



The Planning Inspectorate

Report to Stafford Borough Council

by Mike Fox BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 28 December 2016

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Plan for Stafford Borough: Part 2

The Plan was submitted for Examination on 26 April 2016

The Examination Hearings were held between 19 July and 2 August 2016

File Ref: PINS/Y3425/429/13

Abbreviations used in this report

AA	Appropriate Assessment
AMR	Authority Monitoring Report
BCC	Birmingham City Council
CAJ	Court of Appeal Judgment
CPO	Compulsory Purchase Order
DCLG	Department for Communities and Local Government
dpa	dwellings per annum
DTC	Duty to Co-operate
EA	Environment Agency
FRA	Flood Risk Assessment
G&T	Gypsy and Traveller
HMA	Housing Market Area
HRA	Habitats Regulation Assessment
IR	Inspector's Report
KSV	Key Service Village
LDS	Local Development Scheme
LEP	Local Economic Partnership
LGS	Local Green Space
MOD	Ministry of Defence
NP	Neighbourhood Plan
OAN	Objectively assessed need (for housing)
PDL	Previously Developed Land
PPG	Planning Policy Guidance
PSB1	Plan for Stafford Borough: Part 1
PSB2	Plan for Stafford Borough: Part 2
RIE	Recognised Industrial Estate
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SBC	Stafford Borough Council
SCC	Staffordshire County Council
SCI	Statement of Community Involvement
SDL	Strategic Development Location
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
sm	Square metres
<i>The Framework</i>	National Planning Policy Framework (also referred to as the NPPF)
WCML	West Coast Main Line
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the Plan for Stafford Borough: Part 2 provides an appropriate basis for the planning of the Borough over the plan period to 2031, provided that a number of main modifications [MMs] are made to it. Stafford Borough Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the Examination Hearings. Following the Hearings, the Council prepared a schedule of the proposed modifications. The MMs were subject to public consultation over a six week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Delete reference to the settlement boundaries extending beyond the plan period;
- Include plan to identify MOD Site 4 as Ministry of Defence Protected Area; and
- Amend Stone settlement boundary to exclude land on the edge of Westbridge Park to the east/south-east of the A520 Stafford Road and to the west/south-west of the Trent and Mersey Canal.

Introduction

1. This report contains my assessment of the Plan for Stafford Borough: Part 2 (PSB2) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework or *the Framework* (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the local planning authority has submitted what it considers to be a sound Plan. The Plan for Stafford Borough: Part 2, submitted in April 2016, is the basis for my Examination. It is the same document that was published for consultation in December 2015.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the Examination Hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, and **MM3**, and are set out in full in the Appendix.
4. Following the Examination Hearings, the Council prepared a schedule of proposed MMs and carried out a Sustainability Appraisal (SA) Addendum in relation to them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for Examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as 'Plan for Stafford Borough Settlement Boundaries' as set out in Examination Documents Ref. P2-A2 to P2-A18.
6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These changes apply to policy maps P2-A2 (Stafford) and P2-A3 (Stone), where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.

7. These further changes to the policies map were published for consultation alongside the MMs [Examination Document P2-Q6].
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in Document P2-Q6, entitled 'Schedule of Main Modifications Post Examination'.

Assessment of Duty to Co-operate (DTC)

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The Council states that it has worked closely with key stakeholders, service providers and statutory agencies in relation to Part 1 of the Plan (PSB1), which covers the strategic aspects such as the overall provision of development, and the sustainable development hierarchy, including the allocation of Strategic Development Locations (SDLs) for Stafford and Stone. The four SDLs allocated in PSB1 provide for a large proportion of the Borough's development requirements over the plan period (including 6,400 dwellings out of the 10,000 dwelling requirement to 2031). Part 2 – this Plan – identifies the settlement boundaries for Stafford, Stone and the Key Service Villages (KSVs) within the strategic parameters already established in PSB1.
11. Within this context, I agree with the Council that there are no strategic matters included in PSB2. I also note that the Council consulted with all the DTC organisations and that seven responses were received¹, all of which confirmed that there are no DTC matters of importance to raise, and that the consensus is that there are no cross-boundary issues raised in the Plan.
12. In response to representations that the Council should have engaged with Birmingham City Council (BCC) in seeking to meet the city's unmet housing needs, I note that firstly, the Council engaged with BCC during the preparation of the Plan and that no formal requests were made to SBC for assistance in terms of housing provision. Secondly, the Plan area is outside both the Greater Birmingham Housing Market Area (HMA) and the Greater Birmingham and Solihull Local Enterprise Partnership (LEP). I therefore consider there is not a case for the Council to answer in this regard, and in any event, this will be a strategic matter for a future PSB1 to address.
13. In view of the above considerations, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DTC requirement has therefore been met.

Assessment of Soundness

Background

14. The Borough of Stafford comprises the county town of Stafford and the market town of Stone, together with several villages within a large rural hinterland. At the time of the 2011 Census, the Borough's population was around

¹ SBC: Regulation 22 (1) (c) Submission Consultation Statement [Examination Document P2-A20].

130,600, just over half of whom lived in the town of Stafford. As the lead member on the Council for Planning stated on the opening day of the Hearings, the Borough is committed to growth and was designated as a Growth Point in July 2008 by the Government of the time.

15. The Borough is set to grow during the plan period (to 2031). Its strategic parameters for overall growth and its geographic distribution within a sustainable settlement hierarchy have already been established in PSB1, which was adopted in June 2014.

Main Issues

16. Taking account of all the representations, the written evidence and the discussions that took place at the Examination Hearings, I have identified 10 main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Does the Plan provide the most appropriate spatial strategy for the development of the Borough of Stafford over the plan period?

The Spatial Context

17. The scope of Part 2 of the Plan (PSB2) is to establish a sustainable framework for the effective delivery of Part 1 of the Plan (PSB1). Its purpose is to complement the strategic policies in PSB1. As a recent Court of Appeal Judgment (CAJ)² has noted, in preparing a development plan, the local planning authority must have regard to any other development plan document already adopted, such as a core strategy (or in Stafford's case, PSB1).
18. The CAJ states that the relevant policies in *the Framework*³, properly understood, do not require every development plan document within its broad definition of a 'Local Plan' to fulfil all the requirements described in paragraph 47. Therefore *the Framework* does not require a development plan document, which is dealing with the allocation of sites (or in Stafford's case for a framework for accommodating future development) for an amount of housing provision which has already been found sound, to address the question of whether further housing provision will need to be made.
19. The CAJ goes on to say that: "*Considering the limited objectives of TLP 2 [in Stafford's case PSB2]...the Inspector was not in my view required to embark upon an inquiry as to what the OAN might be or whether or not the defendant had a five-year supply of housing... The establishment of a new housing requirement for the defendant's administrative area was not a task which TLP2 had set itself*"⁴.
20. It is therefore clear that it is not for me to re-examine the strategic issues which were covered in PSB1. These were considered in the PSB1 Examination and have been found to be sound following its Examination. A number of representations concentrate at least in part on matters such as objectively

² Court of Appeal Judgment (CAJ): Oxted Residential Ltd v Tandridge District Council; 29 April 2016 [Ref 2016 EWCA Civ 414] [Examination Document P2-K3].

³ DCLG: National Planning Policy Framework (*the Framework*); March 2012 [Examination Document P2-F1].

⁴ CAJ Oxted Residential Ltd v Tandridge District Council, paragraph 38; April 2016 [Examination Document P2-K3].

assessed need for housing (OAN) and the Borough's five year housing land supply matters. For the above reasons these also are not matters to be re-examined in this Examination.

Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA)

21. PSB1 was subject to a detailed SA, which looked at a range of realistic alternatives, and changes were consequently made. The Inspector's Report (IR) into PSB1 confirmed that the SA was robust. A Part 2 SA has also been undertaken⁵ and it has incorporated the requirements of a Strategic Environmental Assessment. Natural England has confirmed⁶ that it agrees with the SA conclusion and recommendations and that the Plan is not required to meet the Habitat Regulation Assessment (HRA). I have no reason to disagree with this view.
22. The SA concludes that there are no negative social or economic effects arising from the Plan. On environmental matters, the SA concludes that policy SB1 (settlement boundaries) has potential minor negative effects in relation to noise and light pollution; soil protection; loss of greenfield land and biodiversity; loss of viable habitat through employment development; and loss of water environment. Only one of the six Special Areas of Conservation (SACs) – Cannock Chase SAC - which are partly located within or adjacent to the Borough would experience some impact. However, the SA also concludes that policies N2 (climate change) and N4 (the natural environment and green infrastructure) in the adopted PSB1 provide mitigation to satisfactorily reduce these negative effects.
23. The Plan for Stafford Borough should be read as a whole, and there are no SA recommendations which suggest that any more reasonable alternatives should have been selected. I note that the Council is working with stakeholders to mitigate environmental impacts, largely through determining planning applications. The process is working well with appropriate financial contributions funding mitigation work and environmental strategies. The Council also puts proposals in Neighbourhood Plans (NPs) through a screening assessment.
24. Some of the SA criteria and conclusions were questioned at the relevant Hearing session; these mainly referred to matters which were considered in the PSB1 SA, such as affordable housing provision and alternative sites for major development, e.g. in relation to Birmingham's housing needs (which I have considered above). As I have already stated, it is not the remit of this Plan to re-examine matters which have already been considered in PSB1.
25. A more recent SA Addendum has been issued in relation to the three main modifications which were subject to public consultation. I deal with this document under Issue 2 (c) in relation to the Stone settlement boundary.

⁵ PSB2 Sustainability Appraisal (SA) [Examination Document P2-A19].

⁶ Letter from Natural England; 13 July 2015 [Appendix to SBC examination Statement – Issue 2 – Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA); June 2016 [Examination Document P2-M2a].

Green Belt

26. Another strategic issue which was raised in written representations and at the Hearings is the Green Belt. There are two areas of Green Belt within the Borough which together account for about a quarter of the areal extent of the Borough. Spatial Principle 7 (SP7) is a commitment to keep the existing Green Belt boundaries intact, whilst policy E5 in PSB1 identifies three major brownfield sites within the Green Belt where limited infilling or partial or complete redevelopment would be acceptable in principle.
27. Any changes to the boundary of the Green Belt within the Borough need to be determined in the context of a strategic review, and not as part of this Plan. I also consider that the submitted Plan, together with the relevant modifications to the settlement boundaries, enable PSB1 to be implemented in accordance with national policy, both in terms of overall provision of development and in the achievement of a sustainable hierarchy of development distribution. I therefore consider that the exceptional circumstances mentioned in paragraph 83 of *the Framework* for altering the Green Belt boundaries do not currently exist in relation to the Plan before me.

Issue 1 - Conclusion

28. I therefore conclude in relation to Issue 1 that there is no case for re-examining the strategic issues which have been considered at the PSB1 Examination, and that the SA and HRA requirements have been satisfactory met in relation to PSB2. I therefore have no soundness concerns in relation to Issue 1.

Issue 2 – In terms of housing provision, is the Plan effective in delivering the adopted strategy of the Plan (PSB1) in terms of its use of settlement boundaries to deliver the Plan's strategic housing requirement, as identified in policy SB1- use of settlement boundaries

(a) Is the principle of using settlement boundaries acceptable?

29. The initial intention of the Council was to prepare a site allocations plan⁷. The Council, however, has subsequently stated that it is confident that sufficient land can be identified within the settlement boundaries it has defined around the towns of Stafford and Stone and around the Key Service Villages (KSVs) to deliver a minimum of 10,000 dwellings over the plan period. For this reason it does not consider that it has a requirement to extend the settlement boundaries to enable the development of additional sites.
30. Several representations opposed the concept of settlement boundaries and supported development allocations in PSB2. These can be summarised as (a) the settlement boundaries are a moratorium on housing development in the Borough through the 'back door'; (b) they set a maximum level of development, contrary to national policy, as expressed in paragraph 47 of *the Framework*, to boost significantly the supply of housing; (c) they rule out major brownfield opportunities to boost the supply of housing from sustainably located sites outside the settlement boundaries; and (d) they are an artificial

⁷ SBC: Examination Statement – Issue 1 – Legal Requirements, Scope of Part 2 of the Local Plan and Duty to Co-operate, paragraph 1.2.1; June 2016 [Examination Document P2-M1a].

and restrictive framework for managing the growth of the two largest and most sustainable settlements of Stafford and Stone.

31. The Council stated that if the settlement boundaries were to be used as a moratorium on housing development, it would be refusing many more housing developments than it currently does, with the latest evidence showing that the housing potential arising from recent planning permissions is exceeding the Plan provision by a margin of over 10%. The Plan also states that the figure of 10,000 dwellings in the plan period does not represent a ceiling or a maximum⁸. For these reasons I do not consider that the concept of settlement boundaries represents a moratorium on housing development through the back door, and neither does the Council set out to cap the 10,000 dwelling provision in the Plan. Therefore the Plan does not in principle run counter to the Government's aim to boost significantly the supply of housing.
32. It is true that there are major brownfield opportunities which lie outside the settlement boundaries, such as the decommissioned MOD site at Cold Meece. The settlement boundaries, however, reflect the sustainable development hierarchy in PSB1. Should the Council decide to change the strategy of the Plan to include these major sites in the rest of the Borough, this should be done as part of a review of PSB1 rather than through this Examination. There is, however, an emphasis on bringing forward brownfield land within the settlement boundaries, in accordance with national policy, although I recognise that the supply of such sites is limited.
33. Stafford and Stone are the most sustainable locations for development in the Borough. Provision needs to be found to enable sufficient development to ensure that the Borough as a whole meets its minimum housing provision and that 70% and 10% respectively can be located within these towns. In principle, the concept of settlement boundaries is appropriate, and I consider below whether there are reasons to justify extending these boundaries.

(b) Are the criteria for delineating the settlement boundaries appropriate?

34. There was some criticism that the settlement boundaries in the Plan are arbitrary and do not follow an established methodology, although there is also substantial support for the criteria set out in the Plan.
35. Spatial Principle 7 (SP7) in PSB1 sets out criteria for delineating settlement boundaries. PSB2 builds on these with a number of additional considerations which are collectively described as the methodology for establishing the settlement boundaries.
36. These considerations, which are listed in paragraph 2.11 of the Plan, comprise the following factors – (a) recognised physical features; (b) completed sites and sites with extant planning permission; (c) previous residential development boundaries from the now superseded Local Plan⁹; (d) environmental and landscape designations; (e) scale of new development for which provision needs to be made in the Plan; (f) extent of domestic garden land on the edge of settlements; (g) NP proposals for new development; and (h)

⁸ PSB2, paragraph 2.4.

⁹ Stafford Borough Local Plan 2001.

SDLs. I am satisfied that these criteria, together with the reference in the Plan to SP7, comprise a robust methodology for the delineation of settlement boundaries.

