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The Plan for Stafford Borough Examination

Examination Hearing Sessions

Thursday 24th October 2013 – Afternoon Session at 2.00pm

Development Strategy (Spatial Principles SP3-SP7)

Attendees

Stephen J Pratt	Planning Inspector	The Inspector
Katharine Makant	Note taker	KM

Stafford Borough Council

Alex Yendole	Stafford Borough Council	AY
David Smethurst	Stafford Borough Council	DS

Other Participants

Sue Green	Home Builders Federation	SG
Sarah Wozencroft	Commercial Estates Group	SW
Stephanie Linell	Grainger Homes PLC	SLin
Colin Campbell	Taylor Wimpy/Bellway	CC
Nicole Penfold	Gladman Developments	NP
Steve Lucas	Gladman Developments	SLuc
Paul Sharpe	Fradley Estates / Stan Robinson Ltd	PShp
Tom Beavin	Walton Homes / MJ Barrett Group	TB
Stephen Stoney	Baden Hall Enterprises	SS
Tom Hutchinson	Providence Land Ltd	TH
Paul Shaw	Milwood Ltd	PShw
Frazer Sandwith	Akzo Nobel UK	FS
Jason Tait	Taylor Wimpey (Stone)/ St Modwen	JT
Russell Crow	Taylor Wimpey (Great Haywood)	RC
Tony Aspbury	Trent Vision Trust	TA
Paul Windmill	Local Resident	PW

1. Moratorium (paragraph 6.49)

- 1.1 The Inspector noted the reference to a moratorium in paragraph 6.49 of the Plan and to Further Additional Modification FAM 12 (J45), and also to paragraph 4.14 in the Council's Examination Statement M3/1a. He asked the Council to explain the justification and reasoning behind the moratorium and how it would work in practice.
- 1.2 AY explained that there was general support for the distribution of new housing at Stafford. In order for this 'step change' to take place, the Plan put forward two delivery mechanisms. The first was the Strategic Development Locations (SDLs) and significant housing land supply. The second was a moratorium on other development in order to achieve the required proportions across the Borough. He noted that the moratorium applied only to future provision, not to existing commitments and completions. The Council's approach was in line with the sustainability development principles of the NPPF and was aimed at boosting

housing development in Stafford.

- 1.3 The Inspector said that in his view, FAM 12 was a major modification since it altered the level and applied it to commitments and completions. He asked the Council to explain where in the NPPF it said development could be restricted that would otherwise be sustainable and why it felt that a moratorium on development in Stone was appropriate from the adoption of the Plan (paragraph 4.18, M3/1a).
- 1.4 DS explained that the moratorium was intended to restrict further planning permissions in Stone, not overall development. There were already a significant number of construction projects and commitments in Stone. The Council needed to give meaning to its strategy of focussing on Stafford and it would welcome practical suggestions for alternatives to a moratorium. On the issue of sustainable development, DS said that it was not sustainable to allow development in Stone at the expense of Stafford. He acknowledged that some commitments might prove difficult to bring forward and that a moratorium on future permissions might affect the delivery of the Council's targets. However, this was the reason for increasing the buffer from 25% to 50% (FAM 12). He noted that commitments had already been reduced by 10% for flexibility. The number of sites in Stone which might be difficult to deliver was limited – most sites were small with a capacity of fewer than 10 dwellings, and this was set out in Land for New Hones (D1).
- 1.5 On behalf of Providence Land Ltd, TH said that he was perplexed at the Council's concern that development would come forward in unsustainable locations. All of the locations listed in the hierarchy were sustainable and if a proposal was sustainable, it should get permission. He questioned what evidence the Council was putting forward that Stafford would be undermined and asked why it did not propose a phasing policy. He added that major urban extensions took time to deliver and it was useful to have smaller sites at the beginning of the plan period to ensure supply and flexibility.
- 1.6 On behalf of Taylor Wimpey (Stone)/ St Modwen, JT said that he did not understand the Council's position, nor whether it was most concerned with the impact on Stoke, the effect on Stafford or the backlog in Stone. In his view, the level and proportion of housing provision in Stone should be increased, it was deliverable and he did not understand why the Council wanted to hold it back.
- 1.7 The Inspector asked the Council whether the moratorium would affect a planning application for an SDL in Stafford or Stone. DS confirmed that SDLs were not affected but that sites in Stone which were not in the SDL would be affected, even if they were for only one house. The moratorium would apply until the 291 commitments were built out. JT commented that the Stone SDL was specifically restricted until 2021 and asked how the moratorium related to the 5 year land supply which was Borough wide.
- 1.8 On behalf of Taylor Wimpey (Great Haywood), RC said that his concern related to the reference in paragraph 6.49 of the Plan to 'a particular level of the hierarchy'. By his reading, if one village over delivered, all of the Key Service Villages would be affected. In addition, SP3 made no reference to the 'rest of the rural area' which was listed in SP4, so the wording would require amendment.
- 1.9 PShw on behalf of Milwood Ltd said that the Council's reasons for introducing the moratorium related to concerns about the deliverability of the SDLs. Its approach removed flexibility and choice from the people.

