

Staffordshire Moorlands District Council – Informal Officer Comments

Biddulph Neighbourhood Plan Regulation 16 Consultation Response August 2021

These comments are in the same format as those made by the District Council at the Reg 14 consultation stage in November 2019. It is noted that the Town Council has responded to the comments made at this previous stage in its consultation statement and made amendments to this latest version of the plan to address some of the points made and this is welcomed. There are, however, some outstanding issues from these previous comments which have not been addressed. Outstanding issues with policy wording are set out in the table below and this is followed by a section on outstanding issues with Local Green Space designations.

1. Comments on Policies

National Planning Practice Guidance on Neighbourhood Planning (Paragraph: 041 Reference ID: 41-041-20140306) contains the following reference:

“How should the policies in a neighbourhood plan be drafted?”

A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared”.

This has been used by the Council to consider the content of the policies set out in the Neighbourhood Plan. For ease of reference, the feedback for all policies is reflected in the table below.

Policy	SMDC Comments	In line with Strategic Policy in SM Local Plan Sept 2020 Y/N
HCT1 – Enterprise & Tourism Development	No further comments.	Y
LE1 – Biddulph Town Centre	No further comments.	Y
LE2 – Albion Mill Conversion	The changes made to reflect the previous comments made by the Council at Reg 14 Stage are welcomed. However, the interpretation to the revised policy states “This policy should be applied with policy DSB2 Biddulph Mills in the emerging local plan.” Policy DSB2 relates to Yarn Mill and Minster Mill, not Albion Mill so this is a confusing and unnecessary	Y

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	sentence. Suggest that this is removed for clarity.	
CF1 – New Community Facilities	No comments	Y
CF2 – Existing Community Facilities	The changes made to reflect the previous comments made by the Council at Reg 14 Stage are welcomed. However, these only partially reflect the Council’s comments. The element which has not been addressed is changes over time to the viability of specific uses like church halls. Local Plan policy covering existing community facilities allows for the loss of community facilities under certain circumstances (where an alternative facility is available or can be provided, (the can be provided scenario has been covered but not the available scenario) or where a professional viability appraisal concludes that there are no options for continued use as a community facility where it can be demonstrated that the loss of a facility would not disadvantage local residents (this has not been covered)). The wording of Policy CF2 as it stands conflicts with the Council’s (non-strategic) Local Plan Policy C1 – Creating Sustainable Communities.	Y
NE1 – Natural Environment Features	<p>This policy was a key area of concern for the Council at Regulation 14 stage and whilst some minor changes have been made to the policy to reflect some of the Council’s concerns, the main concerns are still outstanding.</p> <p>The policy, as it stands does not comply with the NPPG on how policies in a Neighbourhood Plan should be drafted. Consideration</p>	<p>N</p> <p>Reason - Conflicts with Strategic Policy SS1 – the development principles listed could not all be achieved if this policy was in place as it stands as the wording protects large areas around (and sometimes within) Biddulph from development. The NP policy offers no flexibility and does not distinguish between the quality of the designations as required in the NPPF.</p>

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	<p>needs to be given to how the policy wording could be applied to a development site proposal. Rather than listing the evidence base (i.e. the maps) within the policy (these could be put into the interpretation section), some guidance is needed as to how to apply this evidence. Taking it literally, as the wording stands everything on every map must be preserved or enhanced by new development. Wharf Road for example (a mixed use housing / employment allocation in the Staffordshire Moorlands Local Plan) is characterised as ‘poor semi-improved grassland’ on the habitat map. With the present wording, the housing and employment development must preserve or enhance this which clearly would not be possible as the designation covers the whole site. There needs to be explanation in the policy to distinguish which areas are important and how a developer can address this in creating a site layout. Although the wording in the interpretation has been amended since the Reg 14 stage, taken literally, it is still saying that everything on every map is particularly sensitive. The use of the word ‘must’ in the policy means that it doesn’t “include a general requirement to consider” – the policy wording goes beyond that. The maps referred to are still difficult to find within the document. A page number reference for each map would be very useful.</p>	<p>The current policy wording also affects strategic policy SS4 in relation to housing land supply e.g. The Wharf Road site is intended to provide the majority of new housing in Biddulph over the plan period so policy wording in the plan needs to be mindful of this.</p> <p>This issue can be resolved through amended policy wording.</p>
NE2 – Urban Edge	No comments.	Y
NE3 – Local Green Space	This policy was a key area of concern for the Council at Regulation 14 stage and whilst it is recognised that changes have been made to the	N Reason – Due to going above and beyond NPPF policy, future development sites could be limited by the implied

