



# **Report to Staffordshire Moorlands District Council**

**by Shelagh C Bussey MA DipTP DipEM PhD MRTPI**

**an Inspector appointed by the Secretary of State for  
Communities and Local Government**

Room 3/25  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 8255

Date 16 January 2007

---

## **PLANNING & COMPULSORY PURCHASE ACT 2004 (SECTION 20)**

### **REPORT OF THE EXAMINATION INTO THE BIDDULPH TOWN CENTRE AREA ACTION PLAN**

Document submitted for Examination on 30 January 2006  
Examination hearings held on 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> October,  
and on the 17<sup>th</sup> November 2006

---

## **INTRODUCTION**

1.1 The requirements of section 20(5)(a) of the 2004 Act fall into two parts: -

- (a) whether the DPD satisfies the requirements of section 19 and section 24(1) of the 2004 Act, regulations under section 17(7) and any regulations under section 36 relating to the preparation of the document.
- (b) whether it is sound.

1.2 This report contains my assessment of the Biddulph Town Centre Area Action Plan (the AAP) in terms of the above matters, along with my recommendations and the reasons for them, as required by section 20(7) of the 2004 Act.

1.3 This introduction is followed by consideration of soundness of the AAP in accordance with the procedural tests i-iii, as set out in paragraph 4.24 of Planning Policy Statement 12: Local Development Frameworks (PPS12). Next, the report considers the AAP in accordance with the conformity tests of soundness iv-v. It then considers the main matters raised during the examination, which were organised in the examination programme on a topic-by-topic basis, which generally coincides with the order of the AAP, reaching conclusions on soundness in relation to each topic.

1.4 My overall conclusion is that the AAP is sound, provided that it is changed in the ways that I recommend. Two schedules of necessary changes, to ensure that the AAP meets all the tests of soundness are contained in section 5 of this report.

## **PROCEDURAL TESTS OF SOUNDNESS**

### ***Test i – Consistency with the Local Development Scheme***

- 2.1 The AAP appears in the Local Development Scheme (LDS) (Core Document (CD) 24), adopted by the Council in March 2005 and revised in June 2005. Apart from slight slippage, which should not affect the intended adoption of the AAP by March 2007, targets and milestones have been met.
- 2.2 The purpose of the AAP, as set out in the LDS, is to guide the regeneration of Biddulph town centre and part of the Housing Market Renewal Area. However, in March 2005 the Government announced that the Biddulph East Housing Market was not a priority for funding. Nevertheless, since geographical coverage of the AAP includes part of that housing area, I conclude that the AAP conforms to the scope and broad purpose for the document, as set out in the LDS.
- 2.3 The AAP has been produced in advance of the Local Development Framework (LDF) Core Strategy, which is not an approach recommended in PPS12. However, the regeneration of Biddulph town centre has been identified by the Council as being a long-standing priority which requires immediate attention in order that it does not deteriorate further, as a result of other planned development at neighbouring town centres beyond the District.

- 2.4 Furthermore, the Council considers that Biddulph town centre is ripe for redevelopment in terms of public expectations, the availability of substantial funding from various public sector bodies and developer interest. Advantage West Midlands, the Regional Development Agency is contributing £500,000 towards the regeneration of the town centre. This is supplemented by similar amounts from the District Council and Staffordshire County Council. The Biddulph Town Council is also investing £100,000 in the regeneration of the town centre. In total, around £2,000,000 is available through the Market Towns Programme, which would help bring forward improvements proposed in the AAP and will aid pump-priming of the projects identified in it (CD61). This approach is supported by the Government Office for the West Midlands (GOWM).
- 2.5 Taking all of these factors into account and having regard to the relative physical isolation of Biddulph, it is my opinion that the early production of this geographically, tightly-focussed Development Plan Document (DPD) meets a current need, that would not prejudice or pre-empt the development of options and policies of the Core Strategy for the District.
- 2.6 I conclude that the AAP meets soundness test i.

***Test ii – Compliance with a Statement of Community Involvement and Associated Regulations.***

- 2.7 The Council's Statement of Community Involvement (SCI) was submitted to the Secretary of State in January 2006 and, subject to some minor amendments, was found to be sound. The amendments were carried out and the SCI was adopted by the Council in September 2006. However, since the SCI was adopted after the consultation stages on the AAP were carried out, the Council must comply with the minimum requirements set out in the 2004 Regulations.
- 2.8 A wide range of individuals, groups, and specific general and other consultation bodies took part in consultation on the various stages of the production of the AAP, as indicated in PPS12, through individual letters, leaflet drops, public exhibitions and school projects. In addition to individual local residents, consultees included neighbouring and other authorities, utility companies and telecommunications operators, Government departments, voluntary bodies relevant to the District, bodies representing hard to reach groups within the community, bodies representing business interests in Biddulph, and developers and agents.
- 2.9 As noted in paragraph 2.4 above, substantial grant aid for the regeneration of Biddulph town centre is available through the Market Towns Programme, which is overseen by the Biddulph Regeneration Executive and Forum; a partnership of private, public and voluntary sector interests, which works to bring about the regeneration of Biddulph and extends back over several years. The AAP is fully endorsed by this representative partnership.

- 2.10 I am satisfied that the AAP meets the minimum requirements of the 2004 Regulations and that the community has been able and encouraged to participate in the preparation process of the AAP.
- 2.11 I conclude that the AAP meets soundness test ii.

***Test iii – Sustainability Appraisal***

- 2.12 Sustainability appraisals were undertaken at the Options (CD20), the Preferred Option (CD21), and the Submission Version stages of the AAP (CD22), in accordance with current national guidance. Details of the Scoping Report for the sustainability appraisals are contained in CD23.
- 2.13 I consider that the process, baseline information used and the outcomes are properly identified and that the options tested represent real rather than notional differences in policy, also that the AAP complies with the requirement of section 19(5) of the 2004 Act.
- 2.14 I conclude that the AAP meets soundness test iii.

**CONFORMITY TESTS OF SOUNDNESS**

***Test iv – Spatial Planning and Conformity with National Planning Policy, Regional Spatial Strategy and other Relevant Local Plans and Policies***

- 3.1 I am satisfied from the Baseline Report (CD8) that the AAP has been prepared in accordance with the guidance in PPS12 and that it takes account of local and regional regeneration strategies, local and regional economic and housing strategies, community development and Local Transport Plans. Evidence provided by the Council in CDs 11 and 25 indicates that such bodies as the Local Strategic Partnership, Advantage West Midlands, local housing associations, Staffordshire County Council Highways Department and all relevant departments within Staffordshire Moorlands District Council were consulted at the Issues and Options, Preferred Option and Submission Version stages of the AAP. I, therefore, conclude that the AAP is a spatial plan that has regard to other relevant plans, policies and strategies.
- 3.2 I consider that with minor exceptions, the AAP accords with national planning policy. Subject to changes being made to Policy DS3, which I refer to in detail in paragraphs 4.53, 4.54 and 4.57 below, and in Schedule I (6) of my recommended changes, the advice of Planning Policy Statement 3: Housing (PPS3) is complied with.
- 3.3 Core Document 56 summarises the approach of the AAP for ensuring compliance with Planning Policy Statement 6: Planning for Town Centres (PPS6). As I consider in more detail later in this report, in connection with Policies DS1 and DS2, it is my opinion that the AAP generally accords with PPS6. However, I recommend at paragraphs 4.41 and 4.50, and in Schedule 1 (5 i and ii) of this report a minor change to the Policy and supporting text of policy DS2, in order to add to its consistency with guidance given in PPS6.