- 1.10 On behalf of Trent Vision Trust, TA said that if the Plan was adopted as sound, it should be on the basis that the SDLs were deliverable. The Council's approach implied that there were doubts. He noted that the SDLs may be delivered beyond the plan period and asked at what point the moratorium would be exercised. He also queried whether the moratorium applied to Stafford.
- 1.11 PW agreed that the moratorium appeared to apply to Stafford and noted that it was easier to challenge if it was not a policy. He said that phasing would be acceptable but a moratorium had never been applied by Stafford and when Stoke tried this approach, it had harmed the city.
- 1.12 On behalf of Baden Hall Enterprises, SS said that Local Plans were supposed to promote market certainty but this approach provided no certainty about whether or when development was possible.
- 1.13 Speaking for Taylor Wimpy/Bellway, CC said that his client did not rely on the moratorium to prove that the SDL was deliverable.
- 1.14 PShp for Fradley Estates / Stan Robinson Ltd commented that the problem was not Stone but over delivery in the Key Service Villages and rural areas. He asked how the moratorium would be practically applied, since the figures would not be known until the Annual Monitoring Report, by which time they would be a year out of date.
- 1.15 SLin for Grainger said that, as the moratorium was to be applied like a policy, it should be one instead of being hidden in the text. In her view, the approach was not in the spirit of the NPPF and the issue should be addressed through phasing and the 5 year land supply. She noted that there was no mention of rural areas in SP3 so she assumed that it did not apply to them.
- 1.16 NP for Gladman Developments reiterated the concerns expressed in earlier sessions, relating to the risks associated with focussing on Stafford and the low distribution to KSVs.
- 1.17 SW of Commercial Estates Group said that there was nothing in the NPPF to suggest that it was consistent with the Council's approach. She expressed concern at the implications of having to check the 5 year land supply on a settlement by settlement basis and questioned how this could be done. She then made reference to Sandbach and Cheshire East and noted that housing targets were not intended to be ceilings. In her view, a good phasing policy would be more effective.
- 1.18 On behalf of the Home Builders Federation, SG said she had wide experience of Core Strategies and Local Plans and this was the first time she had seen one include a moratorium. She agreed with previous comments that the Council's approach was at odds with the NPPF and the Government's growth agenda. She understood from the Council that it would apply to Stone and KSVs from the day of adoption and it was not clear whether it would apply to rural areas. In addition, it was not clear how the moratorium would be lifted once it was in force. She had particular concerns about Stone, since it was second in the hierarchy. She noted that deliverability in Stafford would depend on viability and questioned whether the moratorium would result in more development there.
- 1.19 The Inspector summarised the concerns expressed by participants, referring to the principle

of a moratorium and consistency with the NPPF, justification for the Council's approach and implementation and application issues. He asked the Council to respond to these concerns and then explain the implications for the Plan should the moratorium be removed.

