

**THE PLAN FOR STAFFORD BOROUGH PART 2 EXAMINATION**  
**INSPECTOR'S KEY ISSUES AND DISCUSSION NOTE**  
**Issue 1 – Legal Requirements, Scope of Part 2 of the Local Plan and**  
**Duty to Co-operate**

**1.2 Scope of the Local Plan Part 2 (PSB2) :**

**(i) Is the scope of PSB2 in line with the role for the Plan as set out in paragraph 1.2 [second bullet point] of the submitted Plan?**

As set out in Policies SP2, SP3, SP4 and SP7 of the PSB1 it is the Council's intention to only permit a proportionate amount of development within the boundaries of the towns and key villages named in the settlement hierarchy to meet the housing requirement of 10,000 dwellings over the plan period 2011 – 2031. Outside of these settlement boundaries development is restricted. The Council also intends that these settlement boundaries remain relevant for the plan period and beyond (paragraph 2.26 of the PSB2).

As stated by the Council the role of the PSB2 is to set out this approach to development and to establish these settlement boundaries.

Therefore the scope of the PSB2 is twofold :-

- to clarify a development management policy approach in support of development inside settlement boundaries and restrict development outside settlement boundaries whereby the settlement boundary indicates a precise development boundary outside of which land is unsuitable for development ;
- to identify sufficient land within settlement boundaries to deliver the housing requirement.

**(ii) Does the scope of the PSB2 accord with the recent Court of Appeal judgement of Oxted Residential Ltd v Tandridge District Council (EWCA Civ 414 29 April 2016)? The paragraphs that I would particularly like to draw attention to are 28, 31, 32 and 38. The third sentence of paragraph 38 states “An Inspector conducting an examination must establish the true scope of the development plan document he is dealing with and what it is setting out to do. Only then will he be able to properly judge “whether or not within the scope and within what it has set out to do, it is sound” (Section 20(5)(b) [of the 2004 Act]).**

In the context of the recent Court of Appeal judgement the scope of the PSB2 and what it is intending to do are set out in answer to Question 1.2(i). Therefore in determining whether or not the PSB2 is sound it must be established that the extent of the areas within the settlement boundaries are

sufficient to accommodate enough development to meet the housing requirement including some flexibility to respond to changing circumstances.

This determination involves the following considerations :-

- the OAHN and housing requirement (see answer to Question 3.1(i)) ;
- the overall HLS (see answer to Question 3.2) ;
- the rolling 5 YHLS position (see answer to Question 3.2) ;
- Neighbourhood Plans (see answer to Question 3.1(i)).

**1.2(iii) Are there any valid Part 2 Issues which PSB2 has failed to address?**

In determining an answer to Question 1.2(ii) it may be found that the PSB2 lacks the necessary flexibility and therefore it should have addressed non-strategic site allocations (as originally envisaged by the Inspector examining the PSB1 in para 51 of his Final Report) together with reserve sites and / or safeguarded land within the settlement boundaries.

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