37. Concern was expressed at the Hearings that the settlement boundaries incorporating the above methodology would "*freeze the settlements in time*" and are "*an opportunity to shut up shop*", and as such would not be sustainable. Criterion (e), however, ensures that the settlement boundaries need to be drawn to ensure that sufficient development land is made available to meet the needs of the Plan during the plan period. I therefore endorse the Council's modification as necessary for soundness in relation to its justification and accordance with national policy, to limit the duration of the settlement boundaries to the plan period by deleting the words "*and beyond*" from paragraph 2.26 of the submitted Plan **[MM1]**.

(c) Have the settlement boundaries been drawn in accordance with the criteria as set out in the Plan?

38. Several representations, whilst accepting the criteria for the delineation of the settlement boundaries, nevertheless consider that the boundary lines have not been drawn in accordance with these criteria, and are seeking amendments to allow for more development.
39. I have considered these representations and I set out my conclusions in the following paragraphs.

Stafford settlement boundary

40. Extension of Stafford East Strategic Development Land (SDL): There is broad agreement between the Council and representors that the 600 dwelling scheme at Stafford East will be built out within ten years. Extending this SDL to the east would deliver a further 1,250 dwellings¹⁰ in a relatively unconstrained and sustainable location. I note, however, the comments made by the PSB1 Inspector, that the land does not need to be identified to deliver the proposed development strategy, and that this matter could be reconsidered in the future when the Plan is reviewed¹¹. The Inspector's comments are still appropriate; I demonstrate below that the Plan is on track to deliver its four SDLs within the plan period, and that the most appropriate time to reconsider the inclusion of sustainable sites like the one in question is at the time of the review of PSB1.
41. Land adjacent to Cornwall Drive and Truro Way, off Baswich Lane, Stafford: The site, with an estimated yield of 19-24 dwellings, was required for the proposed Eastern Distributor Road, which has now been partially abandoned, and it is no longer required for the highway scheme. The site has well defined physical boundaries and does not conflict with any of the PSB2 criteria, and it is considered in the strategic housing land availability assessment (SHLAA) to be available immediately. The representations state that there is a heavy reliance in the Plan on the deliverability of two of the three SDLs in Stafford within the plan period (which I consider below). However, I agree with the

¹⁰ Answer given by the Council on Day 3 of the Examination Hearings.

¹¹ Stafford BC – The Plan for the Borough (PSB1) – Inspector's Report (IR) paragraph 81.

Council that the site is not needed now, and I therefore consider that the settlement boundary does not need to be changed.

42. Land at Ashflats Lane, Stafford: The site, to the south-west of Stafford's urban area, has the potential to yield around 320 new homes. It is located beyond the settlement boundary, and it is contained by the M6 motorway, the Stafford to Birmingham railway and the A449 main road. It is sustainably located, subject to appropriate mitigation from the significant noise impacts of both the two highways (especially the M6) and the railway. It is my view, however, that the strategic housing requirements of PSB1 can be provided satisfactorily without recourse to developing new homes on this site. I therefore consider that the site is not needed now, and for this reason the settlement boundary does not need to be changed.
43. Land at Tixall Road/Blackheath Lane Junction, Stafford: The site, on the eastern edge of the Stafford settlement boundary, includes a hamlet of around 10 dwellings with potential for up to two infill houses. The Council considers that Blackheath Lane forms a strong physical and defensible line and for this reason there is no justification to change the settlement boundary at this location. I see no reason to disagree with the Council's logic here.
44. Milford Road, Stafford: The greenfield site, on the eastern fringe of the urban area of Stafford, has potential for around 225 dwellings. The site is well located in relation to schools, shops and other facilities. It is my view, however, that the strategic housing requirements of PSB1 can be provided satisfactorily without recourse to developing new homes on this site.
45. Site 4, MOD, Stafford: This site is located within the Stafford settlement boundary. The modification to identify this land as a MOD protected area **[MM2]** is necessary for soundness in relation to its accordance with national policy. Thus a change to the settlement boundary here is not necessary to the soundness of the Plan.

Stone settlement boundary

46. Land within the settlement boundary at Westbridge Park, Stone: The area lies on the edge of Westbridge Park, to the east/south-east of the A520 Stafford Road and to the west/south-west of the Trent and Mersey Canal. It is currently occupied by a surface car park and other land and buildings in community use, including a leisure centre and tennis courts. The Council considers that the boundary line is carefully drawn, so as to exclude the area of Green Infrastructure to the south-west, thus limiting the area included within the proposed settlement boundary at this location to previously developed land (PDL). Following the publication of the MMs, the Council commissioned a SA Addendum¹², and I respond to this document below.
47. The Council's considerations need to be weighed against the four principal arguments against inclusion of this land within the Stone settlement boundary, which were made in representations and at the Hearings and which I set out below.

¹² LUC: Plan for Stafford Borough Part 2: Main Modifications – Sustainability Appraisal Addendum; September 2016 [Examination Document P2-Q4].

(i) *The Trent and Mersey Canal as a clear boundary*

48. The canal forms a clear physical boundary and any deviation would appear contrived. The settlement boundary in the submitted Plan deviates from this boundary, to a significantly less pronounced physical feature, which approximates to the boundary of an area of previously developed land (PDL).
49. From studying the written material and the policies map, as well as from my own observation, it is my view that the Trent and Mersey Canal is a clear, obvious and defensible physical feature, and as such accords with the first criterion in the methodology for defining settlement boundaries, as set out in paragraph 2.11 [1] of the submitted Plan. This is also the view of the residents of Stone who responded to the Plan, and Stone Town Council, a number of whom spoke at the Hearings. The Council, in its response, does not comment on this consideration. In the light of the above considerations, I attach considerable weight to the argument that the canal should be the settlement boundary at Westbridge Park.

(ii) *Flood risk*

50. The area is located within a flood risk zone; much of the land lies within flood zone 2, with a smaller area within flood zone 3. The Environment Agency (EA) initially objected to a recently submitted planning application on the area in question for the development of a food store with ancillary café, car parking and associated access, landscaping and other works at the Westbridge Sports Centre, based on the absence of an acceptable flood risk assessment (FRA). The Part 1 Inspector also expressed concern that parts of the site are subject to flood risk¹³. Increased intensity of development would also increase surface water run-off. I share the concern of the EA, as expressed in its letter to the Council¹⁴, especially in the light of paragraphs 99 and 100 of *the Framework*.
51. The Council argues firstly that much of the land within the Stone town centre boundary also falls within flood zones 2 and 3, and that "*this does not preclude land from being included in the settlement boundary*"; and secondly, that the EA, in a further letter since the end of the Examination Hearings¹⁵, states that it has no objection to a planning application for retail development on the land in question, subject to a number of conditions being attached, should planning permission be granted.
52. Regarding the Council's first point, I am not persuaded by the argument that because, historically, town centre development occurred in flood zones, this justifies future development being developed in these zones. This would fly in the face of the heightened awareness we now have of flooding issues, the social and environmental issues and economic costs of flooding, and the climate change agenda, which is integral to our understanding of sustainable development.
53. In relation to the Council's second argument, I note the reference to technical solutions now offered by the EA to overcome flood risk associated with development on the land in question, and the fact that the EA has withdrawn

¹³ IR paragraph 91.

¹⁴ Letter from EA to SBC dated 23 June 2016 [Examination Document Ps-N13].

¹⁵ Letter from EA dated 7 September 2016 [Examination Document P2-O9: Appendix 3 to Council's Statement in Response to the Main Modifications].

its objection to the proposed development. However, this does not change the location of the land within flood zones 2 and 3. Whilst I see no reason to disagree with the EA's latest advice in relation to the proposal for a food store, in strategic terms the issue of flood risk is an important consideration against the inclusion of this land within the Stone settlement boundary.