- 3.4 However, I do not consider that the AAP deals with 'saved policies' of the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 strictly in accordance with guidance set out in paragraphs 5.8 – 5.11 of PPS12. To rectify this, I recommend that Section 1.2: Policy Content of the AAP should be amended to clarify that Staffordshire County Council intends to make application to the Secretary of State to save, after 2007, the Structure Plan Policies listed on Page 3 of the AAP. The incorrect references to some of the affected Structure Plan policies should also be amended.
- 3.5 Section 24(1) of the 2004 Act requires that a DPD must be in general conformity with the RSS for the region. The West Midlands Regional Assembly confirms in a letter dated 8<sup>th</sup> February 2006 (CD25) that the AAP is in general conformity with the adopted Regional Spatial Strategy (RPG11 2004).
- 3.6 I am, therefore, satisfied that the statutory requirements have been met in this regard and that subject to the changes indicated below, I conclude that the AAP meets soundness test iv.
- 3.7 The changes set out as Change Reference Numbers 1, 5 and 6 in Schedule 1 of this report are required for the AAP to be sound.**

***Test v – Conformity with the Community Strategy***

- 3.8 It is a statutory requirement for the local planning authority to have regard to relevant Community Strategies (section 19 (2f & g) of the 2004 Act). Further guidance on this matter is given at paragraph 1.10 of PPS12. In compliance with this requirement, Section 1.4 of the AAP sets out how aims of the Staffordshire Moorlands Community Strategy link with the AAP. Linkages with the Staffordshire Community Strategy 2005-2020 are detailed in CD26. At Section 3.1, the AAP sets out the spatial vision for Biddulph town centre, which is expanded upon in the Plan Objectives detailed at Section 3.2 of the AAP.
- 3.9 With one minor exception, I am satisfied that the AAP will be a key component in the delivery of the Community Strategies for the District and the County. My only concern in this regard is that strand 7 of the District's Community Strategy, which refers to inclusive accessibility to services and facilities, is not clearly reflected in the AAP objectives, having particular regard to the needs of people with special mobility requirements.
- 3.10 This should be rectified by an amendment to the second bullet point of the fourth objective of the AAP that inserts the word 'all' in front of the first reference to pedestrians.
- 3.11 With this amendment I conclude that the AAP meets soundness test v.
- 3.12 The change set out as Change Reference Number 2 in Schedule 1 of this report is required for the AAP to be sound.**

## **COHERENCE, CONSISTENCY AND EFFECTIVENESS TESTS OF SOUNDNESS**

### ***Background, Vision and Plan Objectives***

- 4.1 The first three sections of the AAP provide the background and policy context for the AAP, a brief description of Biddulph town centre and the Vision and Plan Objectives of the AAP. In my opinion, these sections of the AAP clearly set out its position in terms of existing policies and other plans, and geographically. In line with the RSS, the AAP formally identifies Biddulph as a Market Town; thus its Vision and Objectives clearly reflect this regional policy context.
- 4.2 The Structure Plan identifies Biddulph as a priority location in North Staffordshire, after the main urban areas, and as a 'small town centre' where small-scale organic growth or consideration is preferable. This scale is reflected in the AAP's Objectives.
- 4.3 Furthermore, Section 1.3 of the AAP clearly acknowledges the requirement for the AAP to be compatible with the regional and strategic policy context, and it correctly highlights the two main policy strands to which the AAP must adhere: that in terms of regenerating Biddulph, employment and retail development should be of a scale and nature to satisfy the needs of local employers and entrepreneurs. Also, that further house building in the town centre should be restricted to small additions to stock for local needs only, and having an emphasis on affordable housing.
- 4.4 With regards to its internal consistency, the Sustainability Scoping Report (CD23) demonstrates consistency between the objectives of the AAP, and the Sustainability Appraisal of the Submission Version of the AAP (CD22) shows that there is consistency between its policies.
- 4.5 As I refer at paragraphs 2.3-2.6 above, with the agreement of GOWM, the APP has been produced in advance of the Staffordshire Moorlands Core Strategy. Nevertheless, I consider that the LDS clearly identifies what its relationship with the Core Strategy will be. I have no reason to think that there would be any inconsistency between the two documents, especially as parts of their retail evidence base will be shared.
- 4.6 Concerning its consistency with documents prepared by neighbouring authorities, Page 3 of the AAP states that it is in line with the LDFs for the neighbouring authorities of Stoke-on-Trent and Newcastle-under-Lyme. The Council's Pre-Submission Consultation Statement (CD 11) and Regulation 31 Statement (CD25) indicate that neighbouring authorities and the County Council were consulted at various stages of the AAP production. Only the County Council made a comment concerning PPS10. The Baseline Report (CD8) also refers to cross boundary issues, which essentially relate to the North Staffordshire Major Urban Area.
- 4.7 Regarding its coverage, Pages 2-5 of the AAP detail how it fits in with the RSS, Structure Plan policies and the adopted Staffordshire Moorlands Local Plan. The AAP also indicates which policies will be superseded. No major

deficiencies in this regard have been raised by the GOWM, the Regional Assembly for the West Midlands, or by the County Council.

- 4.8 Based on all of this evidence, I am satisfied that the AAP is coherent and consistent in its general approach and that it meets soundness test vi.
- 4.9 As a post submission change, the Council has suggested that the terms 'sustainability appraisal' and 'spatial strategy' should be defined within the AAP (CDs 37 & 38). However, I do not consider that these additions are necessary in order to make the AAP sound.

### ***The Area-Wide Spatial Strategy***

- 4.10 The six area-wide policies contained in Section 4 of the AAP provide its spatial strategy and they serve a general development control function against which new development proposed within Biddulph town centre is assessed. In line with PPS6, these policies define and seek to consolidate the town centre and they inform which types of development will be permitted within and outside the primary shopping area at ground and upper floor levels. They indicate that the town centre will be pedestrianised to an extent that will be set out in a comprehensive traffic management plan; also, there is a presumption that developer contributions associated with appropriate new developments within the town centre will be sought. Supplementary Planning Guidance adopted by the Council in 2004 (CD43) gives further detail on the level and scope of such contributions. In addition, environmental best practice is sought in new development.
- 4.11 In my opinion, these town-centre wide policies will be effective in ensuring that it is redeveloped and regenerated in a sustainable manner, provided that the following three weak aspects are addressed.
- 4.12 Firstly, it was clear from the oral evidence given by the Council at the examination that it is its intention that the consolidated town centre/primary shopping area consists of only those properties that front the primary and secondary frontages defined on the AAP Proposals Map. However, the supporting text to Policy STRAT1: Consolidated Town Centre, informs that it includes both the primary and secondary shopping areas. In my opinion, the word 'includes' is ambiguous because it is not exclusive. For clarity, I consider that this word should be replaced by 'comprises'.
- 4.13 Secondly, I consider that the reference in Policy STRAT4: Pedestrianisation, to a civic square in front of Biddulph Town Hall and its identification on the AAP Proposals Map is potentially confusing, because it is not the intention of the AAP that the existing gardens in front of Biddulph Town Hall will be replaced. To clarify this, the words, 'civic square' in policy STRAT4 should be replaced by the words, 'existing public place' and the civic square designation should be removed from the AAP Proposals Map. For consistency, the supporting text to Policy T1 should also be amended accordingly.
- 4.14 Finally, whilst it is unhelpful and unnecessary to repeat Government policy, I consider that with reference to Planning Policy Statement 10: Planning for

Sustainable Waste Management (PPS10), the clarity of the AAP would be improved if reference was made in the text of Policy STRAT6: Environmental Best Practice, to waste management plans.

