

The Plan for Stafford Borough – Part 2 Examination

Inspector’s Key Issues and Discussion Note

Introduction

These notes provide a summary of the issues identified by the Inspector in the form of questions, and they will form the basis of the Examination Hearings which commence on Tuesday 19 July 2016 in the Civic Centre, Riverside, Stafford, ST16 3AQ. These questions may be refined in the light of the Inspector’s consideration of the Hearing Statements received prior to the Examination Hearings.

Please note that the word limit for further statements is 3,000 words per issue (including supporting information, such as Appendices). Some flexibility, however, will be given to the Council, who will be expected to respond to all the Inspector’s questions as well as to the Hearing Statements made by other parties.

Issue 1: Legal Requirements, Scope of Part 2 of the Local Plan and Duty to Co-operate

Issue 2: Sustainability Appraisal and Habitats Regulation Assessment

Issue 3: Proposed Settlement Boundaries

Issue 4: Gypsy and Traveller Accommodation

Issue 5: Protection of Social and Community Facilities

Issue 6: Protected Employment Areas and Tourism

Issue 7: Retail Boundaries

Issue 8: Local Green Space

Issue 9: Development Management, Risks and Monitoring

Issue 1 - Legal Requirements, Scope of Part 2 of the Local Plan and Duty to Co-operate

- 1.1 **Legal Requirements:** Does the Local Plan Part 2 (PSB2) meet all its legal requirements (e.g. in relation to the Local Development Scheme; Statement of Community Involvement; and Local Development Regulations 2012)?

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?
- (ii) Does the scope of the PSB2 accord with the recent Court of Appeal (COA) Judgment of Oxted Residential Ltd v Tandridge District Council (EWCA Civ 414; 29 April 2016)? This COA Judgment is in the Examination Library, and 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]).*
- (iii) Are there any valid Part 2 issues which PSB2 has failed to address?

- 1.3 **Duty to Cooperate (DTC):** Is the DTC, which covers strategic matters, applicable to PSB2, and if so, has the Council adequately discharged the DTC in preparing the Plan?

Issue 2 - Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

- 2.1 Is PSB2 supported by the SA and HRA?
- 2.2 Do any adverse effects identified in the SA require significant mitigation, and how does PSB2 address these issues?

Issue 3 – Settlement Boundaries: Policy SB1

3.1 Criteria for determining the proposed settlement boundaries:

- (i) Are the criteria set out in paragraphs 2.11-2.23 appropriate to define the extent of the areas within the settlement boundaries to accommodate the necessary development, so as to enable the delivery of the objectively assessed housing requirement for Strafford Borough, as set out in PSB1?
- (ii) Are the boundaries drawn in accordance with these criteria?

- 3.2 **Overall capacity within the proposed settlement boundaries:** Is the overall capacity within the proposed settlement boundaries, having regard to the latest housing land supply situation, and taking into account constraints such as areas of importance for nature conservation, tree preservation orders and other environmental considerations, sufficient to satisfactorily accommodate the objectively assessed housing requirement for Stafford Borough, as set out in PSB1?
- 3.3 **Flexibility within the proposed settlement boundaries:** Is there a case for flexibility within the proposed settlement boundaries in the light of the likely delivery of the housing requirement as set out in PSB1? If the answer is yes:
- (i) What should the appropriate level of flexibility be for Stafford Borough?
 - (ii) Do the proposed settlement boundaries provide for this level of flexibility?
 - (iii) If not, which settlements should have their boundaries extended to provide the required level of flexibility and where/by what amount?
- 3.4 **Specific settlement boundaries:** In the light of the above considerations, are any of the proposed settlement boundaries inadequately drawn? If so, which of the following settlement boundaries should be redrawn, in terms of specific sites and development capacity?
- (a) Stafford town
 - (b) Stone town
 - (c) Barlaston
 - (d) Eccleshall
 - (e) Gnosall
 - (f) Haughton
 - (g) The Haywoods
 - (h) Hixon
 - (i) Tittensor
 - (j) Weston
 - (k) Woodseaves
 - (l) Yarnfield

(m) Any other settlements

Issue 4: Gypsy and Traveller Accommodation

4.1 How does the Council intend to plan for the remaining unmet G&T accommodation needs, bearing in mind that national policy seeks a plan-led approach to meet G&T needs for accommodation?

Issue 5: Protection of Social and Community Facilities

5.1 Does policy SB2 strike the right balance between focus and flexibility?

Issue 6: Protected Employment Areas and Tourism

6.1 Does policy SB3 strike the right balance between focus and flexibility?

6.2 Are the Recognised Industrial Estate (RIE) boundaries drawn appropriately? Are any of the proposed RIE boundaries inadequately defined or inappropriate in principle?

(a) Hixon RIE 1

(b) Hixon Airfield RIE 2

(c) Ladfordfields RIE 3

(d) Moorfields RIE 4 (Stafford)

(e) Pasturefields RIE 5

(f) Raleigh Hall RIE 6

6.3 Is there a need for a policy to address the future of Trentham Gardens?

Issue 7: Retail Boundaries

7.1 In view of the requirements of PSB1 policy E8, should PSB2 define retail frontages and if so, what should be the appropriate policy wording?

Issue 8: Local Green Space

8.1 Is the most appropriate way for designating Local Green Space (LGS) through Neighbourhood Plans?

8.2 Why would it be inappropriate to include LGS in PSB2?

Issue 9: Development Management, Risks and Monitoring

9.1 **Development Management:** Should the Plan provide sufficient guidance to cover aspects of development management which are not explicitly covered in PSB1?

9.2 **Uncertainties and Risks:** Overall, does the Plan take sufficient account of uncertainties and risks? How flexible is it?

9.3 **Monitoring:** Are the monitoring arrangements soundly based?

Mike Fox

Planning Inspector

1 June 2016