(iii) *Retail provision*

54. The potential of the land for retail development is perhaps the key reason for the Council's wish to depart from what I consider to be the clear and logical settlement boundary following the canal at Westbridge Park. Policy Stone 1 in the adopted PSB1 makes provision for 1,700 sm (net) of new convenience (food) retailing and 400 sm (net) of new comparison (non-food) retailing at Stone town centre. However, the PSB1 Examination Inspector stated that the retail element of a proposal for developing at Westbridge Park is questionable, since the site lies outside the town centre¹⁶ and referred to the lack of a sequential retail assessment. Apart from the applicant's submission, no independent assessment was presented to the Part 2 Examination. I also heard evidence at the Hearings referring to alternative sites for retail development either within Stone town centre or closer to the town centre than Westbridge Park.
55. Since the end of the Examination Hearings, the Council has instructed an independent retail consultant to assess the applicant's study and this has now been published¹⁷. This independent assessment looks at the sequential test in accordance with the requirements of paragraph 26 of *the Framework* to see whether there are any available and suitable sites in sequentially preferable locations; it looks at the potential impacts of the proposal on defined centres; and it then makes some recommendations.
56. In relation to the sequential test, the assessment states that Crown Wharf was raised at the Examination Hearings. It includes designated heritage assets such as the listed buildings at the boatyard site and the assessment states that redevelopment, including the boatyard site (necessitating the relocation of a number of small businesses), to accommodate the proposed development of the food store would appear to be inappropriate. I have no information before me to demonstrate that, in design and viability terms, the development of a food store of the size proposed would preserve or enhance the character or appearance of the important canal side heritage environment. I am not therefore persuaded that the Crown Wharf option, which was advocated in several representations, is a realistic sequential option.
57. The assessment also dismisses the former garden centre site (mentioned in representations), as insufficient in size to accommodate the proposed food store. It also advises that there are no other potential sites for the development of a retail food store within or on the edges of the town centre. I also note that no robust evidence before me challenges these statements.

¹⁶ IR paragraph 91.

¹⁷ Peter Brett Associates Ltd: Letter to the Council, concentrating on retail and town centre planning policy issues connected with planning application 16/24242/FUL – Proposed Superstore, Westbridge Park, Stone; 1 September 2016 [Examination Document P2-Q9: Appendix 2 to Council's Statement in Response to the Main Modifications].

58. In terms of retail impact, the independent assessment advises that the town centre has a relatively low vacancy rate, a relatively strong comparison retail offer, a healthy presence of independent retailers and a pleasant and safe environment. However, it also points out that there are some larger vacant units in the town centre which could benefit from new national multiple retailers. Against this background, the independent study advises that there will be no significant impact on existing, committed or planned investment within the Borough's defined centres.
59. The assessment accepts that some of the impacts on the convenience goods turnover of existing food stores within Stone town centre would be relatively high. It weighs this conclusion against the evidence that at least one town centre store is overtrading by £16.7 million against company benchmark turnover figures, and it also states that the cumulative impact of the proposed food store would be unlikely to compromise trading at any of the existing town centre stores to the point of closure. However, this critical conclusion was not tested during the Examination, and it seems to me that some assessment of the potential of the 'larger vacant units' in the town centre should be undergone before a firm conclusion could be drawn in relation to justifying amending the settlement boundary at Stone, as shown in the submitted Plan.
60. In the light of the above considerations, I am not persuaded that the concerns of the PSB1 Inspector have been entirely overcome. I therefore conclude that the retail considerations are not sufficiently compelling for me to agree with the Council's arguments for keeping to the settlement boundary at Westbridge Park as indicated in the submitted Plan.

(iv) Impact on the character and appearance of the area

61. The final consideration concerns the potential impact that the proposed location of the settlement boundary in the submitted Plan is likely to have on the character and appearance of the area, and in particular whether it would preserve or enhance the character or appearance of the settings of the two nearby conservation areas and individual listed buildings.
62. The area is located within the setting of several prominent buildings within the Stone Conservation Area, including The Moorings, a former canal-side warehouse (grade II), The Priory, an eighteenth century residence (grade II*), and the striking Church of St Michael (grade II*), whose tower can be seen from many places, including Westbridge Park. These buildings and their sylvan context are critical to the character of the impressive gateway to the town centre, which can be viewed from the A520 by Westbridge Park, and this is a feature which is clearly valued by local people. The area is adjacent to the canal, which is also a designated heritage asset within the Trent and Mersey Canal Conservation Area. Whilst I agree with the Council that the view is spoiled by the blue Westbridge sports centre, most of the land is still open and enables the setting of the above mentioned heritage assets to be fully appreciated from the park.
63. Planning legislation requires that a local planning authority shall have special regard both to the desirability of preserving listed buildings or their settings, and also to the desirability of preserving or enhancing the character or

appearance of a Conservation Area or its setting¹⁸, or in this case, two Conservation Areas. Section 12 of *the Framework* makes it clear that great weight should be given to the conservation of designated heritage assets and that significance can be harmed by development within its setting, which I consider would be the case here.

64. From my site visits, one of which was accompanied, I consider that the redevelopment of this land for housing, retail, office or commercial development, at heights of at least two storeys, would impact on the open nature of the site, which, together with the adjacent park, allows for significant views of both Conservation Areas and many of the heritage assets within them. I consider that the quality of their settings would be eroded by further development, if the land were included within the settlement boundary for Stone.
65. I agree with the PSB1 Inspector who states: "*The introduction of new buildings, car parks and roads also could begin to change the character of this fringe of the park, and erode the appearance of this important gateway into the town and its historic Conservation Area, as well as impacting on SBC's Green Infrastructure Strategy*"¹⁹. I find this statement encapsulates the most powerful argument in favour of modifying the proposed settlement boundary to exclude the Westbridge Park land as indicated in the submitted Plan.
66. The Council argues that the proposed food store development would lead to less than substantial harm and that its impact on the setting of the listed buildings and the character and appearance of the Conservation Areas would be outweighed by the benefits of the scheme.
67. *The Framework* draws a distinction between 'substantial harm' to a designated heritage asset and 'less than substantial harm', and in the latter case, it states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 134). There is no precise definition in *the Framework* of these two terms, although 'substantial harm' is equated with "*total loss of significance*" (paragraph 133). The PPG states that assessing whether there is substantial harm derives not only from a heritage asset's physical appearance but also from its setting²⁰. However, the same paragraph in the PPG also advises that in general terms, substantial harm is a high test, and on balance I accept that this high test has not been met in the situation at Westbridge Park that I have been describing.
68. The impact of two-storey buildings on the Westbridge Park land would affect public views of the Conservation Areas from one of the most important vantage points, if not the most important vantage point, in the town. This view of the setting to the Conservation Areas is clearly valued by local people. I therefore attach significant weight to this consideration.

Westbridge Park Summary

69. I consider that the arguments advanced by the Council for the deviation of the settlement boundary from the canal at Westbridge Park are significantly

¹⁸ The Planning (Listed Buildings and Conservation Areas) Act 1990, (Sections 66 and 72).

¹⁹ IR paragraph 91.

²⁰ PPG: ID18a-017-20140306 *How to assess if there is substantial harm?*

outweighed by the planning, environmental and conservation grounds that I have summarised above; furthermore, the Council's arguments cannot in my view be justified by any of the eight criteria for defining settlement boundaries as set out in the submitted Plan, all of which I consider to be sound.

