

Hearing Statement on behalf of the Bowers Family to
Stafford Local Plan Examination
October 2013

Instructed by Hinson Parry

**Subject: inter-related aspects of the southern edge of
Stone, its settlement boundary, green infrastructure and
industrial/retail provision.**

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(wordcount including summary 2971)

SUMMARY

S1 The Bowers' parcels are described in the representation. They have no allocation. Like the existing industrial estate across the A34 and the proposed strategic allocations they lie outside the proposed Settlement Boundary on the Stone inset and I cannot see that the proposed Modifications would remedy that. I apologise if I have missed a key page somewhere but it appears none of the sites outside the continuous black line could pass policies SP7 and SP3 read with para 6.63. All will be on the "discouraging" side of the boundary. Bowers retreated from farming this land with commercial seriousness some years ago and Forge Farm to the south has been converted to urban uses. This representation suggests the proposed Stone Settlement Boundary be dropped, or if used, then much omitted land be brought within it

S2 The Plan is also not positive in leaving 2 parcels unallocated between the Strategic Industrial Allocation and the existing. The two parcels should be within the commercial allocation.

S3 Eight further parcels of land broadly correspond to land in the river corridor and abut the river for a considerable length above and below the A51 bridge. Doc D28, section 7 on delivery sees planning obligations as a key tool for unlocking green space needs. Six of these parcels are stippled orange; but without any development allocation the aims of Policy N4 are mere aspirations and cannot be delivered. The Green Infrastructure network cannot be "protected enhanced and expanded" as set out in that policy and related documents. The Bowers will have to continue "farming to quit", excluding the public and their dogs. "Accessible" green space needs a delivery mechanism.

S4 The Bowers thus proposed in their representations – and herein revise their proposals in the light of latest information – to provide a planned rather than unplanned future for these ten important land parcels at Stone. The present inchoate policy position – on retail in particular – has led to wasted resources and treading water over some considerable time. Changes are sought to provide a planned future for the southern edge of the town.

Section 1: The lack of designation of parts of the Bowers' land

1.1 The Stone Area Insert (SAI) of the draft Plan shows the unique geographical nature of the settlement. It is, in a phrase, a town whose historic core grew up north-east of the river but whose development opportunities lie elsewhere. That, however, cannot explain the oddity of the discontinuous black "Stone" Settlement Boundary (SSB) line.

1.2 For example, the river and canal corridors are an essential part of the town. Para 2.22 of Doc A1 tells us "Stone is a canal town" but the SSB excludes the canal as well as excluding proposed Strategic Development Locations which - prima facie - would fail Policies SP3 and SP7 if applied for. The SSB excludes the existing, well-established industrial area to the south west so expansion there is "discouraged". It appears to cut half-way across Westbridge Park and - as signalled in the original objections - it leaves the Bowers in an inchoate position with their land. The glossary (page 1 - 8) has no definition of Settlement Boundary but it does define "Proposals Map" saying this will illustrate "the spatial extent of policies and proposals".

1.3 I have studied the suite of documents and apologise if I have missed something critical or explicit. I have re-read document K1 especially A2.28 onwards and the Rule 22 Statement. Paragraph A2.28 claims SP7 says "how new settlement boundaries will be established". But it does not for Stone. Paragraph 6.63 of the Draft Plan makes it clear that a dramatically different policy approach will be taken either side of the boundary but does not explain how/why the boundary has been chosen. A2.29 simply says that one way is to allocate an appropriate number of sites and these are being looked for immediately adjacent to the built-up area.

1.4 It does not say why particular areas are in and others out. I have read what is said there about future boundaries for other settlements in the hierarchy. I can only see an assertion that a line on a map boundary is preferred to a criteria approach "because it provides understanding and certainty for communities and developers alike". Forty years' experience suggests otherwise to me. Looking at this SSB on the Inset Plan reinforces my view that development boundaries of this type - with a "differential policy approach" (doc A1, paragraph 6.63) one yard inside or outside are considerably more trouble than they are a benefit. I can contrast many authorities with tight boundaries which have led to - *inter alia* - town and village cramming with others such as Richmondshire and Carlisle (indeed much of Cumbria) which still have much more gracious and organic forms of settlement. I have lived through a vast amount of planning time wasted arguing about such boundaries and sustainable schemes at the town or village edge shelved.

1.5 In our era such problems are avoided. There is a 'sustainability' principle written into the Plan. It is planning's task to judge the many different - and sometimes unpredictable - proposals which may come up around the edge of a town and judge them against proposed policy SP1. Otherwise SP1 and SP7 fight each other and m'learned friends have a field day.