- 4.15 With these amendments I conclude that the AAP meets soundness tests vi, vii and ix insofar as it relates to the area-wide policies.
- 4.16 **The changes set out as Change Reference Numbers 3 and 10 in Schedule 1 of this report are required for the AAP to be sound.**

### ***Development Site Policies***

#### ***Introduction***

- 4.17 Section 5 of the AAP contains policies which refer to individual development sites, as identified on the AAP Proposals Map. It is intended that these policies should be read alongside the other policies of the AAP, the RSS and other relevant planning policy documents. Policies DS1 and DS2 allocate sites which include provision for significant additional food and non-food retail floor space within and at the edge of the consolidated town centre, as defined by Policy STRAT1.
- 4.18 The Council's Retail Study-Biddulph (CD12) indicates that around 75% of the money Biddulph residents spend on food is spent outside the town. The amount for comparison and bulky goods is approximately 92%. The retail allocations of Policies DS1 and DS2 are intended to claw-back some of this lost trade and to thereby provide a major boost to the vitality and regeneration of Biddulph town centre, in line with Objectives 1 and 2 of the AAP. In my opinion, the level of retail floor space that is allocated in these policies is appropriate to its Market Town function and to its wider position within the retail hierarchy.
- 4.19 The likely effects on surrounding centres is considered in the Council's evidence contained in CD40 and is referred to in the supporting text of Policy DS1, but for clarity, the incorrect reference there to the 'Retail Study' (CD12) should be amended to 'retail evidence'. This evidence shows that the greatest impact would be on supermarkets in Congleton and Tunstall. However, I have no reason to think that this would be significant in overall terms, and no representations have been made in this regard.
- 4.20 I turn now to consider the effectiveness, appropriateness and flexibility of the AAP having regards to Policies DS1 and DS2.

#### ***Policy DS1: Wharf Road Site***

- 4.21 The Wharf Road Site occupies brownfield land in multiple ownerships situated on the western side of the High Street between Wharf Road and the bypass road. It is currently occupied by mixed uses, which include a supermarket and a number of small retail units, social and community facilities, industrial uses, coach depot, car park and public open space. Policy DS1 allocates its redevelopment with a larger supermarket, 6-8 retail units and for car parking, providing around 400-500 spaces. In addition, a landmark gateway

building, cycle facilities, landscaping and links from the site to other parts of the town centre are sought. Provision is also made for the relocation of the library.

- 4.22 The Council considers that this redevelopment project is central to the regeneration of Biddulph town centre, and will be the catalyst that will attract back leakage of expenditure that is currently lost from the town. Thus the policy has clear linkages to the Development Plan contained in the RSS and to Objectives 1 and 2 of the APP.
- 4.23 However, the robustness of the Council's evidence supporting the size of the supermarket allocation and the timing of its gathering has been challenged. Concerning its credibility, I am satisfied from the Council's evidence, contained particularly in CDs 12 and 40, and from consideration of these matters at hearing sessions of the examination that the methodology of the Council's Retail Study is sound.
- 4.24 Concerning its conclusions, the calculation of capacity depends on the application of a number of assumptions, including the future fate of the existing food supermarket at the site, stores' average turnover figures, the retention level of main food spending within the Biddulph town centre catchment area and inflow levels. Evidence produced for and at the retail hearing sessions indicates that different application of these assumptions can result in a capacity figure significantly lower than the 4,500 square metres gross floor space allocated by Policy DS1.
- 4.25 In my opinion, the Council's capacity figure for food/convenience floor space, identified in CD12 as being nearly 3,600 square metres by 2013, is optimistic but not incredible. Furthermore, I think that the allocation in Policy DS1 of up to 4,500 square metres is both consistent with its evidence, and appropriate, taking into account that the Retail Study (CD12) figure excludes any additional allowance for comparison goods that are typically sold at higher order supermarkets, the need for Biddulph to improve its qualitative retail offer, the requirement of soundness test ix for the AAP to be flexible, and the guidance of PPS6 given at paragraph 2.42 that local planning authorities should set an indicative upper level for the scale of development.
- 4.26 Having regard to the timing of the availability of the retail evidence base, paragraphs 2.16 and 2.28 of PPS6 indicate that site allocation and selection should be informed by an assessment of need for new retail development. In addition, PPS12 requires that the policies of the AAP are based on sound evidence. Representors criticise that the Council's evidence supports rather than justifies the DS1 supermarket allocation.
- 4.27 However, having regard to the scope and chronology of the Council's retail evidence base, I do not consider that criticism is justified. A report commissioned by the Council and produced by CSR Partnership in 2003 (CD42) identifies considerable retail trade leakage from Biddulph town centre. The Issues and Options Report (CD9) produced in March 2005 by the Council's retail planning consultants refers to a retail study, produced in 2004 on behalf of a developer proposing a supermarket within the town centre,

which justifies an allocation of a supermarket up to around 5,300 square metres gross. Generally consistent with this, the Preferred Option Report (CD10) produced in June 2005 proposes the allocation of supermarket of approximately 5,110 square metres at the Wharf Road Site. A retail feasibility study (CD13), produced in October 2005 by consultants appointed by the Council, confirms that a food store having a floor area of 5,110 square metres could, with other uses, be fitted onto the Wharf Road Site.

- 4.28 In addition, consultants were commissioned by the Council, in September 2005, to undertake a district-wide retail capacity exercise, with the requirement that the summary findings in respect of Biddulph should be provided in advance, so as to inform the AAP prior to its submission for examination. The Biddulph element of the Retail Study (CD12) was produced in January 2006. On the basis of this Retail Study, the scale of the allocated supermarket was reduced from that proposed at the Preferred Option stage. Thus, in my opinion the retail allocation contained in Policy DS1 is justified by an evolving evidence base, which is quite properly being constantly reviewed.
- 4.29 I am also satisfied from evidence contained particularly in the Issues and Options Report (CD9) that in making the DS1 allocations the Council has considered all reasonable options and alternatives, as required by soundness test vii. For example, the siting of the new supermarket on the Bypass Site was considered in the Submission Version AAP, but subsequently rejected.
- 4.30 Policy DS1 also makes provision for 6-8 smaller retail units of around 100-300 square metres each, into which existing small shops that would be demolished could relocate and possibly expand, thus ensuring that the variety and quality of the retail offer of Biddulph town centre is not diluted.
- 4.31 In addition, in line with Objectives 4 and 5 of the AAP, the Policy seeks the provision of a large car park, cycle facilities, a landmark gateway building, landscaping, pedestrian links from the new car park into the town centre core and the relocation of the library, if its current site is redeveloped in accordance with Policy DS3. The supporting text indicates that this could possibly be at a first floor level.
- 4.32 In my opinion, this flexibility for the precise location of a new library accords with soundness test ix. Appropriate design could ensure that it would be fit for purpose and conveniently accessible to all users, including those with special mobility needs. However, in order to ensure that the Wharf Road Site is well served by a choice of means of transport, I recommend that it should be clarified that the Transport Assessment required by Policy DS1 should include provision for sustainable transport measures and a travel plan.
- 4.33 In line with Objective 6 of the AAP and to further aid flexibility, the Policy seeks to retain, if possible, existing features on the site that make a positive contribution to the quality of the environment of Biddulph town centre, and to its distinctiveness. However, in order not to stifle possible future designs and layouts for the comprehensive redevelopment of the Wharf Road Site, the Policy, correctly in my opinion, does not insist on the retention of those specified features, although in the case of open space fronting Station Road,

it requires any loss to be compensated for by alternative provision within the town centre.