70. Although in technical terms, flood risk could be overcome in relation to the proposed development for a food store and community development, I am not aware of the details of any required flood prevention works and I cannot therefore be satisfied that any such works would not impact visually on the setting of the two Conservation Areas.
71. Whilst I accept that there would be some economic and social benefits associated with proposals for retail and community related development at Westbridge Park, I am not persuaded, for the reasons stated, that the retail benefits necessarily outweigh the impact on the vitality and viability of the town centre. In any event, I am not convinced that new development here would outweigh the visual harm, albeit less than substantial, which would result from the development potential that would arise should the settlement boundary as proposed in the submitted Plan were to remain.
72. The recently issued SA Addendum states that the MM for the Stone settlement boundary is: *"expected to result in additional minor effects in relation to SA objectives 1 (employment), 2 (economic diversity), 3 (vitality and viability), 7 (access for all), 10 (health, safety and wellbeing) and 16 (community identity)"*.
73. The SA Addendum gives a neutral score on the impact of the submitted Plan's settlement boundary at Stone on landscape and historic character. Whilst I agree that there might be some minor gains in a number of areas identified in the SA Addendum, it is clear from the representations and discussions at the Hearing sessions that the overwhelming 'community identity' view is to keep the existing open area as it is. In terms of vitality and viability, again for the reasons I have already stated, I am not convinced by the evidence before me that the impact on the town centre would be largely benign. I therefore come to a different conclusion to that of the SA Addendum.
74. In coming to my conclusion, I am mindful both of the requirement in paragraph 132 of *the Framework* to give great weight to the conservation of a heritage asset, and the recent Barnwell CAJ²¹, which states that an Inspector needs to give considerable importance and weight to the desirability of preserving the setting of listed buildings when carrying out a balancing exercise in planning decisions, and by extension to local plan soundness conclusions.
75. In the light of the above considerations, I conclude that the proposed modification **[MM3]** to realign the settlement boundary to the route of the canal to the south of the A520 Stafford Road is necessary for the Plan to be sound on the grounds of being justified and accordance with national policy.
76. Land north of Trent Road, Stone: The site, with potential for 24 dwellings, is almost surrounded by the Stone settlement boundary, and I agree with the

²¹ CAJ: Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137.

promoters that the site is not located in open countryside. Although the site was allocated in the previous Local Plan for housing, no development proposals came forward, and Stone has exceeded its provision of 10% of the Borough's total within the sustainable settlement hierarchy by around 13.8%²². It is not therefore true to state that the Council is displaying a "we have reached our target attitude"; the Council has exceeded its requirement for housing at Stone by a reasonable margin. Although the site is in a sustainable location, it is not required to meet the strategic distribution of new housing as set out in PSB1.

77. Land at Saddler Avenue/Blackie's Lane Junction, Stone: This site, with potential for about 10 dwellings, lies just outside the Stone settlement boundary. As with the site to the north of Trent Road, the site was allocated in the previous Local Plan for housing, but no development proposals came forward. Although the site is in a sustainable location, it is not required to meet the strategic distribution of new housing as set out in PSB1.
78. Land at Marlborough Road, Stone: This site, with potential for 114 dwellings is currently the subject of an appeal. The site is adjacent to the Stone settlement boundary in open countryside and is in a sustainable location. It is not necessary to achieve Stone's target in the sustainable settlement hierarchy in accordance with PSB1 Spatial Principle 4. Although the site is in a sustainable location, it is not required to meet the strategic distribution of new housing as set out in PSB1.

Other parts of the Borough

79. Land adjacent to the boundary of Rugeley: This site, with a potential yield of 243 dwellings, is located in the Green Belt. It will be for the Council to determine whether to amend the boundaries of the Green Belt at any future review of PSB1, and it would be premature at this time to modify the Plan to amend the settlement to include this land for development.
80. Land at Grange Farm, Hixon: This site, with potential for around 50 dwellings, is located to the south-east of the Hixon settlement boundary. The boundary has already been drawn so as to include new sites for development, and this site is not required for inclusion within the settlement boundary at this time.
81. The former Wedgwood Memorial College sites, Barlaston: These brownfield sites, with potential for 35-40 dwellings, are located within the Barlaston settlement boundary. As such, residential development is acceptable in principle.
82. Land east of Old Road and west of the canal, Barlaston: This site has potential for 45 dwellings on about one third of the site and it is proposed by the scheme's promoters for inclusion in the Plan as a safeguarded site. It is located within the Green Belt to the north of the Barlaston settlement boundary. The settlement boundary already includes new sites for development, and this site is not required for inclusion in the Plan for new housing at this time. Furthermore, it will be for the Council to determine whether to amend the boundaries of the Green Belt at any future review of

²² See the Council's Issue Statement, Table 1, page 2 [Examination Document P2-M3a].

PSB1, and it would be premature at this time to modify the settlement boundary of Barlaston to enable development.

83. Land at Cold Meece: This is a large brownfield site which has been decommissioned by the MOD. A first phase of around 150 dwellings is being sought for inclusion in the Plan by the scheme's promoters. The site does not form part of the sustainable settlement hierarchy. As such, its development for housing and other uses would be in conflict with the strategy of PSB1. This consideration outweighs its brownfield status. It will be for the Council to determine whether to amend the PSB1 strategy at any future review.
84. Land at Stowe Lane, Hixon: This site, with potential for 90 dwellings is currently at appeal. The site is outside the NP boundary, which progressed to its referendum on 15 September 2016 and was 'made' on 22 November 2016. It is my view, however, that the strategic housing requirements of PSB1 can be provided satisfactorily without recourse to developing new homes on this site.
85. Land to the north-east of Tittensor: This site, with potential for up to 60 dwellings, lies in the Green Belt. It will be for the Council to determine whether to amend the boundaries of the Green Belt at any future review of PSB1, and it would be premature at this time to modify the settlement boundary of Tittensor to enable the development of the land for housing.
86. Land to the south of the Green at Weston: This site has potential for 40-50 dwellings. The scheme promoters argue that the KSV, which has around 500 households with some facilities, should have the opportunity to attract development. The PSB1, however, looks at the KSVs as a whole, and the amount of new housing in the KSVs already exceeds its planned proportion in the sustainable settlement hierarchy by a significant margin (12%). I am not therefore convinced that there is a strong case to change the settlement boundary at Weston to accommodate this proposed development.
87. Land at Pure CF Furniture Depot, Barlaston: This site, with potential for 24 apartments, is currently used for storage and has brownfield status. Its location is close to shops and other community facilities, and it is therefore highly sustainable. Its location is also where the settlement boundary is very constricted. However, it is a Green Belt location, and it would be premature to include this site within the settlement boundary for Barlaston to enable the development of housing prior to a Green Belt review.
88. Land at Barlaston Lea Cottage, Barlaston: This site is enclosed by trees and lies within the Green Belt, outside the Barlaston settlement boundary. Although the scheme promoter argues that the site is perceived as part of the village, my perception at the accompanied site visit was of a rural site, and in any event, it would be premature to amend the settlement boundary to enable the development of this site for housing prior to a Green Belt review.

Issue 2 - Conclusion

89. I conclude on the basis of the evidence before me that, subject to the above modifications, the principle of establishing settlement boundaries is justified; that the criteria are appropriate and, that it sets out appropriate settlement

boundaries to enable the housing provision in PSB1 to be met with an appropriate degree of flexibility. I also conclude that none of the settlement boundaries in the submitted Plan need to be extended on any soundness grounds.

Issue 3 – Is the Plan effective in its potential overall delivery of housing over the plan period?