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	<p>policy to reflect some of the Council's concerns, there are still outstanding issues.</p> <p>The policy wording is not compliant with the NPPF (refer to right column). There is no requirement in national policy for LGS or Green Belt to be maintained or enhanced.</p> <p>Also, the interpretation to the policy states: "The policy also requires impacts on Local Green Space to be considered for adjacent or nearby development proposals. Such impacts could include noise, visual impact, access or blocking of sunlight". Presumably, this relates to the policy wording "Built development must not encroach onto Local Green Spaces." This is not a requirement in national policy either. It implies that development surrounding LGS could be restricted.</p> <p>There is no provision in the NPPF for the protection of land adjacent to or nearby LGS and this approach could prevent sites which are otherwise suitable for development (and outside the Green Belt) from being developed putting more pressure on the Green Belt to meet future development needs.</p> <p>In 2020, the Council's Local Plan Inspector advised the Council to amend its LGS policy to simply say "Development proposals within a Local Green Space will be assessed against national Green Belt policy" to avoid any conflicts with national policy.</p>	<p>restrictions listed in the policy interpretation applying to land adjacent to and nearby LGS. This would then put even more pressure on the Green Belt to meet future development requirements. The Local Plan (Strategic Policy SS4) includes a windfall allowance which the policy wording as it stands would stifle delivery of.</p> <p>The requirement for LGS to be maintained or enhanced is overly onerous and has no national policy basis.</p> <p>These issues can be resolved through amended policy wording.</p>
NE4 – Biddulph Valley Way	No further comments.	Y

Policy	SMDC Comments	In line with Strategic Policy in SM Local Plan Sept 2020 Y/N
NE5 – Protection of Views of Local Importance	<p>This policy was a key area of concern for the Council at Regulation 14 stage due to the lack of clarity in the wording and lack of guidance to assist the decision maker. It appears that no amendments have been made to the wording so the issue remains.</p> <p>Query the evidence base to support this policy? There are a number of ways which the policy wording could be improved to assist users of the plan. It is considered that the wording is a little vague – does it mean that any changes to that view cannot occur (‘preserve or enhance the view’)? It is noted that five of the views will affect the Wharf Road Local Plan allocation and the Council would not wish to see capacity of the site compromised.</p> <p>Further explanation of the importance of the views and a detailed description of them is needed in order to help users of the plan to design their particular scheme accordingly. Developers could not demonstrate how their proposal would impact on a view without more details about the view. For example if the hills surrounding Biddulph and the views to Mow Cop are important then this needs to be described in the interpretation to the policy. Whilst the photographs and arrows are useful, with no description behind them they could be misunderstood by users of the plan who do not know Biddulph e.g. view 6 – even though the photo is titled as being towards Mow Cop someone who did not know the town would not know where Mow Cop is on that picture and the importance of it. Views 7 and 8 ‘towards the north’ are too</p>	<p>N</p> <p>Reason – The current policy wording has the ability to affect strategic Local Plan Policy SS4 in relation to housing land supply. The Wharf Road site is intended to provide the majority of new housing in Biddulph over the plan period so policy wording in the plan needs to be mindful of this.</p> <p>This issue could be resolved by including further explanation of the views in the plan to assist developers with understanding how their development could comply with this policy.</p>