- 4.34 However, I consider that in common with several other policies of the AAP, Policy DS1 is weak in terms of the intended mechanisms for its implementation, and consequently, soundness test viii. I address this matter more comprehensively later in this report, under the sub-heading 'Implementation and Monitoring Framework', where I recommend the insertion of further information concerning the implementation of all the development site, public realm and transport policies.
- 4.35 Taking into account that the Wharf Road Site is in multiple land ownerships, my recommended delivery strategy for this Policy informs that the Council will play the lead role in bringing this site forward, possibly by following a traditional development agreement approach and by using its compulsory purchase powers, if necessary.
- 4.36 With the amendments referred to above at paragraphs 4.19 and 4.32 of this report, I conclude that the AAP meets soundness tests vi, vii and ix insofar as it relates to Policy DS1.
- 4.37 **The changes set out as Change Reference Number 4 in Schedule 1 of this report are required for the AAP to be sound.**

***Policy DS2: Bypass Site***

- 4.38 The Bypass Site comprises greenfield and brownfield land on the western side of the Biddulph town centre bypass road. Policy DS2 seeks its comprehensive development with a mix of employment and non-food retail uses. It sets indicative levels of development, together with infrastructure, access, design and landscaping criteria, which are expanded upon in the supporting text. The policy also permits secondary leisure uses.
- 4.39 The site is located within 300 metres of the consolidated town centre and although the bypass road forms a physical separation, in my opinion, the site will be conveniently accessible to the town centre by the provision of footpath links that are required by Policy PR1. Therefore, with reference to Table 2, Annex A of PPS6, I consider that the site should be regarded as being edge-of-centre.
- 4.40 From evidence available in CDs 12 and 59, and from oral evidence given by the Council at the hearing sessions, I am satisfied that the evidence base for the allocation of the Bypass Site for part non-food retail uses is robust and PPS6 compliant with regards to paragraph 2.28. It is my understanding that non-food retail development at the scale permitted by Policy DS2 is intended to be commensurate with the identified quantitative and qualitative need, and the role and function of Biddulph town centre. However, in my opinion, this is not obvious from Policy DS2 or its supporting text.
- 4.41 As it stands, the Policy appears to say that the maximum gross non-food floor space allocated could total 14,500 square metres. However, the capacity

figure for non-food floor space given in the Council's Retail Study (CD12, Appendix 4 at Table 6) is less than this; at 9,836 square metres gross to 2016. In line with guidance contained in PPS6, the Council does not intend for 14,500 square metres of floor space to be built nor, consequently, for the figure in the Retail Study to be exceeded. The approach in the Policy is intended to offer flexibility and to indicate that the floor space could be developed in several combinations. Therefore, for clarity, I recommend that additional explanatory wording is added to the Policy text, after the non-retail bullet points to clarify this. Reference to the Retail Study should also be made in the supporting text of Policy DS2.

- 4.42 If the developments sought by Policies DS1 and DS3 of the AAP come to fruition, I am satisfied that sequentially, the Bypass Site is the most appropriate for retail and leisure uses, and that all other possible sites have been considered. However, if for any reason development does not take place in accordance with those policies, the text of Policy DS2 requires that the sequential approach is applied in compliance with PPS6. Furthermore, in the absence of detailed evidence to the contrary, I do not consider that development at the DS1: Wharf Road Site could be configured to also accommodate the non-food retail development sought by Policy DS2, even if the food retail development was significantly smaller than anticipated by Policy DS1.
- 4.43 With reference to the employment element of Policy DS2, I consider that it will enable improvement to local employment opportunities, in line with Objective 3 of the AAP. I am also satisfied that, taking into account likely employment relocations from the DS1: Wharf Road Site and de-allocation of greenfield land the subject of Policy DS7 for employment development, provision is made on the brownfield part of the Bypass Site at an appropriate level.
- 4.44 There is no identified need for leisure development in Biddulph town centre, but Policies STRAT1, STRAT2 and DS2 provide development management criteria, which would direct such development to the sequentially preferred locations.
- 4.45 I am satisfied that the Bypass Site will conveniently enable linked trips to the town centre without significantly impacting on the efficiency of the bypass road. The policy requires that applications for development include a Transport Assessment. However, in order to ensure that the site is well served by a choice of means of transport, I recommend that it should be clarified that this assessment should include provision for sustainable transport measures and a travel plan.
- 4.46 Having regard to soundness test vi, it is my opinion that the design and landscaping criteria of the Policy would ensure that development of this visually sensitive site is of a high quality that pays due regard to the distinctive Market Town identity of Biddulph, in line with Objectives 4 and 6 of the AAP. Thus, in my opinion, the internal coherence of the plan, particularly having regard to Policy PR2, which seeks to improve the environmental

quality of the bypass and to enhance the image of Biddulph, would not be jeopardised; thus the test is met.

- 4.47 However, I consider that Policy DS2 is weak in terms of the intended mechanisms for its implementation, and consequently, soundness test viii. I address this matter more comprehensively later in this report, under the sub-heading 'Implementation and Monitoring Framework', where I recommend the insertion of further information concerning the implementation of all the development site policies.
- 4.48 Taking into account that the Bypass Site is in multiple land ownerships and that the retail and employment elements are likely to be implemented by different developers, I have recommended that the strategy for delivering the site is in two phases. However, the first sentence of Policy DS2 states that a comprehensive development scheme is sought for the whole site. To avoid ambiguity, I therefore recommend that reference to phasing should also be added in the text of Policy DS2.
- 4.49 With these amendments I conclude that the AAP meets soundness tests vi, vii and ix insofar as it relates to Policy DS2.
- 4.50 **The changes set out as Change Reference Number 5 in Schedule 1 of this report are required for the AAP to be sound.**

***Policy DS3: Library Site and Adjoining Land***

- 4.51 Policy RR3 of the RSS supports the provision of additional housing to meet local needs, including affordable housing in Market Towns. This is reiterated in RSS Policy CF2, which adds that new residential development in Market Towns should not generally accommodate migration from the Major Urban Areas. In line with this regional context, the AAP acknowledges at Section 1.3 that in order not to exceed the maximum annual average rate of new housing provision set out in Policy CF3/Table1 of the RSS, there is a clear need for the Council to drastically reduce the number of dwellings permitted in the period up to 2021. Thus, further house building in the town centre should be restricted to providing for local needs only, with an emphasis on affordable housing supply.
- 4.52 Against this background, Policy DS3 proposes, in line with Objective 2 of the AAP, that the land to the west of High Street currently occupied by the library, together with the adjoining land to the south is developed for housing, provided that the library is suitably re-located within the town centre. Whilst, given its central location, the site is suitable for a range of town centre uses, for which alternative provision is made in the AAP, I consider that the site is also suitable for housing and would add to the mix of uses in the centre, as advocated by the Government in PPS6 and other guidance notes and statements. It is also my opinion that taking into account its relatively small scale, the residential development of this site would not seriously undermine a thrust of the RSS which seeks to underpin the regeneration of North Staffordshire through house building.

- 4.53 However, I consider that Policy DS3 and its supporting text have weaknesses in terms of PPS3 guidance and the RSS policy context, in that they fail to specify; the area of the site or the number of dwellings proposed, the minimum density or the density range, or that the housing provided should accord with an up-to date assessment of local needs, including affordable housing. Nor is mention made in the Policy or its supporting text that a mix of housing types should be provided at the site. If not rectified, these would detract from the soundness of the AAP.
- 4.54 In response to these criticisms of the policy, the Council has suggested amendments to Policy DS3 (CDs 37 & 38), which I generally endorse. In my opinion, the suggested density range of 40-75 dwellings per hectare for this 0.59 hectare site is in line with PPS3 guidance and appropriate in this town centre location. This scale of development would not conflict with the RSS and added references to residential mix and tenure, and to affordable housing, would aid the interpretation of the policy in line with the RSS. However, whilst I understand that in the regional context the aim is to reduce the dispersal of population from the Major Urban Areas, I do not consider that it is necessary to specify in Policy DS3 that the occupation of dwellings at the Library Site should be limited to local people only, as suggested by the Council, since this requirement may change and is not generally supported by current national policy. This is a matter of detail that is more appropriately contained in the Council's adopted Supplementary Planning Guidance (SPG); 'Housing for Local Needs & Affordable Housing', which will be subject to review in the Core Strategy.
- 4.55 With the amendments referred to above, I conclude that the AAP meets soundness tests vi, vii and ix insofar as it relates to Policy DS3. I make further recommendations for change concerning its implementation under the sub-heading of 'Implementation and Monitoring Framework' of this report.
- 4.56 Having regard to the size of the site and its town centre location, I do not consider that it is necessary or appropriate to further amend the Policy by adding a requirement for sustainable transport measures and a travel plan, as suggested by the Council at the request of the Highways Authority. Nor do I think it appropriate to provide a through road linking onto Wharf Road, because the road geometry would be problematic, the costs would be significant and such provision is not included in the Local Transport Plan. Furthermore, it is unnecessary to enable the part pedestrianisation of High Street.
- 4.57 **The changes set out as Change Reference Number 6 in Schedule 1 of this report are required for the AAP to be sound.**

***Policy DS4: Walley Street Area***

- 4.58 The area immediately to the north of the town centre, focussed around Walley Street, has historically been a mixed residential and employment area, however many of the industrial premises are not suited for current industrial and commercial needs. The AAP intends that this mix of uses be retained; with the improvement and redevelopment of the old industrial

premises. Thus Policy DS4 states that in partnership with landowners in the Walley Street area, the Council seeks the refurbishment of the employment premises or their replacement with more suitable employment premises. It also permits limited residential development where this helps to bring forward an employment development. These policy aims accord with Objective 3 of the AAP.

