



STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

DECISION STATEMENT : BIDDULPH NEIGHBOURHOOD DEVELOPMENT ORDER and BIDDULPH NEIGHBOURHOOD PLAN

**Planning and Compulsory Purchase Act 2004 Part 3 Section 38A (4)
Neighbourhood Planning (General) Regulations 2012 (Regulation 19)**

Date: 31st January 2024

Following a positive result at Referendum, Staffordshire Moorlands District Council (under delegated powers on 31st January 2024) resolved to make (adopt) the Biddulph Neighbourhood Plan and Biddulph Neighbourhood Development Order.

Biddulph Neighbourhood Plan and Biddulph Neighbourhood Development Order now form part of the statutory development plan and will be used by Staffordshire Moorlands District Council (SMDC), alongside the Staffordshire Moorlands Local Plan, for determining applications for development within the Biddulph Neighbourhood Area / part of the Biddulph Neighbourhood Area to which the Neighbourhood Development Order applies.

1. Background

- 1.1 Staffordshire Moorlands District Council accepted the application by Biddulph Town Council to be recognised as the 'appropriate body' under paragraph 61F of the Town & Country Planning Act 1990 on the 16th February 2016, and formally designated the Biddulph Neighbourhood Area.
- 1.2 The Pre-Submission NDO and NP both underwent consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the Regulations') between 23rd September until 4th November 2019.
- 1.3 Subsequently, the draft NDO, NP and supporting documents were submitted by Biddulph Town Council to the District Council under Regulation 15(1) on 26th February 2021. Following consideration by SMDC, both documents were then formally published for comments (statutory "regulation 16") for a period of six weeks between 15th July and 27th August 2021.
- 1.4 Mr John Slater BA (Hons) DMS MRTPI was then appointed by SMDC with the consent of Biddulph Town Council to undertake the examination of the NDO and NP concurrently, and to prepare a report of the independent examination. The examination commenced on 12th October 2021 and was conducted through written representations. The Examiner's report was received on the 2nd February 2022. It concluded that the NDO and NP, subject to recommended modifications, meet the basic conditions set out in the legislation and other statutory requirements and should proceed to referendum.

- 1.5 At its meeting on the 8th August 2023, Staffordshire Moorlands District Council considered each of the recommendations made in the Examiner's Report in relation to the Neighbourhood Development Order and the reasons for them and decided to accept modifications to the draft order necessary to ensure that the document meets the basic conditions and legal requirements. The Council resolved that following the inclusion of the Examiner's recommended modifications that the Biddulph Neighbourhood Development Order (NDO) meets the 'Basic Conditions' and could proceed to a referendum. The submitted order was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications are considered to necessitate revisiting any of these assessments.
- 1.6 Regarding the Neighbourhood Plan, the District Council considered each of the recommendations made in the Examiner's Report and the reasons for them. Most of these modifications to the draft plan necessary to ensure that the document meets the basic conditions and legal requirements were accepted by the Council. However, it was decided that the Council did not agree with a small number of the Examiner's recommendations necessitating consultation on modifications to the NP which differed from those recommended by the Examiner. Following this additional consultation, that took place between 16th August and 27th September 2023, those modifications were also accepted by the District Council for incorporation into the NP. At its meeting on 18th October 2023, the Council resolved that following the inclusion of the Examiner's recommended modifications alongside the Council's further modifications the Biddulph Neighbourhood Plan (NP) meets the 'Basic Conditions' and could proceed to a referendum. The submitted plan was accompanied by a Strategic Environmental Assessment Screening Report, and a Habitats Regulations Assessment Screening Report. None of the modifications are considered to necessitate revisiting any of these assessments.
- 1.7 The Council agrees that the Biddulph NP and NDO meet Basic Conditions, are compatible with Convention rights, comply with the definition of a Neighbourhood Development Plan / Neighbourhood Development Order and the provisions that can be made by a Neighbourhood Plan / Neighbourhood Development Order; and determined that the NP and NDO should proceed to a joint referendum.
- 1.8 A referendum asking 'Do you want Staffordshire Moorlands District Council to use the Neighbourhood Plan for Biddulph to help it decide planning applications in the neighbourhood area' took place on 7th December 2023. Over 50% of people voting said 'yes'. One thousand three hundred and thirty eight (1338) people voted 'yes' and one hundred and ninety (190) voted 'no'.
- 1.9 The referendum also asked 'Do you want the type of development in the Neighbourhood Development Order for Biddulph to have planning permission'. Over 50% of people voting said 'yes'. One thousand three hundred and sixty five (1365) people voted 'yes' and one hundred and seventy six (176) voted 'no'.
- 1.10 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the planning authority to "make" (adopt) the Neighbourhood Plan / Neighbourhood Development Order if more than half of those voting in a referendum upon the NP / NDO have voted in favour of the plan being used to help decide planning applications in the area / want the type of development in the NDO to have planning permission. The authority is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

2. Decision and Reasons

- 2.1 Staffordshire Moorlands District Council (under delegated powers on 31st January 2024) resolved to make (adopt) the Biddulph Neighbourhood Plan and Biddulph Neighbourhood Development Order.
- 2.2 The reasons for this decision are that the Neighbourhood Plan and Neighbourhood Development Order meet the Basic Conditions and their preparation and promotion complied with legal and procedural requirements. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan / Neighbourhood Development Order if more than half of those voting in a referendum upon the plan / NDO have voted in favour of the plan being used to help decide planning applications in the area / want the type of development in the NDO to have planning permission. The plan and NDO were endorsed by a majority yes vote in the referendum held on 7th December 2023.

3. The Decision Statement

- 3.1 This Decision Statement can be inspected on the Council's website.
- 3.2 A copy of this Decision Statement is being sent to:
 - The qualifying body, namely Biddulph Town Council.
 - Any person who asked to be notified of the decision.
 - Individuals and organisations that responded to the Consultation.

4. The Neighbourhood Plan and Neighbourhood Development Order

- 4.1 Biddulph Neighbourhood Plan and its associated documents and Biddulph Neighbourhood Development Order and its associated documents are available to view on the Council's website at:

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