90. Several representations stated that the settlement boundaries were drawn too tightly around the existing settlements, with insufficient flexibility to respond to change or under-delivery of housing during the remainder of the plan period. There were also requests for freeing up the development potential in some of the KSVs in order to enable them to grow organically. Regarding the appropriate level of flexibility during the Hearings, several respondents stated that somewhere in the region of 10-20% was required to provide the necessary level of provision to ensure that a minimum of 10,000 dwellings would be completed during the plan period. Some representations argued for a review of the Green Belt, particularly in relation to those KSVs which are surrounded by or severely constrained from further growth by the Green Belt.
91. I consider that three key factors are relevant to assess whether the settlement boundaries are restricting development in the Borough to an unacceptable degree. Firstly, it is necessary to look at the housing provision in the Plan in relation to the objectively assessed need (OAN) for housing in the Borough. Secondly, it is necessary to assess the potential of sites within the settlement boundaries to deliver the overall housing provision in the Plan. Thirdly, this potential needs to be further considered in view of the importance of the four proposed SDLs which are planned to deliver 64% of the 10,000 houses provided for in the Plan, and to consider how likely they are to deliver the amounts proposed in the Plan in their entirety within the plan period.

(a) Housing provision in relation to OAN

92. The IR into PSB1 states (paragraph 31) that the proposed level of housing provision in the Plan takes account of the additional households to be formed in Stafford Borough between 2011 and 2031 and includes an element of further growth, from 461 dwellings per annum (dpa) to 500 dpa, i.e. an increase of 10.85%, in keeping with Stafford's role as a growth point. The 10,000 dwelling provision in the adopted PSB1 is therefore starting from a position of exceeding the minimum provision required through considering its OAN in isolation.
93. I therefore conclude that the Plan provision of 10,000 dwellings is predicated on a growth strategy, which as paragraph 2.4 clearly states, does not represent a ceiling, in accordance with national policy.

(b) Potential of sites within the settlement boundaries to deliver the overall housing provision in the Plan.

94. In response to the representations which maintain that the settlement boundaries are too tightly drawn to enable the Plan to deliver a minimum of 10,000 dwellings over the plan period, I requested an updated assessment of the potential for housing within these boundaries. The Council produced a

Note²³ which identifies completions since the start of the plan period, commitments with planning permission and in the case of the SDLs, the residual site provision, within Stafford and Stone, as well as the situation within the KSVs. The Note also includes an assessment of potential future supply within the settlement boundaries.

95. The Note indicates that the total potential for new homes within these boundaries is estimated at 11,107 dwellings out of a Plan requirement for 10,000 dwellings (an overprovision of 11.1%). When the estimated yield from completed and committed sites in the Rest of the Borough (i.e. outside the settlement boundaries) is added to the above figure, there is an overall housing provision of 11,699 dwellings (i.e. an overprovision of 11.7%).
96. From the evidence submitted to the Examination, I consider that this estimation of over-provision in relation to the PSB1 dwelling provision is realistic. 2,258 dwellings (19.3%) have been completed since the start of the plan period, and a further 4,274 dwellings (36.5%) are on committed sites of greater than 10 dwellings.
97. The bulk of this provision, 4575 dwellings (39.1%) is expected to come from the remainder of the SDLs, which I consider to be realistic for reasons that I set out in some detail below. This leaves an estimated potential of 592 dwellings (5.9%) on sites which are estimated to yield 10 or more dwellings, and these are set out in the Council's evidence²⁴. Although some representations consider that there are uncertainties concerned with the delivery of some of the potential of the SDLs during the plan period, there was no robust questioning of the other sources of housing within the Note. Furthermore, the Note does not make an allowance for future small site delivery over the remainder of the plan period.
98. This level of provision has been criticised as being too close to the minimum figure. Whilst the figure of 11.7% is considerably lower than the 20% recommended by a number of participants at the Hearings, the Council makes the point that the housing provision in the Plan is one of the key variables in assessing the adequacy of the infrastructure provision. A significant increase in housing delivery above that provided for in the Plan would run the risk of the quantum of development being out of line with some aspects of infrastructure provision, resulting in possible shortages of key services, such as school places or the capacity of the physical infrastructure, such as drainage, to the overall detriment of the community. There could also be issues in relation to the sustainable balance between homes and jobs.
99. In the light of the above considerations, I am satisfied that the level of flexibility, at around 11.7%, is appropriate for the effectiveness of the Plan.

(c) The effectiveness of the four SDLs to deliver housing within the plan period.

100. The implementation of the four SDLs within the plan period is critical to the Plan's effectiveness. These SDLs account for 64% of the PSB1 target of

²³ Council's Response to Inspector's Request regarding Housing Provision and Flexibility within Settlement Boundaries; 21 July 2016 [Examination Document P2-N6].

²⁴ Ibid, Section 2.

10,000 dwellings. In view of their importance and the considerable doubts expressed by several representors, I requested a Council response to five key questions²⁵: (a) the views of the lead developers on scheme progress; (b) implementation prospects of the Western Access Route; (c) other critical components of infrastructure that will impact on the progress of any of the SDLs; (d) implementation prospects for the Stone SDL; and (e) the realism of the rates of delivery, especially in the light of slippage that has already occurred.

101. The Council responded with a Note²⁶, and a number of the representors also submitted written evidence. In the light of these written submissions and the discussion at a session specifically dedicated to this matter, I have a number of comments:

Stafford West SDL

102. This SDL, comprising an estimated 2,200 dwellings, is programmed for completion by the end of the plan period (2031). The key concern was that the success of this scheme could be at risk by delays in the completion of the Western Access Route, and in particular the bridging of the West Coast Main Line (WCML), by 2020/21. This link is necessary to enable the full development potential of the Stafford West SDL to be realised. It should be noted that planning permission has been granted for 250 dwellings on the former Castleworks site (80 dwellings) and land south of Doxey Road (170 dwellings). Over the five year period a total of 630 dwellings are programmed for completion up to 2020/21, which will require 380 dwellings to be granted planning permission and completed across the rest of the Stafford West SDL. This is acceptable in highway terms prior to completion of the Western Access Route.

103. Evidence presented at the Hearings demonstrated that all the WCML improvements affecting the railway beneath the bridge, e.g. signalling and track layout, are now in place; and that the bridge improvements are now largely complete, so that rail based issues are no longer a constraint on scheme implementation.

104. Planning permission for the bridging of the WCML was approved in November 2015, and I note the Council's comments that the majority of the necessary finance is already committed to the scheme, with the prospect that the significant land acquisition costs included in the funding calculations may be less than expected. This optimism is supported by a letter of commitment from the major land owner. Although the legal agreement is not yet in place, the Council and the other main parties are confident that this will occur to enable the implementation to keep to the trajectory, which is included in the Council's Implementation Update²⁷.

105. The Council's view is also in line with the business case for the Western Access Route²⁸, and although the signing of the agreement will no doubt reduce any

²⁵ Note from Inspector (MF1) – Inspector Questions; 19 July 2016 [Examination Document P2-N1].

²⁶ Council Response to Note MF1; 1 August 2016 [Examination Document P2-01].

²⁷ Council Response to Note MF2: SDL Implementation Update [Examination Document P2-02a].

²⁸ Staffordshire County Council: Stafford Western Access Route-Major Scheme Business Case Main Report; January 2015 [Referred to in Examination Document P2-01d, at foot of page 7].

uncertainty, the evidence before me does not point to the likelihood that the current lack of a signed agreement will hold back scheme implementation.