- 4.59 Whilst I consider that Policy DS4 meets soundness tests vi and vii, I have concerns regarding tests viii and ix. Those relating to test viii I address and make recommendations upon under the sub-heading of 'Implementation and Monitoring Framework' of this report.
- 4.60 With regards to test ix, it is my opinion that the reference to 'Limited' residential development in the last sentence of the Policy text makes it too inflexible. Allowing some residential development is intended to be an enabling mechanism for improving the quality of the industrial sites and premises in the area. However, many of the sites are small and, in my opinion, rigid application of 'limited' in this context could thwart potential refurbishment/redevelopment schemes. I consider that the aims of the policy could be more realistically and flexibly achieved by clarifying, within the Policy text, the land uses balance sought and by deleting the word 'limited'.
- 4.61 I conclude that with this amendment, the AAP meets soundness tests vi, vii and ix with reference to Policy DS4.
- 4.62 **The changes set out as Change Reference Number 7 in Schedule 1 of this report are required for the AAP to be sound.**

***Policy DS5: Nos 2-32 High Street and Policy DS6: 77 Tunstall Road***

- 4.63 Policies DS5 and DS6 seek the refurbishment of prominent townscape premises in poor condition, in accordance with AAP Objectives 4 and 6. My only concern regarding these policies hinges around consideration of soundness test viii, which I address and make recommendations upon under the sub-heading of 'Implementation and Monitoring Framework' of this report.
- 4.64 I conclude that the AAP meets soundness tests vi, vii and ix insofar as it relates to Policy DS5 and Policy DS6.

***Policy DS7: Open Land Between Walley Street Area and Bypass***

- 4.65 This policy designates open greenfield land between the Walley Street area, which is the subject of Policy DS4, and the bypass road as Visual Open Space, in order to ensure the preservation of a 'green lung' within the town centre. This would accord with Objective 6 of the AAP. The site is allocated as an employment site in the adopted Staffordshire Moorlands Local Plan. However, I am satisfied from the Council's evidence that following its re-assessment of employment land requirements adequate, alternative sites have been identified. I am also satisfied that no other need for this land is likely to occur for the duration of the AAP.

- 4.66 The site meets several of the criteria for Visual Open Space, as set out in Policy R5 of the adopted Local Plan (incorrectly referred to in the supporting text to Policy DS7 as 'R4') and in my opinion, it is an appropriate designation of the land, which will provide certainty regarding its use. Public access is not a designation criterion, thus the landowner's support is not required to promote this development management policy.
- 4.67 For clarity, I consider that the adopted Local Plan policy reference should be corrected and also that Policy DS7 should be added to the key on the AAP Proposals Map. I conclude that with these amendments, the AAP meets soundness tests vi, vii and ix with reference to Policy DS7. I make recommendations concerning its implementation under the sub-heading of 'Implementation and Monitoring Framework' of this report.
- 4.68 **The changes set out as Change Reference Number 8 in Schedule 1 of this report are required for the AAP to be sound.**

### ***Public Realm Policies***

- 4.69 As the title of this Section 6 of the AAP suggests, this suite of three policies seeks the improvement of various elements of the public domain, in line with Objectives 4, 5 and 6 of the AAP. However, in my opinion, the absence of any details of their intended implementation mechanisms leaves them unacceptably aspirational in nature, and as a consequence renders the APP unsound with regards to test viii. I address this shortcoming and make recommendations for its rectification under the sub-heading of 'Implementation and Monitoring Framework' of this report.
- 4.70 I also consider that with reference to Policy PR1: Footpath Improvements, part c), the AAP is unsound having regards to test vii. This element of the policy, which is also shown on the AAP Proposals Map, seeks the improvement of the footpath cutting through the main Council car park connecting the High Street with the Bypass Site, by the provision of a pedestrian crossing over the bypass road.
- 4.71 However, from my observation of the site and the comments of the Highways Authority, I consider that the geometry of the junctions will not allow a satisfactory crossing at the point shown on the AAP Proposals Map. I conclude that to ensure satisfactory pedestrian links with the consolidated town centre a regulated pedestrian crossing over the bypass is necessary, but this would be more appropriately located approximately 15 metres south of the commencement of the right turn lane within the white hatched area of the bypass road. This would act as a secondary crossing point on the bypass, mainly serving the residential area on the eastern side in the Diamond Close area.
- 4.72 Amendment to the Policy text and the AAP Proposals Map are required to reflect this change. Also, since occupation of retail units can change over time, I consider that any references to a particular operator as a landmark

could result in confusion if the occupiers of premises change in the future; they should, therefore, be deleted.

- 4.73 With these amendments I conclude that the AAP meets soundness tests vi, vii and ix insofar as it relates to Policy PR1, Policy PR2 and Policy PR3.
- 4.74 **The changes set out as Change Reference Number 9 in Schedule 1 of this report are required for the AAP to be sound.**

### ***Transport Policies***

- 4.75 Section 7 of the AAP contains a group of four policies which refer to traffic management proposals, including one-way flows on some streets and pedestrianisation (or partial) of part of the High Street in front of the Town Hall, the implementation of specified cycle routes and the provision of cycle and taxi facilities. I have recommended a slight change to the supporting text of Policy T1: Traffic Management proposals at paragraphs 4.13 and 4.16 of this report, to ensure its consistency with Policy STRAT4.
- 4.76 I consider that the transport policies of the AAP clearly relate to its Objectives 1, 2, 4 5 and 6. However, taking into account that any pedestrianisation of High Street will have a significant impact on the functioning and environmental quality of Biddulph town centre, I find Policy T1 to be unacceptably vague in terms of its implementation mechanisms. I address this weakness and make recommendations for its rectification under the sub-heading of 'Implementation and Monitoring Framework' of this report. Those details indicate that a considerable amount of work and consultation on possible traffic management proposals was carried out at the various stages of preparation of the AAP and that alternative schemes have been subject to sustainability appraisals.
- 4.77 Furthermore, the supporting text of the policy states that the final details of the proposals, based on the principles outlined in the AAP, will be the subject of further consultation. Thus, I consider that the AAP would not be rendered procedurally unsound, as judged by tests i-iii, as a result of my recommended changes regarding the implementation of Policy T1.
- 4.78 This weakness concerning soundness test viii is also suffered by Policies T2, T3 and T4, which I address and make recommendations for rectification under the sub-heading of 'Implementation and Monitoring Framework' of this report below.
- 4.79 However, I conclude that with the amendment set out as Change Reference Number 10 in Schedule 1 of this report, the AAP meets soundness tests vi, vii and ix insofar as it relates to Policy T1, Policy T2, Policy T3 and Policy of T4.

### ***Implementation and Monitoring Framework***

- 4.80 Soundness test viii requires a DPD to contain clear mechanisms for implementation and monitoring; indeed, paragraph 2.17 of PPS12 states that

a key feature of an area action plan will be the focus on implementation. These are contained in Sections 8 and 9 of the AAP.

