighbourhood Plan and Neighbourhood Development Order are both considered to meet the Basic Conditions and all relevant legal and procedural requirements and this is supported by the Report of the independent Examiner. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan and Neighbourhood Development Order if a majority of those voting in the referendum have voted in favour of the plan being used to help decide planning applications in the area and the type of development in the Neighbourhood Development Order having planning permission.

6.6 Climate Change

Taken as a whole, policies in the 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 and Neighbourhood Development Order were both 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 also took place in accordance with Regulation 17.

6.8 Risk Assessment

Risks to the satisfactory resolution of the process have been minimised by adhering to the relevant legislation and regulations.

Neil Rodgers
Executive Director (Place)

Web Links and Background Papers

National Planning Practice Guidance on neighbourhood planning:

<https://www.gov.uk/government/collections/planning-practice-guidance>

Report to Cabinet on the Biddulph Neighbourhood Plan and Neighbourhood Development Order (8 August 2023):

<https://democracy.highpeak.gov.uk/documents/g2796/Public%20reports%20pack%2008th-Aug-2023%2014.00%20Cabinet.pdf?T=10>

Report to Council on the Biddulph Neighbourhood Plan (18 October 2023):

<https://democracy.highpeak.gov.uk/documents/g2803/Public%20reports%20pack%2018th-Oct-2023%2018.00%20Council%20SMDC.pdf?T=10>

Background documents:

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

Contact details

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7. **Detail**

7.1 Biddulph Parish was designated as a Neighbourhood Area by the District Council on 16th February 2016. The Neighbourhood Plan and Neighbourhood Development Order (NDO) were informed by consultation undertaken by the

Town Council with the local community and stakeholders. This included the statutory “regulation 14” consultation undertaken between 23rd September and 4th November 2019.

- 7.2 Subsequently, the plan, NDO and supporting documents were submitted by the Town Council to the District Council under Regulation 15(1) of the Town and Country Planning Neighbourhood Planning (General) Regulations 2012 (as amended). Following consideration by the District Council, the plan and NDO were then formally published for comments for a period of six weeks, closing on 27th August 2021. In agreement with Biddulph Town Council, John Slater BA (Hons) DMS MRTPI was then appointed as the independent examiner to consider the plan and the NDO jointly.
- 7.3 An 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. The report concluded that subject to recommended modifications to the Neighbourhood Plan and NDO, both documents met the “basic conditions” and other statutory requirements.
- 7.4 Staffordshire Moorlands District Council’s Cabinet on 8th August 2023, considered the examiner’s report. The Examiner concluded the Biddulph Neighbourhood Development Plan and Biddulph Neighbourhood Development Order, as modified by his recommendations, meet the basic conditions and other relevant legal requirements. The examiner also concluded that the referendum area should not extend beyond the Neighbourhood Area.
- 7.5 However, the decision as to whether the basic conditions and legal requirements have been met and therefore if the documents can proceed to referendum rests with the District Council. Having reviewed the Examiner’s report and related regulations, and following discussions with Biddulph Town Council, all of the Examiner’s recommendations relating to the NDO were accepted and the majority of the Examiner’s recommendations regarding the Neighbourhood Development Plan were accepted but there were some exceptions. This necessitated a further statutory six week period for representations which was held between 16th August and 27th September 2023 on revised modifications. The consultation responses received did not raise any issues which conflicted with the basic conditions and there was no need for further independent examination. No further modifications to the plan were required as a result of the consultation responses. Therefore, on 18th October 2023 the Council decided to send the Neighbourhood Plan to referendum.
- 7.6 In the case of each recommendation, and in order to comply with the Examiner’s recommendations and further modifications, the plan was modified (Appendix 1). The Biddulph Neighbourhood Plan (Referendum Version) sets out planning policies for the Biddulph Neighbourhood Area concerning: business, enterprise and tourism development, Biddulph town centre, Albion Mill conversion, 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.

- 7.7 The Neighbourhood Development Order was modified in accordance with the Examiner's recommendations (Appendix 2). The Biddulph Neighbourhood Development Order (Referendum Version) grants planning permission for the replacement of shop fronts subject to compliance with the conditions and parameters set out.
- 7.8 The referendum will be held on 7th December 2023. The following questions will be asked of electors within Biddulph Parish:
- “Do you want Staffordshire Moorlands District Council to use the neighbourhood plan for Biddulph to help it decide planning applications in the neighbourhood area?”
- “Do you want the type of development in the neighbourhood development order for Biddulph to have planning permission?”
- 7.9 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan and / or Neighbourhood Development Order if a majority of those voting in the referendum have voted in favour of the plan being used to help decide planning applications in the area / the type of development in the NDO to have planning permission. The Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). No such issues have been identified with the plan and it should therefore be made, subject to a favourable referendum result.
- 7.10 The plan must be made by the local planning authority within 8 weeks of a successful referendum result. Therefore, delegated powers are sought to take this decision as no Council meetings are scheduled to take place within this period. The decision would be taken by the Executive Director (Place) in consultation with the Portfolio Holder for Regeneration and Planning. A Neighbourhood Plan and Neighbourhood Development Order come into force as part of the statutory development plan once they have been approved at referendum. As part of the statutory development plan, the Neighbourhood Plan and Neighbourhood Development Order would be considered alongside the adopted Staffordshire Moorlands Local Plan (2020) when determining planning applications within Biddulph Parish.
- 7.11 If the plan and / or NDO are made, a Decision Statement must be published to notify people of the decision and the plan / NDO will be published.