106. Commitment to the implementation of the Stafford West SDL within the plan period is contained within a SCG²⁹, dated 29 October 2013, between the Council and the developers/landowners. Although not every aspect of detail has yet been agreed between the main parties, it is clear from reading this document that the parties are serious about making the scheme happen.
107. Also, a master plan for Stafford West³⁰ was agreed by the Council's Planning Committee in March 2015, and I note that the scheme developers are progressing with pre-application technical studies prior to submitting planning applications later in 2016 on the majority of sites in the SDL.
108. The other main area of concern relates to the timing of a parallel Compulsory Purchase Order (CPO), and I note some slippage has taken place since its programming in the above-mentioned Western Access Route business case. The business case, however, points to agreement between the principal land owners, to the extent that a CPO may not need to be progressed by Staffordshire County Council (SCC). Nevertheless, the lack of CPO progress could potentially result in significant slippage if significant disagreements between the landlords and the landowners cannot be resolved in the next year or so.
109. The Council has also increased the annual completions figure at Stafford West SDL post 2021/22 from 143 dpa to 154 dpa. I cannot find a documented reason for this increase, which provides an additional 140 dwellings towards the full complement of 2,200 dwellings within the plan period which can be realistically delivered. However, this level of increase is in line with the recent track record of delivery and I can see no strong argument to doubt that this will happen.
110. I do not share the views expressed by some representors that the factors I have referred to above are likely to significantly delay scheme implementation as set out in the Council's updated trajectory. The pessimism is restricted to the developers who are not involved in the scheme.
111. My conclusion on Stafford West SDL is that although there are still financial and legal hurdles to be crossed, the scheme has a realistic prospect of the delivery of 2,200 dwellings by the end of the plan period, in line with PSB1.

Stafford North SDL

112. This SDL, comprising an estimated 3,100 dwellings, is programmed to be completed by the end of the plan period (2031). The key concern is whether the speed of development envisaged by the Council is realistic. Several planning permissions have been granted, and the first houses were delivered ahead of schedule. At the current time, there are planning permissions for 475 dwellings including 100 units already completed. I note that a master plan for the remaining larger housing sites within the SDL was agreed by the

²⁹ SCG for strategic development locations – land west of Stafford, between Taylor Wimpey UK Ltd; Lord Stafford's Estate; Bellway Homes Ltd; and St Gobain; 29 October 2013 [Examination Document P2-P10].

³⁰ Burley Fields: A Masterplan Framework for Land to the West of Stafford; March 2015 [Examination Document P2-J19].

Council on 16 November 2016, with an implementation rate of 205 dpa from 2021/22 onwards, which is endorsed by the prospective developers.

113. Concern is expressed whether the wider SDL, beyond the land parcels which already have planning permission, is to deliver imminently. I note that a planning application for 700 has been submitted, whilst the developers for the large sites in the SDL have confirmed the trajectory in the Council's 5 year housing land supply statement³¹ of 100 dwellings in 2018/19, with 185 new dwellings in 2019/20 and 225 units in 2020/21. In this context, the projected rate of 205 dpa to the end of the plan period appears reasonable.
114. It was also drawn to my attention that the Council refused a planning application on the SDL earlier in 2016, as evidence that progress is going to be slow. The Council explained that the refusal related to detailed design considerations and not to the principle of development on this site. This does not strike me as evidence that the remainder of the site cannot fulfil a short to medium term trajectory in line with the Council's figures.
115. My conclusion on Stafford North SDL is that, based on the agreed masterplan, the scheme has a realistic prospect of the delivery of 3,100 dwellings by the end of the plan period, in line with PSB1.

Stafford East SDL

116. PSB1 identifies delivery of 600 dwellings, and the two planning permissions already granted give an enhanced total of 634 new homes, although the subsequent reserved matters permission reduced this to 631 new houses, i.e. still an increase on the Council's trajectory. It is envisaged that the scheme will be built out by 2021/22. I therefore have no doubts that the scheme will be completed before the end of the plan period.

Stone West SDL

117. The SDL is for 500 dwellings over the period 2015/16 – 2025/26, to be implemented at a rate of around 40-50 dpa. Although there has been a two year slippage, and 31 conditions to discharge, I note that the scheme developers have confirmed a rate of 30 dwellings in 2017/18 and 80 dpa in subsequent years, up to 2023/24. Even if the number of outlets is reduced from two to one, halving of the implementation rate to 40 dpa would still ensure that the scheme would be built out by the end of the plan period.

Issue 3 – Conclusion

118. I conclude on the basis of the evidence that the Plan's housing provision, predicated on a growth strategy, is realistic in its proposed housing delivery over the plan period. This conclusion takes account of site potential within the settlement boundaries and in particular on the effectiveness of the four SDLs to deliver around 6,400 dwellings over the plan period, in line with PSB1.

³¹ Examination Document P2-L1.

Issue 4 – Is the distribution of development in accordance with the sustainable hierarchy?

119. Given my conclusion on the above matter, I am satisfied that the delivery of 6,400 dwellings in the SDLs in the two most sustainable towns in the settlement hierarchy in the Borough would ensure that Spatial Principle 4 in PSB1, which sets targets for the distribution of housing development to 70% in Stafford; 10% in Stone; 12% in the Key Service Villages; and 8% in the rest of the Borough, will be largely adhered to. The Plan is therefore sound in this respect.

Issue 5 – In terms of employment provision and facilitating economic growth, are policies SB3 and RIE1 effective in delivering the adopted strategy of the Plan (PSB1) in its delineation of its Recognised Industrial Estate Boundaries and protection of employment use within these protected areas? Is the lack of a site-specific policy for Trentham Gardens sound?

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

120. Spatial Principle 2 in the adopted PSB1 provides a sustainable framework for delivering economic growth across the Borough, whilst Spatial Principle 5 sets out the broad distribution, with 56% of all employment focused on Stafford, 12% on Stone and the remaining 32% across the rest of the Borough. Policy SB3 in the submitted Plan seeks to protect existing employment sites in a context of a shortfall of 2ha³² in Stafford and a small overall Borough surplus of 6 ha above a total requirement of 160 ha identified by the Council. This includes a substantial commitment both in Stafford and Stone. Clearly, the loss of existing employment sites to other uses could undermine this balance across the Borough, and especially in Stafford, and for this reason, policy SB3 is required in order to contribute towards the sustainable housing/employment balance in PSB1.

121. A representation seeks to allocate additional land to the south of the Stone Business Park. However, policy Stone 2 in PSB1 identifies at least 18 ha at this location, and there is no need to increase this sizeable provision for employment land at Stone.

122. I therefore consider that policy SB3 provides the right balance between focus and flexibility and is therefore justified.

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

123. Policy RIE1 sets out the RIEs, which are concentrations of employment in rural areas, and which are recognised as important contributors to the rural economy. The policy also refers to the relevant RIE boundaries which are shown on a series of inset maps. The methodology for defining the RIE boundaries is generally supported, although some representations seek to enlarge the RIEs at Hixon Airfield, Ladfordfields, Moorfields, Pasturefields and Raleigh Hall.

³² SBC Employment Provision Update; March 2016 [Examination Document P2-L20].

124. The Council argues that it is important that new development in the lower levels of the hierarchy is not allowed to significantly exceed the proportional split set out in PSB1 policy SP5 and I support this sustainable approach to the development distribution in the Plan. Expansion at Moorfields near to Stone, would be contrary to Green Belt policy, and I agree with the Council that none of the RIEs should be expanded beyond the boundaries in the submitted Plan.

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

125. Trentham Gardens is a major tourist facility, attracting around 3 million visitors per annum. A representation seeks to include a site specific policy to deliver new development within this heritage asset, arguing that it is: *"imperative, therefore, that an effective planning policy is in place to assist in delivering the remainder of the enabling development with a mechanism that facilitates a balanced assessment of the plethora of competing aims and interests"*³³.