- 4.81 In my opinion, the monitoring framework of the AAP is robust. It includes clear targets and indicators that are linked to the AAP Objectives. Those which relate to housing will have targets set in the Core Strategy. The targets of the AAP show how the indicators will be measured and where possible, they have been selected to correspond with those specified by the Government as LDF core output indicators, as set out in the ODPM document, 'Local Development Framework Monitoring: Good Practice Guide'. Thus, they will be contained in data collected for the whole District and produced in the Annual Monitoring Reports.
- 4.82 In contrast, I consider that the implementation framework for the AAP is weak. Whilst, by means of a chart, it gives estimates of the project feasibility, detailed design and construction phases for the development site policies, it provides little indication of who is intended to implement the projects referred to in the policies, or commitment to do so. Furthermore, it fails to provide any delivery mechanisms or timescales for the Public Realm or Transport policies, contained respectively in Sections 6 and 7 of the AAP. As a consequence, these latter policies appear to be unacceptably aspirational and/or ineffectual.
- 4.83 I find this lack of detail and rigour of the Implementation Framework of the Submission Version of the AAP to be somewhat surprising, because the Preferred Option version of the AAP is very much more detailed and robust in this regard. Whilst succinct plans are recommended (PPS12 paragraph 2.2), I consider that the brevity of its Section 8: Implementation Framework, detracts from the soundness of the AAP.
- 4.84 In response to my concern regarding this matter, which I publicly highlighted early in the hearings part of the examination process, the Council has produced CD57 that is based on information contained in the Preferred Option Report (CD10) and is partly summarised in the Council's examination opening statement (CD61).
- 4.85 Core Document 57 includes a table which clarifies the lead implementation agency and delivery timescales for the Development Site, Public Realm and Transport policies, on a policy-by-policy basis, which would supplement the information provided in the existing chart. Additional text that would significantly expand and replace Section 8.7 of the AAP is also suggested in CD57. This revised section would present an outline delivery strategy for each of those policies.
- 4.86 As far as I am aware, all of the information contained in CD57 is contained elsewhere in public documents, upon which the public has had the opportunity to comment. Furthermore, the Preferred Option Report (CD10) has been subject to a sustainability appraisal (CD21). Thus, with reference to the guidance contained in PPS12 at paragraph 4.18, I am satisfied that I am able to recommend the inclusion of the changes contained in CD57, which I

set out in full below and which I conclude would render the AAP sound having regard to soundness test viii.

**4.87 The changes set out as Change Reference Numbers 11, 12 and 13 in Schedules 1 and 2 of this report are required for the AAP to be sound.**

**RECOMMENDED CHANGES**

5.1 The following changes are required to make the Biddulph Town Centre Area Action Plan sound:

**5.2 SCHEDULE 1:**

Change Ref. No.	AAP Policy/ Text Ref.	Recommended Change
1	1.2 Policy Context	i) Amend the third sentence of the first paragraph on Page 3 of the AAP to read: These policies are likely to be saved beyond 2007 and therefore remain valid. The Council's Core Strategy will eventually supersede Structure Plan policies, and when this occurs, an amendment will be made to the AAP which substitutes the relevant new Core Strategy policies for the old Structure Plan ones.  ii) Amend on Page 3 of the AAP the references given to Policies T1 and T2, to TC1 and TC2 respectively.
2	3.2 Plan Objectives	i) Insert the word 'all' in front of the word 'pedestrians' in the first sentence of the second bullet point of the fourth Objective of the AAP so that it reads: The priority given to all pedestrians should be clear.
3	4.1 Spatial Strategy	i) In the first sentence of the second paragraph of the supporting text to Policy STRAT1 replace the word, 'includes' with the word: comprises.  ii) Remove reference to 'Civic Square' from the AAP Proposals Map.  iii) Amend Policy STRAT4 by removing in the first sentence the words; 'civic square' and by replacing them with the words: existing public space.  iv) Add a second paragraph to Policy STRAT6 to read: New development should be supported by site waste management plans. Design that can secure opportunities for sustainable waste management e.g. kerbside recycling and community recycling will be encouraged.

4	Policy DS1: Wharf Road Site	<p>i) After the words 'Transport Assessment' in the last paragraph of the text of Policy DS1 add the words: ..., which includes the requirement for sustainable transport measures and a travel plan, S106...</p> <p>ii) Replace the reference to 'Retail Study' in the first full paragraph of the supporting text to Policy DS1 on page 18 of the AAP with the words: retail evidence.</p>
5	Policy DS2: Bypass Site	<p>i) Amend Policy DS2 by adding a sentence after the non-food retail use bullet points which reads: The level of non-food retail development should not exceed 9,836 m<sup>2</sup> (gross) taking into account any other intervening retail provision in Biddulph.</p> <p>ii) Insert a sentence at the end of the fifth paragraph of the supporting text to Policy DS2 which reads: The District Council's Retail Study – Biddulph has identified a need for up to 9,836 m<sup>2</sup> (gross) non-food retail floor space (including bulky goods) in Biddulph.</p> <p>iii) After the policy text added in accordance with recommendation i) above, add a further paragraph of policy text which reads: Development of the site may be phased, provided that it is clearly demonstrated that any separate phases are capable of satisfactory integration.</p> <p>iv) After the words 'Transport Assessment' in the penultimate paragraph of the text of Policy DS2 add the words: ..., which includes the requirement for sustainable transport measures and a travel plan, ...</p>
6	Policy DS3: Library Site and Adjoining Land	<p>i) Amend Policy DS3 to read: <i>(Note that the required changes are shown in bold type)</i></p> <p>Land currently occupied by the library (and the adjoining site to the south) <b>(0.59 ha)</b> will be developed for high density residential development, subject to the provision of an equivalent or better new library premises elsewhere in the town centre.</p> <p>A comprehensive design for the land currently occupied by the library is required. This should include:</p> <ul style="list-style-type: none"> <li>• High-density residential <b>development of 40-75 dwellings per hectare in line with standard guidance in PPS3. The residential mix and tenure types should be appropriate to meet local needs at the time the planning application is submitted;</b></li> <li>• Access from High Street;</li> </ul>

		<ul style="list-style-type: none"> <li>• High quality landscaping along the boundary with the existing car park to the north; and</li> <li>• High quality design, particularly in relation to neighbouring residential properties.</li> </ul> <p>The land to the north west of the library, currently the south western part of the main town centre car park, may be suitable for residential development if:</p> <ul style="list-style-type: none"> <li>• the need for residential development can be demonstrated; and</li> <li>• there are no more suitable sites for residential development in the town centre.</li> </ul> <p>Applications for development on this site must include a Transport Assessment. <b>They should also accord with the District Council's adopted Supplementary Planning Guidance (SPG); 'Housing for Local Needs &amp; Affordable Housing'. This SPG will be subject to review in the Core Strategy. The requirement for affordable housing on the site will be in accordance with adopted Council policy.</b></p>
7	Policy DS4: Walley Street Area	<p>i) Amend the last sentence of Policy DS4 to read: Residential development may be acceptable where this helps to bring forward an employment development, including live/work units. However, the overall quantities of land occupied by employment and residential uses should not alter significantly in this area.</p> <p>ii) Delete from the third paragraph of the supporting text to Policy DS4 the third sentence which reads: However, the overall quantities of land occupied by employment and residential uses should not alter significantly in this area.</p>
	Policy DS5: Nos 2-32 High Street	No change recommended
	Policy DS6: Tunstall Road	No change recommended
8	Policy DS7: Open Land Between Walley Street Area and Bypass	<p>i) In the last sentence of the first paragraph of the supporting text to Policy DS7 amend the adopted Local Plan reference from R4 to R5.</p> <p>ii) Add details of Policy DS7 beneath those to Policy DS6 on the key to the AAP Proposals Map.</p>
9	Policy PR1: Footpath Improvements	i) Amend the text of Policy PR1c) to read: c) footpath cutting through the main Council car park (adjacent to the free standing retail store) connecting the High Street (via footpath b) with the

