

Sean Roberts

From: Alex Yendole
Sent: 28 October 2013 17:02
To: Programme Officer
Subject: Staffs Moorlands Inspectors Interim Report 2013 to go in Examination Library
Attachments: March2013 SMDC Inspector Interim Report.pdf

Dear Sean

Staffs Moorlands Inspectors Interim Report 2013 to go in Examination Library

Council response = Please find attached the Inspector's Interim Report dated 5 March 2013 from the Staffordshire Moorlands District Council Local Plan Examination (reference – P102), which has been sourced from the following web-site:

<http://www.staffsmoorlands.gov.uk/sm/council-services/examination/examination-additional-correspondence>

Kind regards

Alex

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
EXAMINATION OF THE CORE STRATEGY LOCAL PLAN
INSPECTOR'S INTERIM CONCLUSIONS**

This document is intended to give a brief indication of those aspects of the CS which are considered sound, and those where main modifications will be necessary for soundness reasons. These are based on my consideration of the Revised Submission Core Strategy (CS), the supporting evidence, and the issues raised in the representations, discussions, statements and responses made at the hearing sessions and in writing. The interim conclusions are as follows:

Legal and Procedural Requirements

The preparation of the CS has complied with the statutory, legal and procedural requirements, including compliance with the Local Development Scheme, consultation undertaken and Statement of Community Involvement, Sustainability Appraisal, consistency with the Regional strategy, Sustainable Community Strategy and the Duty to Co-operate.

ISSUES OF SOUNDNESS

General

There are a number of general matters of concern, mainly arising from the introduction of the NPPF.

Housing requirements

UN SOUND. The total provision for 5,500 additional dwellings represents a reduction of 500 dwellings from the Preferred Option for the RSS Phase 2 Revision, and is based on the conclusions of the Housing Requirements Paper [doc C(3)]. My understanding is that the two drivers for the reduction are changing demographic trends (represented by projections of household formation based on the 2008 population projections), and increasing the focus of development in the conurbations. I am also aware that consultations carried out under the Duty to Co-operate have not resulted in adverse comments from neighbouring authorities.

I appreciate that the reduction amounts to less than 10% of the RSS expectation and so, arguably, remains consistent with the RSS. Nevertheless, the NPPF, para 47, requires authorities to meet the full, objectively assessed needs for market and affordable housing. As a result, it is necessary to properly justify the total provision included in the CS, particularly in view of the apparent inability to demonstrate consistency with the NPPF in respect of the 5 year supply of developable sites.

Housing land supply

UNSOUND: The Annual Monitoring Report 2011-2012 (para 7.18 and Table 7.5) shows that the Council is unable to demonstrate a supply of specific deliverable sites to provide five years worth of housing against the housing requirements (NPPF, para 47). This is confirmed by the SHLAA (Oct 2012) which indicates a 4.3 year supply totalling 1,195 dwellings against the Core Strategy requirement of 1,375 dwellings. If the requirement for a 20% buffer is observed to reflect an apparent persistent under-delivery in recent years the situation is exacerbated with less than 4 years worth of deliverable supply. It appears to me that the statement in para 8.1.14 "*..the Council will ensure that there is a 5 year supply of deliverable land at all times..*" cannot be justified, even "*..based on the appropriate annual development rates for the period*".

Taking 2011 as a starting point, the Housing Trajectory shows a 'slippage' of 247 dwellings against the 1,375 – almost one year's supply. So far as I can establish, the justification for reducing the annual development rates in the early stages of the plan period is based on a depressed housing market gradually recovering. Nevertheless this cannot, in my judgement, be used as justification for not providing a land supply in accord with the NPPF, para 47 requirement. It also suggests that the requirement to plan positively has not been met and that the policies cannot be considered up-to-date in the context of NPPF, para 49.

Affordable housing provision

UNSOUND: The Housing Requirements Paper [doc C(3)] draws on a 2010 report on Development Capacity Study [doc MA (1 – 6)]. It suggests (para 4.1.19) that under current market conditions, most sites would only be viable if there were reductions in the affordable housing policy targets, demonstrating the fragile position of the current housing market. This appears to conflict with the indication in para 7.22 that one of the principle means of delivering more affordable housing will be through changes to the thresholds on allocated and windfall sites. From the evidence this approach appears to be in direct conflict with the NPPF, para 173 which requires that sites and the scale of development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Para 173 specifically refers to requirements for affordable housing as an element in the equation to be considered in ensuring development will be deliverable.

