

STAFFORD BOROUGH COUNCIL
EXAMINATION OF THE PLAN FOR STAFFORD BOROUGH
INSPECTOR'S RECOMMENDATIONS FOR FURTHER MAIN MODIFICATIONS

1. Following the hearing sessions of the examination, Stafford Borough Council (SBC) has drawn up Schedules of Main and Minor Modifications considered necessary to make the submitted Plan for Stafford Borough sound and capable of adoption¹. The Inspector has also completed his initial assessment of the submitted Plan in terms of complying with the legal requirements and soundness, as set out in the National Planning Policy Framework (NPPF; ¶ 182). This statement confirms that the legal and procedural requirements, including the Duty to Co-operate, have been complied with, and sets out the inspector's recommendations for additional Main Modifications to ensure that the Plan is sound and can be adopted.
2. This statement only sets out the additional amendments needed to the Plan to ensure that it is sound and can be adopted. The Inspector's conclusions on other key issues relating to the soundness of the Plan raised in the representations, in the written statements and at the hearing sessions will be set out in his final report to the Council.

a. Legal and Procedural Requirements

3. The preparation of the Plan has complied with the statutory legal and procedural requirements, including complying with the Local Development Scheme and Local Development Regulations, Sustainability Appraisal and the Sustainable Community Strategies. This includes the assessment of alternative growth options as part of the sustainability appraisal and public consultation, including the overall level and spatial distribution of new housing, including options around Stafford and Stone. It also covers the availability of documents during the consultation stage and after the Plan was formally submitted to the Secretary of State. However, the Schedules of "Minor" Modifications prepared by SBC after the Plan was published and before the hearing sessions of the examination² include several important amendments to policies and proposed sites. Although these changes may not affect the underlying strategy and policies of the Plan, some of these changes could go beyond the scope of minor errors and clarification and introduce more substantive changes to the published Plan. However, most of these changes have been included in the Council's updated Schedule of Main Modifications¹ produced after the close of the hearing sessions, and will be subject to further public consultation.

Duty to Co-operate

4. A key legal requirement is for the Council to properly meet its legal obligations under the Duty to Co-operate in relation to sustainable development, as required by S.33(a) of the Planning & Compulsory Purchase Act, including housing requirements. SBC has submitted extensive evidence³ outlining how it has engaged constructively, actively and on an ongoing basis with neighbouring authorities and other prescribed bodies during the preparation of the Plan.
5. Having considered all the evidence, statements and discussions at the hearings, SBC has met the requirements of the Duty to Co-operate in terms of maximising the effectiveness of the plan-making process and actively co-operating and engaging constructively with the relevant bodies in relation to sustainable development. The outcome of that co-operation is largely one of positive agreement about the strategy and its cross-boundary implications, including housing and infrastructure provision, and the legal requirements of the Duty to Co-operate have therefore been met.

b. Soundness issues

6. Most of the amendments to the policies and text needed to ensure that the Plan is sound and is capable of adoption have been put forward by SBC. These include clarifying key aspects of the development strategy, along with substantive changes to ensure that key elements of the Plan are effective and deliverable. These cover amendments to some of the boundaries and details of proposed development at the

¹ Documents N2.46a/b

² Documents A26/A27

³ Documents B3, J4, K1,K2, M1/1a, N1b

Strategic Development Locations (SDLs) around Stafford and Stone, removing the Settlement Boundaries for Stafford and Stone, and clarifying and updating various policies and accompanying text. As amended, the development strategy, including the principle of the key SDLs around Stafford and Stone, seems sound, deliverable, viable, effective and fully justified with robust and comprehensive evidence, including the required highway improvements and other infrastructure. Some developers and landowners promote alternative or additional sites or areas of potential development, but SBC has thoroughly assessed these alternative options; there is little conclusive or compelling evidence that demonstrates that they would be more appropriate than the selected SDLs, or that any of the proposed SDLs have serious shortcomings in terms of sustainability, deliverability or viability which fundamentally question their overall soundness. Some of the smaller sites suggested could be reconsidered at the Site Allocations/Neighbourhood Plan stage.