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	<p>vague without a description of what the view is and what it means.</p> <p>The London Plan identifies and manages protected views and they have a very detailed SPD covering this – refer to link: https://www.london.gov.uk/what-we-do/planning/implementing-london-plan/planning-guidance-and-practice-notes/london-view-management</p> <p>The SPG may provide some useful elements to incorporate into the Biddulph NP to provide applicants and case officers with more detail on how the protected views should be addressed in planning applications.</p> <p>Each protected view is clearly identified point to point. It's significance is clearly identified along with specific design responses that developments may take within each vista.</p> <p>As with Biddulph, the London Plan suggests that Design and Access Statements (or Townscape Visual impact Assessments) should be used by applicants to set out how the development responds to the view. The SPG sets out exactly what the DAS should consider:</p> <p>Extract from London View Management Framework</p> <p><u>DAS requirements</u></p> <p>The applicant should provide sufficient information to describe the proposed development, its precise location, setting, height, scale, design, external appearance and relationship to important buildings and landmarks to enable</p>	

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	<p>an evaluation of how it would be experienced from the Assessment Points agreed in Step 1. The assessment of effects on Designated Views should also refer to the following factors relating to the proposal:</p> <ul style="list-style-type: none"> •The scale, grain and massing of the proposal in relation to the existing townscape; • Its appearance and materials (that may include, for example, texture, colour, scale and reflectivity); •The effects on the skyline; •The obstruction of existing views and any loss of views to the identified landmarks; •The visual relationship of the proposal to its setting and surroundings; •Night-time effects/lighting, including aviation and other lighting, and their impact on the landmarks and the viewing experience generally; •Seasonal changes, weather and atmospheric conditions (assuming the best possible visibility), •Any shadowing from other buildings; •The effect of the distance between the viewer, the elements of the view and the proposal. 	
HOU1 – Housing	<p>The changes made to reflect the previous comments made by the Council at Reg 14 Stage are welcomed. However, these only partially reflect the Council’s comments.</p> <p>The requirement for off-site contributions for affordable housing to be spent within the neighbourhood area could have unintended consequences. If the money is not spent within a certain time period it must be returned to</p>	<p>N</p> <p>Reason - The policy as it stands could lead to the loss of opportunities to supply funding towards affordable housing elsewhere in the District, thereby conflicting with strategic Local Plan policies SS5 and SS7 in particular.</p>

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	the developer. It is suggested that the policy is more criteria based to spend the money within the neighbourhood area as a first preference and only if this is not possible to spend elsewhere in the District to avoid this situation. The Local Plan takes a similar approach.	
HOU2 – Infill Housing	<p>The changes made to reflect the previous comments made by the Council at Reg 14 Stage are welcomed. However, these only partially reflect the Council’s comments.</p> <p>In the interpretation, the second sentence has not been amended to replace the words “the town centre” with “the settlement boundaries” as large windfalls occur all over the town and could occur in Biddulph Moor.</p>	<p>N</p> <p>Reason - The current policy wording has the ability to affect strategic policy SS4 in relation to the windfall parts of the housing land supply. It is important that larger windfall sites in the Parish are not inadvertently stifled.</p> <p>This issue can be resolved through amended policy wording.</p>
INF1 – Critical Road Junctions	No further comments.	Y
INF2 – Sustainable Drainage	No further comments.	Y
INF3 – Community Infrastructure	No further comments.	Y
DES1 - Design	<p>The changes made to reflect the previous comments made by the Council at Reg 14 Stage are welcomed. However, these only partially reflect the Council’s comments.</p> <p>There is no reference to the AECOM design evidence – is this intentional? Does some of the detail in the policy stem from this document – e.g. materials?</p>	<p>N</p> <p>Reason - The policy wording as it stands conflicts with strategic policy SS4. This policy sets out how the District wide housing requirement (including Biddulph) will be met. The use of the words ‘high quality, authentic, durable materials’ do not allow for any flexibility to take into account viability. Local Plan evidence highlights that viability is more limited in Biddulph Parish than many other parts of the District. Ultimately, policy wording which would negatively impact on the delivery of the housing requirement set out in Policy SS4 should be avoided.</p>