		<p>Bypass Site via Diamond Close. A pedestrian refuge should be provided across the bypass;</p> <p>ii) Revise the AAP Proposals Map to show the footpath referred to in part c) of Policy PR1 in the amended position described above.</p>
	Policy PR2: Bypass	No change recommended
	Policy PR3: Town Centre Gateways	No change recommended
10	Policy T1: Traffic Management Proposals	i) Amend the second sentence of the second paragraph of the supporting text to Policy T1 so that it reads: This will allow the highway in front of the Town Hall to be used as a public space.
	Policy T2: Cycle Routes	No change recommended
	Policy T3: Cycle Facilities	No change recommended
	Policy T4: Taxi Facilities	No change recommended
11	8.2 Programme for Delivery	<p>i) Amend the last sentence of Section 8.2 of the AAP so that it reads: The implementation of the other policies in the Area Action Plan will occur through the delivery of the main development sites as well as the delivery of other smaller projects within the town centre as summarised in the table subsequent to the following chart.</p> <p>ii) After the chart on Page 34 of the AAP add the table that is attached as Schedule 2 of this report.</p>
12	8.7 Project Approach	<p>i) Delete Section 8.7 - Project Approach of the AAP and replace it with the following text:</p> <p><b>8.7 Delivery Strategy</b></p> <p>It is anticipated that the major retail proposals identified in the Area Action Plan will be delivered by a commercial interest, working with the support of the District Council, which is a significant landowner within the major redevelopment sites (DS1 and DS2), and which will use its land holdings strategically to secure delivery. Any sale/transfer of ownership from the District Council will be conditional upon the chosen developer making progress against agreed key milestones, e.g., securing planning permission.</p> <p><b>SITE DS1 - WHARF ROAD SITE</b></p> <ul style="list-style-type: none"> <li>• <i>Lead Agency – Staffordshire Moorlands District Council</i></li> <li>• <i>Funding Source – Private Sector Investment</i></li> </ul>

		<p>Reflecting the fact that the District Council has significant land interests within the proposed development site, it will play the lead role in bringing the site forward. Key steps in achieving the redevelopment of this site are:</p> <ul style="list-style-type: none"><li>• Selecting a preferred developer</li><li>• Assembling the site into one ownership</li><li>• Completing necessary site investigations, engineering, transport studies</li><li>• Undertaking pre-application consultation on design and layout</li><li>• Securing planning permissions and other consents</li><li>• Relocating existing occupiers</li><li>• Construction phase</li><li>• Operation</li></ul> <p>Having considered various ways in which it might work with the private sector to take the proposals forward, the District Council's preferred approach is that of a traditional development agreement.</p> <p>Associated with this approach, the Council will decide whether to market the opportunity widely, including national advertising, and inviting expressions of interest followed by schemes and financial offers. An alternative route would be to market the opportunity by direct invitations to the major food store operators. There are advantages and disadvantages associated with both these approaches and the Council will take further advice from its advisors. However, a critical factor in the selection of any commercial partner will be evidence of deliverability, which will include a number of considerations including any existing/potential interests in the land and evidence of an end-user(s).</p> <p>The selected developer will be responsible for acquiring outstanding third party land interests. This liability will relate to both negotiating acquisitions by agreement and funding those acquisitions. If necessary, the District Council will consider using its compulsory purchase powers. In this situation, whilst the District Council will make the Compulsory Purchase Order (CPO), all costs associated with it shall be underwritten by the selected developer. The District Council will, therefore, be indemnified in this respect.</p> <p>Assuming that any Compulsory Purchase Order was eventually confirmed, the District Council will use General Vesting Declarations (GVDs) to acquire individual interests. The developer will underwrite the costs of acquisition.</p> <p><b>SITE DS2 - BYPASS SITE</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Private Sector Developer/Staffordshire Moorlands</i></li></ul>
--	--	--

		<p><i>District Council</i></p> <ul style="list-style-type: none"><li>• <i>Funding Source – Private Sector Investment</i></li></ul> <p>Reflecting that the Bypass site is identified for two distinct land uses, employment and non-food retailing, the strategy for delivering the site is in two phases.</p> <p>Phase One will be delivered by the private sector and will provide the non-food retailing elements of Policy DS2 and the necessary road infrastructure to allow development of Phase Two - the employment element of the scheme.</p> <p>The majority of the Phase Two area is owned by the County Council, with the District Council owning a minority share. The District Council may work with the County Council to bring forward employment units on this site. Alternatively, the publicly owned land may be sold to a developer if this proves more attractive on financial and delivery grounds. In either case, the land will be used to assist delivery of site DS1. A decision on which route to take is dependent on progress made in delivering Phase One of site DS2 and progress on assembly of land at site DS1.</p> <p><b>SITE DS3 – LIBRARY SITE AND ADJOINING LAND</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Staffordshire County Council</i></li><li>• <i>Funding Source – Private Sector Investment</i></li></ul> <p>This residential allocation is in three ownerships. The former market site is privately owned and planning permission has already been obtained to build residential units. The remaining part of this allocation is owned by Staffordshire County Council (current library site) and Staffordshire Moorlands District Council (southern end of main car park).</p> <p>Policy DS1 permits the relocation of the library from site DS3 to a more central location. Assuming this is achieved, site DS3 will be available for residential redevelopment. It is likely this will be a combined land sale from the public to private sector, based on a residential allocation.</p> <p><b>SITE DS4 – WALLEY STREET AREA</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Private Sector Owners</i></li><li>• <i>Funding Source – Private Sector Investment. If live/work units prove feasible then an existing capital allocation of around £100,000 is available to support this project through the Biddulph Market Towns Programme.</i></li></ul> <p>DS4 is essentially a development management policy. Proposals from private sector owners to redevelop existing employment</p>
--	--	--

		<p>uses in the Walley Street area will be assessed against this policy. It provides for the delivery of residential development in an ancillary and enabling capacity, where this can be achieved in harmony with and helps secure a replacement employment unit(s).</p> <p>The District Council, in partnership with the emerging Active Biddulph Community Development Trust, is developing proposals for live/work units in the town. The current vacant employment premises in the Walley Street area are actively being examined as potential properties suitable for conversion to live/work units.</p> <p><b>SITE DS5 – NUMBERS 2-32 HIGH STREET</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Private Sector Owners/Staffordshire Moorlands District Council</i></li><li>• <i>Funding Source – Private Sector Investment, plus support from Shop-Front Grant Scheme provided by the Biddulph Market Towns Programme.</i></li></ul> <p>These properties are in a variety of private ownerships and differ in their state of repair ranging from some in good condition to others that are extremely poor.</p> <p>The District Council and partners have contacted the owners of the properties in the worst state of repair. A pro-active 'carrot and stick' approach is in place. Statutory mechanisms are being pursued outside the planning system, which require improvements to be made. In addition, a generous Shop-Front and First Floor Improvement Grant Scheme will be launched in January 2007 as part of the Biddulph Market Towns Programme, which will help deliver improvements. In either case, the Council will consider pursuing a CPO of the poorest properties if the other approaches fail.</p> <p><b>SITE DS6 – NUMBER 77 TUNSTALL ROAD</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Private Sector Owner/Staffordshire Moorlands District Council</i></li><li>• <i>Funding Source – Private Sector Investment, plus support from Shop-Front Grant Scheme provided by the Biddulph Market Towns Programme.</i></li></ul> <p>This property is in private ownership and also forms an important gateway into the town centre. As with those properties affected by Policy DS5, a pro-active 'carrot and stick' approach is in place, including consideration of a CPO and availability of grant aid.</p>
--	--	---