- 1.20 On behalf of the Council, DS said that without the moratorium, SP4 was meaningless. He noted that there had been stakeholder support for the 'step change' to redress the balance of development and said that the moratorium was necessary in order to deliver that. The moratorium was a kind of phasing policy and did not prohibit development – there were already 400 commitments in Stone. He confirmed that the rural areas were included in the hierarchy. On the impact on Stafford, he said that the moratorium would help Stafford but the SDLs were deliverable without it. However, he noted that the Council had to stimulate three major housing developments in Stafford in a depressed market. The requirement for a 5 year land supply was one which the Council had to demonstrate. If the SDLs did not deliver, the Council would need to review the policy. In terms of whether the moratorium should be in a policy, the Council was happy to propose wording for a policy and for it to be consulted on as a main modification.
- 1.21 The Inspector said that he was concerned that the Council had not demonstrated that any harm would arise from removing the moratorium. He noted that there was a focus on Stafford SDLs but that the Council had said these were deliverable without the moratorium. There was a danger that the moratorium could suppress overall housing supply and lead to the Council not achieving its targets.
- 1.22 DS replied that past patterns of development in the rural areas had been acknowledged as unsustainable. Development in these areas was already at the limit and more proposals were waiting. Without a moratorium, there would be over delivery in rural areas. The Inspector noted that Policy C5 provided for rural areas. However, the KSVs and Stone had all been identified as sustainable locations. The NPPF and SP1 required a presumption in favour of sustainable development. He asked what was unsound about granting permission in Stone and the KSVs, within the broad limits of SP4. DS responded that it would be in breach of sustainable development overall, since the SHLAA suggested that there were large areas of developable land around the villages.
- 1.23 On behalf of Walton Homes / MJ Barrett Group, TB said that the moratorium would prevent proposals for affordable homes coming forward in the Key Service Villages. The Inspector noted that the Plan allowed for 'rural exception sites'.
- 1.24 Speaking for Providence Land Ltd, TH said that the Council was arguing as though there were no Site Allocation DPDs or Neighbourhood Plans. In his view, its concerns were due to the adopted Local Plan being out of date and difficulties with the 5 year land supply. These were issues which would be resolved once the Plan was adopted.
- 1.25 JT on behalf of Taylor Wimpey (Stone)/ St Modwen said that the adopted Plan would direct development. Provision was being made for Strategic Development Locations and settlement boundaries so it would carry plenty of weight. If the SDLs were deliverable, the moratorium should not be necessary. The Inspector asked JT whether he would expect the Site Allocations DPD to allocate all of the sites. JT replied that it would be a balance and there would need to be some flexibility but that the settlement boundaries would deal with that.
- 1.26 PShw for Milwood Ltd expressed frustration at the effect of the moratorium on Neighbourhood Plans and asked what was the point of undertaking them at all.

- 1.27 TA for Trent Vision Trust said that the Council's approach was not logical. It appeared to be going against the NPPF presumption in favour of sustainable development by denying that the development was sustainable.
- 1.28 DS replied on behalf of the Council and said that its logic was clear. The issue was the quantity of development and the point at which it became non-sustainable. Despite the apparent willingness of the house building industry to work through the DPD and Neighbourhood Plans, the reality was that there were proposals ready to come forward in the KSVs and rural areas. The Borough Plan did not prohibit development, it provided a breathing space for Neighbourhood Plans to come forward which allowed the local community a say in where development should take place.
- 1.29 The Inspector asked whether there were any examples of development being rejected due to a moratorium since the NPPF had been introduced. DS replied that there were a number of examples connected to the 5 year supply but the Council was planning ahead, in order to achieve the levels of distribution discussed in the morning session.
- 1.20 The Inspector asked the Council to look at Policy SP3 with a view to including the fourth element of 'rural areas' in the hierarchy and to ensure that the wording was consistent with SP4 and SP5 – **Homework 9 (N2.9)**.
- 1.21 The Inspector then asked the Council to provide a succinct justification for the moratorium in terms of Stafford and an explanation of how it was to be applied and whether this was clear in the Plan – **Homework 10 (N2.15)**. DS confirmed that the Council was considering making the moratorium into a policy as a main modification.

(A break for refreshments took place at this point.)

2. Employment Growth Distribution (SP5)

- 2.1 The Inspector referred to SP5 which set out the distribution of employment provision between Stafford, Stone and the rest of the Borough (including Meaford Power Station and Recognised Industrial Estates). AY confirmed that the justification for this was set out in paragraphs 4.21 to 4.26 of the Council's Examination Statement (M3/1a). Paragraph 6.59 of the Plan (amended on page 58 of A26) set out the employment provision in terms of commitments and new provision.
- 2.2 The Inspector noted that commitments were considerably higher than new provision in Stafford Town and Other Borough Areas. AY referred to paragraph 4.24 of the Statement (M3/1a) which explained that the mismatch between employment and housing distribution was due to the planning permission for the 34 ha Meaford Power Station site. AY confirmed that the Council's approach was supported by the Employment Land Review (D14).