7. The overall level of housing provision proposed in the Plan and its spatial distribution is one of the most contentious elements of the Plan. Having considered all the points made in the representations, statements and at the hearing sessions, I am satisfied that the proposed level of housing provision proposed in Spatial Principle 2 (500 dwellings/year; 10,000 dwellings 2011-2031) is sufficient to meet the objective assessment of market and affordable housing requirements for Stafford Borough, based on recent household projections and other evidence. Having taken account of cross-boundary and other strategic housing issues, this is a sustainable, viable and deliverable level of housing provision which addresses the growth strategy of Stafford and the Borough as a whole. The proposed settlement hierarchy and distribution of housing provision proposed in Spatial Principles 3 & 4 (72% to Stafford town; 8% to Stone town; 12% to the Key Service Villages and 8% to the rest of the area) reflects the key element of the development strategy to focus most new development in and around Stafford and represents a sustainable spatial distribution for the Borough.
8. However, the proposed proportion of new housing allocated to Stafford and Stone does not precisely reflect the potential for new housing development at Stone, as shown in the scale of development at the proposed SDL and the current level of commitments. It may also overstate the likely level of housing development to be completed at the SDLs around Stafford during the current Plan period. A broader distribution of 70% (7,000 dwellings) at Stafford and 10% (1,000 dwellings) at Stone would better reflect the current and likely future provision of committed and proposed housing development at Stone and the longer-term nature of some of the housing development at the SDLs around Stafford.
9. There is also some concern about the proposed moratorium on new housing, not only in terms of principle but also application. At the hearing sessions, there was some confusion and uncertainty about the proposed approach, and SBC proposes to clarify the application of the policy⁴. Put simply, if new housing development takes place at 25% above the proposed distribution established in Spatial Principle 4 over a 4-year period, a moratorium in granting new planning permissions would be triggered. SBC proposes to increase this figure to 50%, to give more flexibility, and also include completions as well as commitments; the moratorium would also be incorporated into a new policy, rather than in the accompanying text. However, whilst there may be a case for some restraint in certain settlements, there is no guarantee that imposing a moratorium would necessarily support or divert development to the preferred locations (including the SDLs around Stafford town). It would also apply from day one at Stone, which has a significant level of commitments, precluding further permissions from being granted and reducing the amount of new housing being provided in a popular housing market location; it may also prevent or delay further development at other key settlements.
10. Moreover, there is little in the NPPF which supports this approach, where the main emphasis is on stimulating housebuilding and managing growth in sustainable locations. Using the proposed distribution levels as a guide to the proportions of new housing in each of the main settlements without the specific restraint of a moratorium may be less effective, but it would ensure that the housing strategy is delivered,

⁴ Examination document: N2.15

provided that the proposed locations for new housing are sustainable and meet the criteria of other policies. Although it may be appropriate to phase proposed developments to ensure a continuous supply of housing land throughout the Plan period, when planning applications come forward, both the developers and SBC will need to consider whether development at an earlier stage would undermine the strategy. However, at present, there is insufficient evidence to justify the imposition of a housing moratorium, which involves complex calculations and assumptions about delivery, and so SBC should reconsider this unsound element of the submitted Plan.

11. There are two contentious matters at Stone which require further consideration. Firstly, the proposed mixed-use leisure/retail development at Westbridge Park is locally very controversial. SBC now proposes to remove most of the references to this proposal in the Plan, which is questionable in terms of retail need, has not properly been subject to sequential tests relating to town centre/retail policy or flood risk, and could have an impact on the character and appearance of this important gateway to the town. At present, there is insufficient evidence to show that the site could be developed in the manner intended, but if it is decided that this retail/leisure scheme is needed, it could be reconsidered at the Site Allocations/Neighbourhood Plan stage. In the meantime, this is an unsound proposal, and there is also insufficient justification to include this site within the amended town centre policy boundary.
12. Apart from the overall amount of new housing at Stone, one of the other main issues is the phasing of further housing at the town after 2021, so as to avoid any adverse impact on the regeneration strategy of the North Staffordshire conurbation. SBC has provided further justification for this element of the housing strategy⁵, outlining the regeneration strategy for this neighbouring area and the progress in housing delivery and distribution. Although the housing market in this area remains fragile, sites in the inner core are continuing to come forward, with further development in the outer urban area and sufficient sites to meet housing needs. However, there is no conclusive evidence that building further housing at Stone would necessarily deflect attention away from the inner areas of The Potteries, particularly since significant amounts of new housing have been built at Stone in the past without affecting the regeneration strategy, and further housing is to take place in the outer areas of The Potteries, both now and in the future. Similarly, there is no conclusive evidence that restraining housing development at Stone would necessarily boost the progress, marketability or delivery of the main SDLs at Stafford.
13. Although the adopted Core Strategy for Stoke-on-Trent & Newcastle-under-Lyme aims to stem out-migration from the city, migration to Stafford Borough has been a feature of demographic trends in the past and is likely to continue under the strategy of the submitted Plan for Stafford Borough. New housing development at Stone is a sustainable element of the Plan, with a strong housing market, and in these circumstances, there seems to be insufficient justification to delay such development on the grounds that it *may* adversely affect the regeneration strategy of The Potteries. Although this is one of the areas of agreement under the Duty to Co-operate process, there is no conclusive evidence that such an adverse impact would actually occur. Consequently, in the absence of any further specific evidence, SBC should consider amending this element of the Plan; phasing of the proposed SDL may be appropriate, but the potential harm to the regeneration strategy can be addressed on a site-by-site basis, subject to ongoing monitoring, with sound evidence needed to defer specific developments.
14. As for the other contentious issues, SBC has put forward amendments to the policies and text of the Plan to address most of these concerns. There is some concern about provision for gypsies and travellers being based on a 2013 GTAA undertaken solely for Stafford, but SBC has confirmed its commitment to reviewing the GTAA in association with adjoining local authorities. SBC has also put forward an updated policy to protect the integrity of Cannock Chase SAC by providing SANGS and appropriate mitigation, agreed with Natural England and consistent with the approach of many other local authorities within the recognised zone of influence.

