

The Plan for Stafford Borough Examination

Response to Matter 1

On behalf of Commercial Estates Group
(ID Ref: PS568)

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indigo

Indigo Planning Limited
Lowry House
17 Marble Street
Manchester

Tel: 0161 836 6910
Fax: 0161 836 6911

info@indigoplanning.com
indigoplanning.com

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Contents	Page
1. Legal Requirements and Procedural Matters	1
Question 1.1	1
Question 1.2	2
Question 1.3	3

1. Legal Requirements and Procedural Matters

Question 1.1

- 1.1. We have previously advised that we do not consider the Publication Draft Plan for Stafford Borough (herein referred to as “the Plan”) (Examination Reference (ER) A1) to be legally sound when considered against the tests of soundness set out at Paragraph 182 of the National Planning Policy Framework (NPPF) (herein referred to as “the Framework”). This is in terms of its preparation to date, in particular associated with its proposed housing strategy and the overall level of growth being proposed across the Borough for the duration of the plan period. Having reviewed the Schedule of Additional (Minor) Modifications (ER: A26) subsequently published, this view remains unchanged.
- 1.2. Section 19(2)(f) of the Planning and Compulsory Purchase Act 2004 requires local development documents to have regard to the community strategy prepared by the authority. Section 39(2) of the Act requires plans to be prepared with the objective of contributing to the achievement of sustainable development (reflected in policy by Paragraph 151 of the Framework. Regulation 18 of the Town and Country (Local Planning) (England) Regulations 2012 requires local authorities to take into account any representation made to them in response to invitations under paragraph (1) of Regulation 18.
- 1.3. Firstly, the Council’s Vision as identified in the Sustainable Community Strategy for Staffordshire 2008 to 2028 (ER: 104) is based on four key priorities, namely;
- A protected, enhanced and respected environment;
 - A vibrant, prosperous and sustainable economy;
 - Improved health and sense of wellbeing; and
 - Strong safe and cohesive communities.
- 1.4. These priorities are underpinned by a number of facets, including developing housing which is decent, affordable and sustainable and developed to meet local and regional requirements of the different communities across the County as they grow and develop (page 19).
- 1.5. Given this is a County Vision, the Council has developed its own Community Action Plan (ER: 103), of which one of the key themes is housing provision. It states that its aim is to:
- ‘To ensure that the Borough has a housing provision that is of good quality - decent and safe, fit for purpose in terms of our population and affordable both to purchase/occupying and run’.*
- 1.6. Whilst this is not a formal planning document, it is intended to set priorities for the Local Development Framework (LDF) to address. It is a requirement of Part 1 of the Local

Government Act 2000 that Local Planning Authorities publish a community strategy.

- 1.7. Additionally, paragraph 47 of the NPPF requires Local Planning Authorities to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area.
- 1.8. The Plan does not promote a sufficient level of housing during the plan period. Therefore it is not sound by virtue of the fact that it fails to meet the requirements of the Community Strategy and therefore the 2004 Act, compounded by its failure to adequately respond to an up to date evidence base (contrary to the NPPF) and representations received during the course of its preparation (contrary to Regulation 18).
- 1.9. The emerging plan is not positively prepared as it fails to recognise the objectively assessed housing requirements of the Borough.
- 1.10. The approach to the global housing requirement is not robustly justified and there are flaws in the evidence base underpinning the figures being put forward (more information on which is provided in response to Matter 3). The emerging plan fails to recognise the implications of this and as a result, the proposed housing strategy will not be effective.
- 1.11. It therefore fails to satisfy the requirements of the Framework and the 2004 Act.
- 1.12. A further concern relates to the Appropriate Assessment work that has been undertaken and with specific regard to the Cannock Chase SAC. Further information is contained in response to Matter 9 (Question 9.4) but in summary, it is not considered that the AA meets the requirements of European legislation.

Question 1.2

- 1.13. The Plan has been subject to Sustainability Appraisal (ER: A10 – A12).
- 1.14. Whilst alternative options for the Plan have been considered and subsequently refined as the Plan has been progressed, from our review of the SA documentation, it does not strongly conclude that the Council's preferred growth strategy in terms of housing numbers (evidenced in this Plan) is the most suitable for achieving its strategic objectives, especially with regard to the global housing requirement for the Borough and sufficient to support the Plan now subject to this Examination.
- 1.15. Many of the findings are equally applicable to the other options considered.
- 1.16. Given this and additionally, it is unclear on what basis (as a reasonable alternative) a wider extension to Stafford East has been dismissed i.e. development of land beyond that which is currently identified. We note this was considered a potential development option at the Issues and Options stage (February 2009) (ER: G6) and was referred to as 'SF-3' in the

Issues and Options document itself. However, the Sustainability Appraisal (January 2013) makes reference to this having been dismissed at an earlier stage and therefore not carried forward into the Draft Plan.

Question 1.3

- 1.17. The former West Midlands Regional Spatial Strategy (RSS) provided the regional context for the spatial policies of the plan, in particular, housing delivery.
- 1.18. Whilst the history of the West Midlands RSS is complex in so far as it relates to housing, by virtue of the fact that the Phase II Revision Draft which surpassed its Examination in Public (EiP) never proceeded to adoption. Nevertheless, there have been a number of appeal decisions in the past 12 months which have reaffirmed the relevance of the housing targets being contained within, for the purposes of development control. However, in terms of plan making and in accordance with paragraph 47 of the Framework, there is a requirement for local authorities to derive their own objectively assessed housing requirement.
- 1.19. In Stafford's case, no such comprehensive assessment has been undertaken, albeit the Council has had some regard to past requirements; the findings of its previous Strategic Housing Market Assessment (SHMA) work; demographic changes; and, market demand in deriving the policies of the plan. Topic Paper B contained within the Council's Background Statement (ER: K1, page 16 onward) provides the context for how the housing requirement has been assessed.
- 1.20. On this basis, it is evident that the housing requirement figure contained within the former West Midlands RSS is currently the most robust objectively assessed figure available for Stafford and should be treated as a minimum for the purposes of the emerging plan.
- 1.21. It is therefore not sound for the Council to reduce its plan target to 10,000 which sits below the endorsed figure of the RSS Panel (11,000).
- 1.22. Further information on the housing requirement specifically is contained within our response to Matter 3 with our evidence demonstrating that the housing requirement figure should actually be much higher.