1.6 If there is to be a boundary, the Bowers' land should be drawn within it. However, I respectfully suggest that SP 7 does not justify itself and could be removed without any harm to the core approach of the Plan. My experience would certainly perceive the last sentence of A2.30 as outmoded and over-constraining. No matter how good a proposal in principle, it would have to fight this assumption that "only small-scale development would be accepted [and then] only in exceptional, tightly controlled cases". Is a wind turbine small-scale? Is every farm diversification proposal small-scale? Are acres of polytunnels small-scale? Is an extension to an existing industrial enterprise? Is a 2 Ha bank of solar panels? They may be all perfectly sustainable, they may all be perfectly good but SP1 and SP7 fail soundness on internal inconsistency, ineffectiveness in offering guidance, explicitly not positive and, thus far, unjustified in the literal sense that the justification written is about comprehensibility and certainty but the predictable outcome is the opposite.

1.7 Looking further to find some explanation for the oddity of not using or allocating the Bowers' land, I note page 47, paragraph D3.15 of K1 identifies a "First Group" of settlements where boundaries could be adjusted to accommodate significant Greenfield development and new housing allocations provided they are not in the Green Belt. The same principle would apply to economic development (and indeed retailing). The Bowers' land is at least as well related to the town as parts of the proposed housing SDL. It lies where people could walk to work across the A34. In the case of parcels 0182/ 1085 they are just left uselessly trapped between the existing industry and a new SDL. I have then followed the argument all the way through sections D and E and see no reason why it is sound (positive or justified) to leave these parcels unallocated and outside a settlement boundary. After section E2, one moves to national policy and in E3.2 I note the fourth bullet point looking to actively manage patterns of growth and make the best possible use of walking and cycling. The Bowers' land is next to the industrial estate. It can link over the river to the canal towpath and into routes into the town centre even before one considers Policy N4 possibilities. The arguments put forward in this fresh document seem to argue for its allocation not for it being ignored and add inconsistency to negative preparation and lack of justification. It also has implications for the Green Infrastructure allocations - issues of effectiveness - but I deal with those in section 3.

1.8 I have considered document A13 (and the rest in the sustainability appraisal part of the library). I can see from paragraphs such as 4.4 of the

Strategy Statement that new development to the south will “deliver a Strategic Development Location ... as an extension to the existing Stone Business Park.” Quite so; why then the Bowers two parcels are excluded appears inexplicable, inconsistent and unjustified. Paragraph 4.5 tells us that “significant” development along the river or canal corridor has been discounted due to flooding constraints. Again, quite so, but that does not explain why the non-flooding land which is the fourth quarter of the A51/A43 junction is unplanned. The last sentence of 4.5 suggests that some other areas of land south of the A51 were considered and discounted for Strategic Locations because they would extend the linear form of Stone. That cannot be an argument for the Bowers’ land when development is already south of there both at Forge Farm and on the industrial estate opposite. The Strategic Location proposed takes the development on the A34 corridor considerably further south.

1.9 On page 65 of the Revised Sustainability Appraisal we have the Summary and Recommendations. Paragraph 5.3 sees the positive impacts as being to encourage sustained economic prosperity, access to housing and protecting and enhancing the Green Infrastructure. All those seem to my mind to argue for utilising the Bowers’ land above flood level, and having the Plan provide an effective means to bring the land which can contribute to Green Infrastructure into such use; rather than a continuation of ‘farming to quit’ through the Plan period. The positive sustainability elements discerned in the RES also argue for using a leg off a key gateway roundabout where infrastructure is available, for a positive purpose for the town. Given that Green Infrastructure is seen as a specified contribution to sustainability then wording changes to make sure such land moves into positive Green Infrastructure uses as part of overall development proposals would seem to be a sustainability gain involving positive preparation. A modification to allocate or bring inside the SSB (if an SSB is to be retained) can be made without any conflict with the basic drive of the Plan. It would make the Plan sound without harming its objectives

1.10 I suggest that the orange stipple for Green Infrastructure be carried down to parcels 2715 and 3421 as well as surrounding land linking the river and canal corridors towards the heritage land to the south. The town boundary could be taken to the actual point where it ends at Forge Farm on the east of the A34 and the existing industrial estate on the map. Albeit, as a proposals map it would still not take in the future proposed housing and industrial allocations). This would leave parcel 1011 which broadly coincides with the area assessed as being above flood level to accommodate development to be brought forward for retail, industrial/commercial or other uses subject to the policies in the Plan.

Section 2: The retail issue

2.1 In preparing this section, I gratefully acknowledge input from England & Lyle's retail planners, of Darlington plus the ability to check facts with the family's files of dealings with their solicitor and a Chartered Surveyor who has been involved in the retail promotion of Stone including, but not limited to, the Bowers' site.

2.2 In 2011 Bowers were approached by a developer with 'a proven track record of delivering' retail and other commercial developments to option their land. By late 2011, discussions were advanced to a full draft agreement. I have seen a drawn-up plan for a food store with some 266 parking spaces on the site and am assured that "due diligence" was undertaken with regard to the highway access from the A51 and flooding/other infrastructure assessments. All the "big four" supermarkets not represented in the town expressed interest and one became the potential lead operator.