⁵ Examination document: N2.45

15. Those parts of the Plan not specifically referred to in these recommendations may be taken as being found sound, although SBC may wish to pursue Additional (Minor) Modifications to address other matters unrelated to soundness.

c. Main Modifications

16. SBC has put forward Schedules of Proposed Changes to the Plan, including both "Main Modifications" and "Minor Modifications"⁶. These amendments seem to cover most of the main changes needed to ensure that the Plan is sound and capable of adoption. However, further amendments will be needed to address the Inspector's concerns outlined earlier in this report, including:
- Amending the proportion of housing development to be distributed to Stafford town (70%) and Stone (10%);
 - Deleting reference to a moratorium of housing;
 - Amending the reference to the deferred phasing of housing development at Stone due to the possibility of adverse implications on the regeneration strategy of The Potteries;
 - Deleting the mixed-use proposal at Westbridge Park, Stone and the amendment of the town centre boundary to incorporate this site.
17. Moreover, some of the latest "Minor Modifications" seem to go beyond the type of minor changes, factual updates and clarifications which would normally be covered under this heading. Although these modifications do not significantly affect the underlying strategy or its strategic policies, some introduce additional clarification which may affect the operation and implementation of some policies or allocated sites, make changes suggested by prescribed bodies to ensure the soundness of some policies (such as those requested by the Environment Agency and Natural England), or provide more details and background to support specific policies. In order to ensure that these changes are fully publicised and subject to proper consultation, SBC should consider reclassifying Minor Modifications Nos. MiMOD 18-22, 38-39, 41, 51, 54, 59, 66, 71-72, 79 & 82 as "Main Modifications".

d. Future actions and progress

18. The Inspector requests the Council to consider these recommendations, responding as necessary, and putting forward the necessary amendments to the policies and accompanying text in a comprehensive Schedule of Proposed Changes, identifying those changes which are required to ensure the soundness of the Plan ("*Main Modifications*"). Careful checking and proof-reading of the Schedule of Proposed Changes and the amended Plan will also be needed. These Proposed Changes can then be published and be subject to a 6-week period of consultation. Any further Sustainability Appraisal should be undertaken before public consultation and published at the same time.
19. The Inspector confirms that these are his interim recommendations, without prejudice, on specific aspects of the Plan for Stafford Borough relating to compliance with the legal and procedural requirements, including the Duty to Co-operate, and key issues of soundness. However, he cannot rule out the need for further changes to the Plan when he reaches his final conclusions and prepares his report to the Council, particularly since he will need to consider any representations and responses on the Proposed Changes (Main Modifications) before finalising his report.
20. This note sets out the Inspector's recommendations on further Main Modifications required to ensure that the Plan is sound and is capable of adoption, but does not cover all the matters and issues identified for examination. The full reasoning for his conclusions will be included in his final report. Apart from requesting the Council to consider the further amendments needed to the Plan, this note is made available to other participants for information only. Participants will be able to make any further representations on the Schedule of Proposed Changes (Main Modifications), when published.

Stephen J Pratt - Development Plan Inspector
17.12.13

⁶ Examination documents: N2.46A/B