

## **THE PLAN FOR STAFFORD BOROUGH 2 – EXAMINATION**

### **HEARING STATEMENT ON BEHALF OF BADEN HALL ENTERPRISES LTD**

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### **INSPECTOR KEY ISSUE 9 – DEVELOPMENT MANAGEMENT, RISKS AND MONITORING**

1. The key issue is clearly the context set in the PSB 2 Paras 2.4 to 2.9 inclusive. That is, will the establishment of settlement boundaries alone deliver at least the levels of planned, monitored and managed growth? It is questioned whether there is a sound evidence base to demonstrate this; whether there are other material considerations (those set out in our Hearing Statement on Issue 1) and whether the Plan therefore should be amended to take account of other important matters (again set out in the Hearing Statement on Issue 1).

*Inspector's main aspects;*

*9.1 Development Management*

*9.2 Uncertainties and risks*

*9.3 Monitoring*

2. The Court of Appeal judgment referred to in the Inspector's Introductory Note (P2-K3) sets a useful context in key considerations on scope and purpose of PSB2.
3. The judgement sets out a variety of important and relevant aspects:
  - Para 38 – The Development Plan can be constructed from a series of individual elements which are to be read together for the purposes of exercises in development control
  - Para 39 – Its explicit purpose (Plan Part 2) is to provide 'a set of detailed planning policies to be applied locally in the assessment and determination of planning applications over the plan period'
  - Para 40. 12 – LP2 is primarily a Development Management tool... because the document will provide a clear suite of policies
4. The PSB2 approach simply allows 'planning by boundary' with no proper recourse to a Plan, monitor and manage approach set within an appropriate policy context.
5. There is no empirical route to understanding how the setting of the boundaries in the nature planned delivers against Plan growth targets. Nor is there any proper understanding of how reasonable alternatives for development have been properly considered.

6. A more direct policy approach as promoted in our Hearing Statement on Issue 1 is required for flexibility and robustness, in particular to manage uncertainty and risk.
7. The 'Housing delivery test' is a prime consideration in that it is a Government prerogative first announced by the Chancellor in the November 2015 Spending Review and Autumn Statement. This proposes comparing housing targets with delivery, and is consulting on incentives and penalties in the pursuit of 'significantly boosting the supply of housing'. There are clearly evolving significant consequences of under-delivery of development which are going to bring far reaching consequences within the Plan period. This again points to the need for active development management and appropriate enacting policy to deal with the monitored position of potential under delivery of development. The lack of a triggered policy, as is the case with the submitted PSB2, will lead to an inflexible and ineffective Plan.
8. Section 6 of the Plan states that 'The Stafford Borough Authority Monitoring Report provides a robust and effective review and monitoring approach'. Its weakness is that this does not provide an effective route to any Policy to take account of changing circumstances within a notoriously unpredictable and risk averse development environment. There is currently no contingency of the form set out in our Hearing Statement on Issue 1, which can set a quantitative trigger to a deliverable supply of land. The proposed new Policy approach would effectively ensure that additional flexibility is introduced, meaning a re-calibrated updated appropriate land supply to meet the requirement of the Framework (paragraph 47 [2]) which will be effective in lasting for the entire Plan period to 2031 rather than a 5-year window.
9. Section 6 of the Plan promotes a 'review and monitor' role – but falls short of development management. There is no identified Policy mechanism that properly deals with changing circumstances that are highly likely to occur in the future span of the Plan; some 15 years. The policy approach we put forward in our Hearing Statement to Issue 1 deals with this aspect.
10. The Inspector in the Ashflats decision letter (P2-J22: Appeal 7) paragraph 98 recognised that 'Careful and systematic monitoring, as national policy intends, will be essential to identify any slippage from the position achieved and corrective action in those circumstances would be needed'. That comment was made in the context of the 2014 position of a newly planned housing land supply trajectory within a June 2014 adopted PSB1.
11. The Inspector's decision at that time (paragraph 113) referred explicitly to 'the balance to be struck locally as regards the use of Greenfield and Brownfield land resources' and (paragraph 114) 'conflict concerning the unnecessary deployment of greenfield land resources significantly detracts from the sustainability credentials'.
12. Under the Stafford Borough Plan making approach, only the suitability of the SDL's have been and subject to independent examination. The 'Boundary

setting' approach relies on a limited and unjustified technique that is in conflict with paragraph 152 of the Framework where it is urged to seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three strands. Location and whether it is within a settlement is just one component of sustainability. In the case of the site promoted, it demonstrates the approach to be flawed and therefore unsound.

13. The adopted Plan for Stafford Borough at Appendix E sets monitoring 'Performance Indicators & Targets'. Core Policies relevant to PSB2, predominantly SP3, SP4 and SP7, are dealt with in terms of a Target, Implementation and Contingency.
14. This is therefore the route to development management, risks and monitoring and by definition the required flexibility adapt to changing circumstances.
15. The Implementation and Contingency sections refer to 'Identify the problems and barrier to development via discussions and/or assessment' and 'Consider a review of the policy'. These are open-ended and meaningless in terms of effectiveness. It is promoted that the PSB2 should provide further guidance to cover more explicit and specific tools for development management as the aforementioned Appendix E is not in any way effective in that it does not promote any specific, measurable or target orientated actions to achieve any required flexibility. The monitoring arrangements are therefore contended to not be soundly based.
16. It would appear that the PSB2 Soundness Self-Assessment Checklist equally does not properly deal with the key aspects of Development Management, uncertainties, risks and monitoring and is therefore lacking in critical aspects.