

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Council

28 February 2024

TITLE:	Biddulph Neighbourhood Plan & Neighbourhood Development Order Adoption Update
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, Biddulph Moor

**Appendices Attached –
Appendix A Biddulph Neighbourhood Plan (Referendum Version)
Appendix B Biddulph Neighbourhood Development Order (Referendum Version)
Appendix C Joint Decision Statement**

1. Reason for the Report

- 1.1 Council at its meeting on the 6th December 2023 resolved 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 Council also resolved that a report should be brought to Council on the 28th February 2024 confirming the results of the referendum and whether the Plan and Neighbourhood Development Order were 'made'.

2. Recommendation

- 2.1 That the information in this report be noted.

3 Executive Summary

- 3.1 A Neighbourhood Plan and Neighbourhood Development Order (NDO) for Biddulph have been prepared and subject to consultation, examination and referendum. The Council resolved on 6th December 2023 that, authority to 'make' (i.e. adopt) both documents be delegated to the Executive Director (Place) in consultation with the Portfolio Holder for Regeneration and Planning. This is because the legislation dictates that the Council must deem the plan to be "made" within 8 weeks of the referendum. As there were no meetings of full Council scheduled to take place within this period, delegated powers were sought. The Council also resolved that a report should be brought to Council on the 28th February 2024 confirming the result of the referendum and whether the Plan and NDO were 'made' which is the purpose of this report.
- 3.2 A referendum asking 'Do you want Staffordshire Moorlands District Council to use the Neighbourhood Plan for Biddulph to help it decide planning applications in the Neighbourhood Area?' took place on 7th December 2023. Over 50% of people voting said 'yes'. One thousand three hundred and thirty eight (1338) people voted 'yes' and one hundred and ninety (190) voted 'no'.
- 3.3 In a separate vote at the same referendum asking 'Do you want the type of development in the Neighbourhood Development Order for Biddulph to have planning permission', over 50% of people voting said 'yes'. One thousand three hundred and sixty five (1365) people voted 'yes' and one hundred and seventy six (176) voted 'no'.
- 3.4 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan and NDO 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 / for the type of development in the Neighbourhood Development Order to have planning permission. Once the documents are 'made' they form part of the statutory development plan and are used to determine planning applications / the need for planning consent.
- 3.5 The delegated decision to 'make' the Neighbourhood Plan and Neighbourhood Development Order took place on 31st January 2024.
- 3.6 A Decision Statement was subsequently issued which outlines the resolution of the Council. In line with Regulations this statement has been published on the Council's website and notifications have taken place.

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 This report is for information only so alternative options are not applicable.

6. Implications

6.1	<u>Community safety, including safeguarding and prevention of terrorism</u> None direct.
6.2	<u>Workforce</u> None direct.
6.3	<u>Equality and Diversity/Equality Impact Assessment</u> An Equalities Impact Assessment has been completed for this project.
6.4	<u>Financial Considerations</u> 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	<u>Legal</u> 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	<u>Climate Change and Sustainability</u> 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	<u>Conservation and Enhancement of Biodiversity</u> The Neighbourhood Plan includes a policy entitled 'Natural Environment Features' which requires new development in

	Biddulph Parish to preserve and take opportunities to enhance the rural character of the area, taking account of features which have particular significance for landscape character, biodiversity and ecological interest.
6.8	<u>Consultation</u> In addition to the Referendum, 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.
6.9	<u>Risk Assessment</u> Risks to the satisfactory resolution of the process have been minimised by adhering to the relevant legislation and regulations.

Mark Trillo

Executive Director (Governance & Commissioning) and Monitoring Officer

Web Links and Background Papers

National Planning Practice Guidance on neighbourhood planning:

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

Report to Council on the Biddulph Neighbourhood Plan and Neighbourhood Development Order (6 December 2023):

<https://democracy.highpeak.gov.uk/documents/g2804/Public%20reports%20pack%2006th-Dec-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

Claire Sansom

Planning Officer (Policy)

claire.sansom@staffs Moorlands.gov.uk

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 NDO, 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 A). 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 NDO was modified in accordance with the Examiner's recommendations (Appendix B). 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 A referendum asking electors 'Do you want Staffordshire Moorlands District Council to use the Neighbourhood Plan for Biddulph to help it decide planning applications in the Neighbourhood Area?' took place on 7th December 2023. Over 50% of people voting said 'yes'. One thousand three hundred and thirty eight (1338) people voted 'yes' and one hundred and ninety (190) voted 'no'.
- 7.9 In a separate vote at the same referendum asking 'Do you want the type of development in the Neighbourhood Development Order for Biddulph to have planning permission', over 50% of people voting said 'yes'. One thousand three hundred and sixty five (1365) people voted 'yes' and one hundred and seventy six (176) voted 'no'.
- 7.10 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan and NDO 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 / for 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 or order 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 were identified with the plan or the order.
- 7.11 SMDC resolved on 6th December 2023 that, authority to 'make' (i.e. adopt) the plan and order be delegated to the Executive Director (Place) in consultation with the Deputy Leader & Portfolio Holder for Regeneration and Planning upon receipt of a positive vote at referendum. This is because the legislation dictates that the Council must deem the plan to be "made" within 8 weeks of the referendum. As there were no meetings of full Council scheduled to take place within this period, delegated powers were sought. The Council also resolved that a report should be brought to

Council on the 28th February 2024 confirming the result of the referendum and whether the plan was 'made'. SMDC took the delegated decision to 'make' the plan and neighbourhood development order on 31st January 2024.

7.12 Now that the plan and NDO have been 'made', they form part of the statutory development plan and will be considered alongside the Staffordshire Moorlands Local Plan (2020) when determining planning applications / the need for applications for shop fronts.

7.13 A Decision Statement (which can be viewed in Appendix C) has now been issued which outlines the resolution of the Council. In line with Regulations the Council has:

- Published on its website the decision statement, Neighbourhood Plan and NDO including details of where and when they may be inspected;
- Informed those who live, work or carry out business in the neighbourhood area through the Council's social media and via a press release;
- Sent a copy of the decision statement to Biddulph Town Council and any person who asked to be notified of the decision; and
- Notified any person who asked of the making of the Neighbourhood Plan and NDO and where and when they may be inspected.