126. Whilst I note the commitment of the scheme promoter to achieve new development which is sympathetic to its heritage asset and other contextual matters, I agree with the Council that a combination of PSB1 policies N8 (landscape character); N9 (historic environment); E2 (sustainable rural development); and E6 (tourism) has been sufficient to enable successful regeneration of the Trentham Estate and Gardens in recent years, and can no doubt do so again. I also consider that a detailed, site specific policy for Trentham Gardens runs the risk of becoming outdated, in which case it could become counterproductive.

Issue 5 - Conclusion

127. I conclude from the evidence before me that policies SB3 and RIE1 set an effective framework for delivering economic development and employment provision in the Borough. I also conclude that the PSB1 strategic policies referred to above would enable new sustainable development which would be appropriate to the sensitive environmental and heritage context of Trentham Gardens.

Issue 6 – Should the Plan define retail frontages and if so what would be the appropriate policy wording?

128. PSB1 policy E8 (town, local and other centres) provides a clear strategic context to strengthen the role and enhance the vitality and viability of Stafford and Stone town centres, whose boundaries, together with primary shopping areas are defined in the plan. A key part of the Council's strategy is to ensure flexibility within town centres; within the context of PSB1 policy E8, the Council does not consider it is necessary to define retail frontages, which it maintains could restrict the flexibility of uses within town centres. The definition of town centres and primary shopping areas accords with the advice in paragraph 23 [3] of *the Framework*.

129. The Council's view that the retail provision in the Plan needs flexibility, based on its assessment of its local circumstances, is in line with the aim of national

³³ Statement on behalf of Trentham Leisure Ltd and St Modwen, paragraph 1.4; 30 June 2016 [Examination Document P2-M6b].

policy, as expressed in section 1 of *the Framework*, to build a strong, competitive economy. There were no representations in response to the Council's stance of retail flexibility within town centres, and I conclude that I have no soundness concerns on this matter.

Issue 7 – Is the provision for gypsy and traveller accommodation sound?

130. As part of my Introductory Note to the Council³⁴, I stated that, whilst I found the work that the Council has already carried out in assessing Gypsy and Traveller (G&T) pitch requirements was helpful, I requested to see in more detail how the Council intended to plan for the remaining unmet needs, bearing in mind that national policy seeks a plan-led approach to meeting G&T need. The Council's response to my Note³⁵ stated that its Gypsies and Travellers Accommodation Needs Assessment³⁶ identifies an additional requirement of 43 pitches for the period 2012/13 – 2026/27, and that the Council has already made significant progress towards meeting this requirement with planning permission granted for 36 pitches at St Albans Road, Stafford.
131. Moreover, the Council intends to include G&T accommodation in its updated SHMA. In these circumstances I consider that there is insufficient evidence of a need for making specific G&T allocations in the Plan.
132. One representation argued that the Plan did not include criteria for assessing planning applications for G&T sites. However, PSB1 policy C6 provides an effective and soundly based framework for decision making on G&T sites.
133. On the basis of the above evidence, I conclude that the Plan is justified, effective and conforms to national policy in relation to G&T accommodation.

Issue 8 – Does policy SB2 strike a sustainable balance between focus and flexibility in relation to the protection of social and community facilities?

134. Policy SB2 seeks to protect community facilities through preventing their change of use to non-community uses. This is consistent with PSB1 spatial principle 6, which seeks to sustain the social and economic fabric of communities and paragraph 28 of *the Framework*, which has similar objectives. The policy requires demonstration that a site has been marketed for an alternative social or community use for over 12 months. This has been the subject of representations arguing, on the one hand that the period is too short and should be at least 18 months, whilst other representations have argued to do away with the marketing requirement altogether.
135. Whilst there is a need for flexibility to ensure properties are not disused for too long, I consider that the test in policy SB2 is not unduly onerous, and that a 12 month marketing period strikes the right balance between being focused on protecting social and community facilities, which once gone are often difficult to replace, whilst being flexible enough to take account of changing circumstances. I therefore conclude that the Plan is sound in this respect.

³⁴ Inspector's Introductory Note; May 2016 [Examination Document P2-K1].

³⁵ SBC's Response to Inspector's Introductory Note; May 2016 [Examination Document P2-K2].

³⁶ Examination Document P2-E16].

Issue 9 – Is the Plan an appropriate vehicle for allocating Local Green Space (LGS)?

136. The Council has drawn my attention to paragraph 77 in *the Framework*, which states that Local Green Space (LGS) designation will not be appropriate for most green areas or open space, although it sets criteria, including the need for local community support. The Council, in response to representations in support of LGS designation at Falmouth Avenue, Stafford and Tilling Drive, Stone, states that NPs are the most appropriate way to designate LGS, in view of the second bullet point in paragraph 77 (referring to significance to a local community). The Council also stated that as part of the Local Plan review process, LGS will be considered as a strategic issue, and that there may be 'a call for sites' process to facilitate this.
137. Several representors make the point that the Falmouth Avenue area is not included in a NP, although strong community support for the proposal for LGS in this area is clearly evident, including through a petition. However, the site in question is located outside the Stafford settlement boundary, where the presumption is against development in principle.
138. Although I note the concerns of local residents, who wish to achieve LGS status as soon as possible, I am satisfied that the Falmouth Avenue site is protected from development in this Plan and that the opportunity will exist for a reappraisal when the strategic part of the Plan is to be reviewed, something the Council has committed to doing as and when the need arises.
139. On the basis of the above considerations, I conclude that it is appropriate to consider the designation of areas of LGS as a strategic matter. It should be considered for inclusion in PSB1 through the next review process, whilst there is nothing to stop communities designating LGS in NPs at any time. I therefore agree with the Council that this Plan is not the appropriate vehicle for allocating LGS.

Issue 10 – Is the provision in the Plan for development management, taking account of uncertainties and risks and monitoring, sound?

140. The Council states that the Plan (Parts 1 and 2) plus the NPs provide sufficient guidance to cover all necessary aspects of development management. It also states that it will continue to monitor changes to national policy and make the necessary assessment through its Authority Monitoring Report (AMR), and also through the review process.
141. Some representations maintain that the Plan has no proper recourse to a plan, monitor and manage approach within an appropriate policy context. However, the AMR provides an annual check on housing delivery in relation to the strategic provision as set out in PSB1, whilst a review will need to be triggered if the housing completions fall below the trajectory. I therefore do not consider that the Council's monitoring arrangements in general, or the indicators and targets in Appendix E to PSB1, are ineffective. My own assessment is that the monitoring arrangements comply with the PPG³⁷, both in terms of the frequency of monitoring and in the topics covered.

³⁷ PPG Ref ID: 12-027-20140306 *What is the role of the Authority Monitoring Report?*

142. The Council states that the PSB2 policies have been worded to take account of uncertainties and risks whilst providing sufficient flexibility for applicants and the ability to address changed circumstances. I have no robust evidence before me to challenge the Council's view on this.

143. I conclude from the evidence submitted that the Plan, together with PSB1 and where appropriate the NPs, provides a sound framework for development management, dealing with risks and uncertainty and monitoring.

Assessment of Legal Compliance

- (a) My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan has been prepared in accordance with the Council's LDS, dated 2016, although its scheduled adoption is likely to be in early 2017.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in February 2016. Consultation on the Local Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The letter from Natural England, dated 13 July 2015 sets out why a Habitats Regulations AA Screening Report for Part 2 of the Plan is not necessary.
National Policy	The Plan complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

- (b) The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
- (c) The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Plan for Stafford Borough Part 2 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Mike Fox

Inspector

This report is accompanied by an Appendix containing the Main Modifications.