	<p><b>SITE DS7 – OPEN LAND BETWEEN WALLEY STREET AND BYPASS</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Private Sector Owner/Staffordshire Moorlands District Council</i></li><li>• <i>Funding Source – Limited change proposed</i></li></ul> <p>The Council will seek to negotiate and support minor improvements such as planting and establishment of a management regime as appropriate.</p> <p><b>POLICY PR1 – FOOTPATH IMPROVEMENTS</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Staffordshire Moorlands District Council/Staffordshire County Council</i></li><li>• <i>Funding Source – Biddulph Market Towns programme (a &amp; b)</i></li><li>• <i>Funding Source – Developer contributions (c, d &amp; e)</i></li></ul> <p>A range of improvements is required across these existing/proposed routes. Footpaths (a) and (b) will be brought forward through the Biddulph Market Towns Programme as part of the overall delivery of pedestrianisation/traffic management. Staffordshire Moorlands District Council is working in partnership with Staffordshire County Council to finalise these overall arrangements in association with the Biddulph Regeneration Executive.</p> <p>Routes (c), (d) and (e) are linked to the development of sites DS1 and DS2. Developer contributions will be sought to deliver these improvements. They will be undertaken directly by the developer as part of the construction process or will be contributions to the wider programme being delivered by Staffordshire County Council, depending on the route. This will depend on location and timing relative to the delivery of sites DS1 and DS2.</p> <p><b>POLICY PR2 – BYPASS</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Private Developer/Staffordshire Moorlands District Council</i></li><li>• <i>Funding Source – Private Sector Investment</i></li></ul> <p>Some improvements have already been made to landscaping along the Bypass. The main impact will be associated with the development of sites DS1 and DS2.</p> <p><b>POLICY PR3 – TOWN CENTRE GATEWAYS</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Staffordshire County Council/Biddulph Regeneration Executive</i></li><li>• <i>Funding Source – Biddulph Market Towns Programme</i></li></ul>
--	--

		<p>As is the case with Policy PR2, some improvements to these gateways have already been made. Improvements to the Wharf Road/Bypass junction will be achieved through delivery of site DS1.</p> <p>Initial improvements at the High Street/Well Street junction have been achieved through an improved public realm on the High Street (completion of phase one). Further improvements will be sought as part of the delivery of site DS4.</p> <p>Improvements to the War Memorial area are linked to the development of site DS1 and the delivery of phase two of the traffic management/public realm works.</p> <p><b>POLICY T1 (also STRAT4) – TRAFFIC MANAGEMENT PROPOSALS (PEDESTRIANISATION)</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Staffordshire County Council/Biddulph Regeneration Executive</i></li><li>• <i>Funding Source – Private Sector Investment; Biddulph Market Towns Programme</i></li></ul> <p>The District Council will work with the County Council and the Biddulph Regeneration Partnership to finalise the traffic management proposals for the town centre. This includes (part) pedestrianisation proposals, amended traffic flows, replacement of public transport facilities and public realm improvements.</p> <p>Changes to traffic flows and other major changes will require new Traffic Regulation Orders. Staffordshire County Council, on behalf of the Biddulph Executive, will prepare the Orders. Phase one of the High Street public realm improvements have been completed. Phase two is being planned. Some of the Traffic Regulation Orders required for phase two are already in place and ready to be implemented.</p> <p>Around £500,000 is allocated within the Biddulph Market Towns programme to implement the Transport policies.</p> <p><b>POLICY T2 – CYCLE ROUTES</b></p> <ul style="list-style-type: none"><li>• <i>Lead Agency – Staffordshire County Council/Biddulph Regeneration Executive</i></li><li>• <i>Funding Source – Private Sector Investment; Biddulph Market Towns Programme</i></li></ul> <p>Contributions will be sought from the relevant developers to implement the cycleway from the Biddulph Valley Way, via site DS2, into the town centre site DS1.</p>
--	--	--

		<p>The town centre cycleway along John Street will be funded via the Biddulph Market Towns Programme allocation.</p> <p>The cycleway will be implemented by Staffordshire County Council.</p> <p><b>POLICY T3 – CYCLE FACILITIES</b></p> <ul style="list-style-type: none"> <li>• <i>Lead Agency – Staffordshire County Council/Biddulph Regeneration Executive</i></li> <li>• <i>Funding Source – Private Sector Investment; Biddulph Market Towns Programme</i></li> </ul> <p>Cycle facilities at sites DS1 and DS2 will be secured via a S106 agreement with the relevant developers.</p> <p>Cycle facilities linked to a new interchange (Policy T1) will be financed by existing public sector commitments as part of the wider traffic management proposals for the town centre.</p> <p><b>POLICY T4 – TAXI FACILITIES</b></p> <ul style="list-style-type: none"> <li>• <i>Lead Agency – Staffordshire County Council/Biddulph Regeneration Executive</i></li> <li>• <i>Funding Source – Private Sector Investment; Biddulph Market Towns Programme</i></li> </ul> <p>The District Council will work with the County Council and the Biddulph Regeneration Partnership to relocate the current taxi facility as part of the wider traffic management proposals for the town centre. There are only limited costs associated with this specific policy, including potential kerb realignment, white-lining and signage. It will be financed via developer contributions if brought forward as part of the DS1 scheme, or via existing public sector commitments if brought forward in a location not connected to site DS1.</p>
--	--	--

**5.3 SCHEDULE 2: Change Reference No. 13 Required To Make the Biddulph Town Centre Area Action Plan Sound**

<b>Policy</b>	<b>Lead Agency</b>	<b>Timescale</b>
<b>DS1</b>	Staffordshire Moorlands District Council (SMDC)	Completion estimated by December 2009.
<b>DS2</b>	Private developer/SMDC	Full completion estimated mid 2010. Delivery of retail element completed mid 2008.
<b>DS3</b>	Staffordshire County Council	Dependent upon completion of DS1 – development complete late 2010.

<b>DS4</b>	Private Owners	Development management policy – timescales will depend on owners/occupiers intentions.
<b>DS5</b>	Private owners/ SMDC	Poorest properties will be targeted first. Estimated that it may take up to five years for all properties to be improved to a high standard.
<b>DS6</b>	Private owner/ SMDC	Single property – completion estimated by December 2007.
<b>DS7</b>	Private owner/ SMDC	No substantial change proposed. Negotiations completed by December 2007.
<b>PR1</b>	Staffordshire County Council (SCC)/SMDC	Routes (a) and (b) to be delivered by mid 2008 as part of public realm improvements. Routes (c) and (d) reliant upon contribution from DS2 – estimated completion by mid 2008. Route (e) will be delivered in line with DS1 (completed by December 2009).
<b>PR2</b>	Private developer/ SMDC	Main improvements delivered as part of DS1 and DS2 delivery (see above).
<b>PR3</b>	SCC/ Biddulph Regeneration Executive	Wharf Road/bypass junction by December 2009; High Street War Memorial by December 2009 (linked to DS1 and DS5); High Street/Well Street junction linked to DS3 timescale.
<b>T1 (STRAT 4)</b>	SCC/ Biddulph Regeneration Executive	Delivery of revised traffic management arrangements by end of 2008. Any elements requiring integration with DS1 will not be completed until December 2009.
<b>T2</b>	SCC/ Biddulph Regeneration Executive	Completion of cycle route from Biddulph Valley Way estimated by end of December 2008 following delivery of retail scheme at DS2. John Street cycle route delivered as part of traffic management proposals (December 2008).
<b>T3</b>	SCC/ Biddulph Regeneration Executive	Cycle facilities to be delivered as part of DS1 and DS2 (see timescales above).
<b>T4</b>	SCC/ Biddulph Regeneration Executive	Taxi facility estimated to be delivered as part of revised traffic management arrangements by end of 2008. However, should the taxi facility require integration with DS1 it will not be completed until December 2009.

## OVERALL CONCLUSIONS

6.1 I conclude that with the amendments that I recommend in this report, which are set out in full in the above two schedules of necessary changes, the Biddulph Town Centre Area Action Plan satisfies the requirements of Section 20(5) (a) of the 2004 Act and the associated Regulations, and that it meets the tests of soundness set out in PPS12 (paragraph 4.24).

*Shelagh Bussey*  
Inspector