Policy	SMDC Comments	In line with Strategic Policy in SM Local Plan Sept 2020 Y/N
		This issue can be resolved through amended policy wording.
DES2 – Public Realm, Car Parking & Movement	<p>The changes made to reflect the previous comments made by the Council at Reg 14 Stage are welcomed. There is just one outstanding point:</p> <p>In the fourth bullet it is recommended that additional wording is added to the end of the bullet to reflect the location of the property e.g. if it is in the town centre it could still be a large property but parking within the curtilage may not be possible and in any case there would be more opportunities for people to walk / cycle to access facilities. Suggested wording is: ‘proportionate to the size of the property <u>having regard to location in relation to alternative travel modes</u>’.</p>	Y

2. Comments on Local Green Space (LGS) Designations

As previously stated in the Council’s response to the LGS consultation (January 2019) and the Reg 14 consultation (November 2019), it is considered that the number of LGS designations proposed in the Biddulph Parish is excessive and has the potential to undermine future plan making. With all the proposed designations it would be very difficult for the Council to meet its current and future windfall targets (LP strategic Policy SS4). This is particularly important in the Biddulph Parish due to the extensive Green Belt coverage around Biddulph and Biddulph Moor.

Furthermore, the number of LGS designations proposed does not appear to be compliant with NPPF paragraph 101 which requires the designation of land as Local Green Space to be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Planning Practice Guidance entitled ‘open space, sports and recreation facilities, public rights of way and local green space’ Paragraph: 007 Reference ID: 37-007-20140306 states that “Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making. The allocation of over 70 local green spaces in the Parish is likely to increase pressure on the Green Belt to meet future housing requirements.

Rather than commenting on each individual space, the Council would like to make some general comments under the following categories:

1. Those within the existing settlement boundary;
2. Those within the Green Belt and / or designated as Open Space;

Sites within the existing settlement boundary

Many of these are grass verges / small areas of undeveloped land and it is considered that they do not sufficiently meet NPPF criteria for designation (paragraph 102). In some cases these are listed as being demonstrably special for the same reasons such as dog walking, children playing, visual breaks within built up development which could be applied to any undeveloped space. Examples are 17, 19, 31, 47, 48, 62, 68, 79, 86 and land within the District Council's ownership 1, 21, 28, 36, 38, 43, 44, 46, 50, 61, 64, 74.

The sites listed within the District Council's ownership were all drawn to the Town Council's attention during the previous LGS consultation. It was stated at that time that more evidence would be required to show that these sites are demonstrably special to the local community and hold a particular local significance. Looking at the individual records, it does not appear that there is any compelling evidence to suggest that any of these sites are demonstrably special or hold a particular local significance. Consequently, the Council maintains that, as landowner, on the basis of current supporting evidence, it is unlikely to support the designation of these sites as LGS.

The points made above particularly in relation to conflict with paragraph 101 of the NPPF (lack of consistency with the local planning of sustainable development and complementary investment in sufficient homes, jobs and other essential services) are also applicable to these sites.

Sites 20 and 85, for example were previously identified in the Council's Strategic Housing Land Availability Assessment as being potentially suitable for development. Looking at the evidence for an LGS designation on each of them, it is not considered that there is anything compelling to justify this. Such a designation would extinguish any future development opportunities on these sites.

There is a general inconsistency between this approach and NPPF paragraph 101, especially as future development sites are limited due to the town being surrounded by Green Belt. There is also an inconsistency with the Local Plan where (Strategic Policy SS4) includes a windfall allowance which some of the proposed LGS designations will stifle delivery of.

Sites within the Green Belt and / or designated as open space or other designation

Many sites on the LGS list already have Green Belt , open space and / or other types of designation. In these cases it would be appropriate to justify why an LGS designation is also necessary in line with Planning Practice Guidance on open space, sports and recreation facilities, public rights of way and local green space Paragraph: 010 Reference ID: 37-010-20140306 states that "If land is already protected by Green Belt policy then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space". Examples of proposed LGS sites this applies to are 14, 15, 23, 24, 26, 30, 32 and 70.