2.3 Through 2012 it was explained to Bowers that the imminent ability to apply and build out a food store with some comparison shopping was delayed. It is my impression after hours of research that the preferred and enthusiastic supermarket operator shied away because it was known the Council – whatever local people thought – favoured Westbridge Park and they could read runes about how hard it would be to apply on another site.

2.4 Recently the lead operator had its technical team re-assessing the floor space it would wish to apply for on the Bowers' site in the light of the Council's theoretical capacity reports. The continuing inchoate position in the Plan as drafted contributed to them not finalising arrangements this year. The inference seems reliable that the preferred Bowers' site would now be the subject of an application, and possibly being built out, if it had been allocated. Operators commissioned reports and both they and the developers felt confident that their eventual Retail Impact Assessment would support a facility in this location: but they felt they were up against an entrenched Council position in favour of its own land.

2.5 With input from retail planning specialists who are seeing a range of usable policies coming forward across the country, the minimum changes believed to be necessary to policy Stone 1 would be to change the heading "Stone Town Centre" to add the words "and retailing". Thereafter:

- a) Echo of NPPF words acceptable. However, this part then makes reference to '*including provision of a mixed use development at Westbridge Park*' which is not in the town centre. The site is not allocated for such a form of development. There is no clarity as to what such a '*mixed use development*' entails. In addition there must be some doubt in

terms of deliverability given matters including conflict with Green Infrastructure designation as well as political opposition. On this basis, it is considered that any reference to '*a mixed use development at Westbridge Park*' should be deleted.

b) TO READ "Provide for 1,400 square metres of new convenience (food) retailing and 2,200 square metres of new comparison (non-food) retailing in Stone. Development proposals for retail and other main town centre uses in edge-of-centre and out-of-centre locations will be required to demonstrate compliance with the sequential test in line with the NPPF."

c) STET

d) Retail specialists consulted comment; "The need for additional retail floorspace is recognised under bullet point b) and the added reference to the sequential test will ensure that any proposals will come forward in line with that test"

v) ADD AT THE END "Without using any part of Westbridge Park or other Green Infrastructure for retailing; the need to protect such vital long term elements of the town will be considered a major material factor in any sequential test ".

Section 3: Suggested changes on GI

3.1 On the Stone inset, orange stipple over 6 parcels of Bowers land designates Green Infrastructure (GI). This Proposals Map, unlike many, does not cross-relate to specific policies on its face. For Green Infrastructure a reader would turn to Chapter 12 and see Policy N4, its Reasoned Justification (RJ) and the definition in paragraph 12.30. Oddly, this differs from page 52 of the NPPF. That national wording is glossed in 12.31 on what GI "should be". [For comprehensiveness Doc D34- cited in paragraph 12.31- contains a 3rd, quite different, definition].

3.2 Doc D28 is the Greenspace Strategy. The emphasis is on "accessible" greenspace, available for public health use and walks by rivers are singled out (Vision boxed on p7, pages 10 et seq). Doc D34 in its own "vision" on page 1 defines GI as being "accessible". In Figure 2.5 on p22 a riverside walkway appears to be shown through their land as a key proposal of the Park. The Bowers parcel 1011 developed could be the "gateway" to this specified aim.

3.3 However, I see no mechanism for *effectively delivering* that on the parcels north of the A51 nor on land south of the A51 which would seem the natural continuation of a river/canal corridor. As urban fringe farmers Bowers must try to farm in a way which excludes public access to the river, tries to keep people and dogs away from their stock, fences out recreation and in all the other ways well-known on the urban fringe "farm to quit". There is no reason for investment; there is no reason for other than short-term management. The land has the disbenefits of an inchoate, unplanned future. The Bowers are local stakeholders. They saw their farm destroyed by the A51 Bypass and A34 improvements. Much land not under carriageways is severed and floodable. They foresaw land would be needed in part for green uses and in part for development on both sides of the A34 and A51 some years ago. They withdrew investment from it and put their efforts into farming elsewhere. They ask that the PSB indeed be a "crucial mechanism" and help "deliver Green Infrastructure" through "policies".

3.4 Doc 28 paragraph 7.2 identifies "planning obligations" as the first source for "Delivery of the Strategy"- a test of soundness. In 7.4 it says – rightly - that this delivery is best achieved when the development proposal is linked directly to the GI delivery. That is the Council's evidence document supporting the Bowers representation in terms. I suggest Policy N4 could bite given an incentive to Bowers to develop 1011. Element K of N4 should then clarify that "great weight will be given to new developments, on or adjacent to Green Infrastructure areas, which contribute as fully as feasible to the objectives in this Policy by, but not limited to, the following:...".