3. Achieving Rural Sustainability (SP6)

- 3.1 AY confirmed that the Council's approach was in accordance with the NPPF, and made reference to the Examination Statement (M3/1a) and the Self Assessment (B4).

4. **Supporting the Location of New Development (SP7)**

- 4.1 The Inspector noted the contents of SP7 and that it listed criteria for supporting development (including for establishing Settlement Boundaries), and gave priority to brownfield sites. He noted that participants had expressed concerns and asked the Council to explain how Settlement Boundaries were to be established, particularly for Stafford and Stone, and at what stage in the plan-making process.
- 4.2 AY said that the Council intended to establish Settlement Boundaries for Key Service Villages via the Neighbourhood Planning process. In recognition that this may take time, SP7 provided pointers to assist in the determination of planning applications in advance of Neighbourhood Plans coming forward. If NPs were not forthcoming, the Council intended to establish the KSV Settlement Boundaries through the Site Allocations DPD, as set out in paragraph 6.63 of the Plan.
- 4.3 In respect of Stafford and Stone, the Council wished to provide a strategic context for the Strategic Development Locations by identifying the Settlement Boundaries within the submitted Plan. The boundaries would require refinement since they were taken from the adopted Local Plan and the Council wished local communities to have an input. In addition, there had been interest from other developers around Stafford and Stone to bring forward smaller sites which could impact on the delivery of the infrastructure so it was important to identify the Settlement Boundaries early.
- 4.4 The Inspector asked why the Council had not amended the Local Plan Settlement Boundaries to include the Strategic Development Locations. AY answered that there was no specific reason and that it could be done now or at Site Allocation stage. He noted that the criteria for establishing Settlement Boundaries set out in SP7 had been subject to consultation, considered and developed and that the Council had also taken the NPPF into account, as set out in paragraphs 6.4 to 6.5 in the Examination Statement (M3/1a). AY then confirmed that, as set out in paragraphs 6.6 to 6.9 of M3/1a, the Council was happy that its approach was consistent with other policies.
- 4.5 SLin on behalf of Grainger drew attention to a point of consistency. The Council had indicated that there would be no settlement boundaries established for settlements other than KSVs and yet SP7 made no reference to Policy C5 although C5 cross-referenced to SP7.
- 4.6 JT on behalf of Taylor Wimpey (Stone)/ St Modwen said that paragraph 6.63 of the Plan described Settlement Boundaries as 'a key element of the approach'. However, the boundaries for Stafford and Stone in the adopted Plan were Residential Policy Boundaries (RPBs), not settlement boundaries. The purpose of RPBs was to indicate where residential development would be acceptable. In the submitted Plan, the purpose of the Settlement Boundaries was to define the boundary between the urban area and the countryside. Castleworks was a prime example of a brownfield site which was in an urban area but outside the Settlement Boundary as defined by the submitted Plan. The Council had failed to use its own criteria to define the Settlement Boundaries for Stafford and Stone. Taylor Wimpey's original submissions made suggestions as to where the boundaries should be, and they included Castleworks, a predominately brownfield site at St Leonards which already had planning permission for 270 houses plus employment and the greenfield site west of Stone adjacent to the SDL.
- 4.7 The Inspector noted that the Council intended to review the settlement boundaries for

Stafford and Stone. JT said that the review was mentioned in the Council's Examination Statement but not in the Plan and therefore the boundaries as drawn were not appropriately defined and the Plan was unsound. The Inspector noted that any amendments to policy area boundaries would constitute main modifications.

- 4.8 PShw on behalf of Milwood Ltd asked how the Council would treat boundaries put forward by Neighbourhood Plans if they were not in Key Service Villages. Within Stafford, there were sites within the Residential Policy Boundary that were deliverable – could they count towards the targets or would they be affected by the moratorium?
- 4.9 NP outlined a general concern on behalf of Gladman Developments to ensure that the Plan maintained flexibility for the Key Service Villages and was not too restrictive.
- 4.10 SG for the Home Builders Federation asked whether there should be a timescale in the Plan for the publication of the Sites Allocation document, which the Council had said would define KSV settlement boundaries if Neighbourhood Plans did not come forward.
- 4.11 On behalf of Akzo Nobel, FS said that Policy C5 applied to sites outside the Settlement Boundary and this was contrary to the positive approach to SDLs. He suggested that, instead of waiting for a review, the Council should either include the SDLs in the Settlement Boundaries now or delete the SBs altogether.
- 4.12 On behalf of Fradley Estates / Stan Robinson Ltd, PShp suggested that the Council's failure to amend the settlement boundaries for Stafford and Stone was an administrative oversight. However, there was a clear distinction between SBs and RPBs, with the latter mostly full with no brownfield. In his view, if the Council widened the boundaries, it would 'stoke up' unsustainable development in rural areas.
- 4.13 TB of Walton Homes / MJ Barrett Group drew attention to an inconsistency in the final sentence of SP7 in relation to brownfield sites being given priority, since the SDLs were mainly greenfield sites.
- 4.14 The Inspector asked the Council to explain the rolling forward of the Residential Policy Boundaries from the adopted Local Plan, the timescale for review of the boundaries for Stafford and Stone and the approach to parishes in the 4th tier of the hierarchy.
- 4.15 AY said that if a Neighbourhood Plan put forward a boundary that reflected the wants of the community and had been through the due process, it would become part of the Development Plan. The Residential Policy Boundaries would fall when the submitted Plan was adopted and the settlement boundaries would be refined at Site Allocation DPD stage, alongside the Key Service Villages. The reason that the boundaries for Stafford and Stone were defined in the submitted Plan was to make sure that the SDLs were identified and to give context. The Sites Allocation DPD would also provide an opportunity for local communities to consider any non-strategic sites put forward by developers. AY said that the Council intended to review the wording of SP7 in the light of comments made on cross-referencing to Policy C5 and the final sentence – **Homework 11 (N2.10)**.
- 4.16 The Inspector commented that the Plan should only show changes to the adopted Local Plan. AY replied that all of the Local Plan policies would fall on adoption of the submitted Plan, including the Residential Policy Boundaries for Stafford, Stone and the Key Service Villages. The Council wished to identify the boundaries for Stafford and Stone in order to give context

for the SDLs. The Inspector listed three options for a way forward and asked the Council to consider them carefully – **Homework 12 (N2.11)**

- Delete the settlement boundaries for Stafford and Stone;
- Leave the boundaries but call them Residential Policy Boundaries and put them in a policy to make it clear;
- Carry out the work necessary to establish new settlement boundaries for Stafford and Stone.

4.17 JT on behalf of Taylor Wimpey (Stone)/ St Modwen said that in his view, option 2 was unacceptable as the RPBs were out of date and, whilst option 1 had some advantages, his preference was for option 3, as set out in his submission. In terms of the KSVs and smaller settlements, his view was that boundaries could be established via the Neighbourhood Plans as they were not so critical. JT added that the purpose of the Council's approach was to restrict development in Stafford to the SDLs.

5. Flexibility of Development Strategy

5.1 The Inspector asked the Council to outline the key elements of flexibility in the Plan. DS referred to the Council's Examination Statement (M3/1a) and said that the Plan provided a clear focus on Stafford and that the hierarchy and distribution principles would provide a strong structure to deal with changes in economic conditions. The Council did not believe that an early review was necessary. The Inspector referred to the final sentence of paragraph 7.3 of the Statement, which made reference to a review 'if a significant delay arose in terms of the SDLs being delivered'. He asked whether there was any reference to such a review in the Plan. DS replied that the Council was reluctant to include such a reference as it felt that the Plan was robust enough to last for the plan period.

5.2 PW commented that windfalls might offer a way of providing flexibility in the Plan. AY said that the Council recognised that windfalls may come forward in the plan period but the strategy did not reflect past development patterns so the Council did not wish to rely on windfalls in the future. With reference to the SHLAA, AY confirmed that the minimum size of sites considered was 10 dwellings in Stafford and Stone and 5 dwellings in urban areas outside Stafford and Stone. SG of the Home Builders Federation observed that windfalls would be prevented by the moratorium. DS said that the intention was that the moratorium would not apply in Stafford but acknowledged that this was not clear in the text. The Council would address this issue as part of its homework on the moratorium (N2.15).

(The session closed at 5.00pm.)