The Plan Period

UNSOUND: The CS has been a long time in gestation and, if it were to be adopted before the end of 2013, would have only 12 years to run compared the NPPF (para 157) preference for a 15 year time horizon. The Housing Requirements Paper [doc C(3)] recommends (para 5.3.4) that consideration should be given to extending the plan period to 2031 in order to give a longer time horizon. The justification for this is that it

would give greater certainty over the long term and give more time for the housing market and the economy to recover. It appears to me that it would be impractical to extend the lifetime of the Plan without considerable additional work since, as the Paper indicates, it would result in a total requirement of 6,875 dwellings. The alternatives are altering the plan period to 2011 - 2031 or introducing a clear commitment to an early and comprehensive review of the Core Strategy for the period 2016 - 2031. The latter would, in my view, provide a more satisfactory basis for taking account of longer term requirements. It would also have the advantage that the policies for affordable housing provision could be re-assessed as the housing market responds to an improving economy. It would also provide an opportunity to update the evidence base.

Challenges, Vision, Aims and Objectives

SOUND: These reflect the Sustainable Community Strategy (SCS), are locally relevant and soundly based and appropriate. Appendix E provides a clear indication of the links between the challenges and the vision and objectives. It also shows how these relate to the SCS and the Council's Corporate Plan.

The Development approach

SOUND: Generally the approach to development, focussing on the three market towns and allowing limited development elsewhere to meet local needs appears soundly based and supported by the evidence. The Sustainability Appraisal of the Options [doc I(11)] indicates that the chosen approach overall scores best in terms of its positive sustainability impacts, leading to the conclusion that it forms the most appropriate and effective approach.

UNSOUND: There is inadequate explanation of why the development approach limits growth in Biddulph (para 6.10) in contrast to the RSS, Policy UR2 indication that Biddulph is amongst the towns identified for local authorities to bring forward local regeneration policies and programmes.

The Spatial strategy

SOUND: The Spatial Strategy develops the spatial aims (SA1 - SA4) in the context of the development approach, providing a logical framework with measures and policies to deliver those aims. It sets strategic priorities appropriate to the District and to the spatial aims with a focus on regeneration and urban renaissance through controlled development. It appears to me the most appropriate, effective and sustainable strategy for the District.

UNSOUND: There is a need to provide clearer justification for the restraint on housing development in Biddulph (para 7.9), particularly as the required provision for housing (1,100) is less than 10% below that for

Cheadle (1,210) in Fig.9, identified as having priority for expanding its housing market.

UNSOUND: As explored during the hearings, the concept of Churnet Valley as a major tourism corridor (para 7.46) has serious weaknesses in terms of what it is seeking to achieve, the potential impact of proposals and conflict with other aspects of the CS, and their deliverability. The major concern is with Policy SS7, but necessary modifications to the Policy will impact on Policy SS6c and the statement in para 7.46.

Core policies

General

UNSOUND: At the heart of the NPPF is a presumption in favour of sustainable development, seen as "*..a golden thread running through both plan-making and decision-taking.*" There is no specific policy in the CS which fully reflects this. The suggestion that Policy SS1 could be modified [doc B(1)] is not appropriate since that provides for development to contribute positively to the social, economic and environmental improvement of the area. The CS must also provide for the grant of planning permission in circumstances where there are no relevant policies, or where relevant policies are out-of-date - for example by incorporating the model policy provided on the Planning Portal, with appropriate supporting text.

Policy SS5b

SOUND: A number of locations were suggested for inclusion as housing allocations, or small urban extensions, in the vicinity of Biddulph. The location of these, within the Green Belt, would require a review of the boundary. The Council has indicated (para 8.1.47) that an allowance should be made for such small urban extensions to come forward. Irrespective of the merits of individual proposals this appears an appropriate way forward.

UNSOUND: The supporting text does not make clear the process through which a review of Green Belt boundaries would occur so that landowners and others do not have a clear picture of when and how their particular site would fit into the development process. The most appropriate way forward might be to review the boundary as part of the Site Specific Allocations local plan. If this is the case, then the CS should say so.

Policy SS5c

UNSOUND: The proposed extension to the north-east of Cheadle (Area 2) is not justified by the evidence. Even allowing for the potential for a new school, it scores poorly in the SA and significantly lower than areas (4a, 4 and 5) previously included in the Submission CS. However, indications from the County Council are that, even with the amount of housing proposed, there is no certainty that a new primary school would be

justified. In these circumstances the score of 5 for the potential for a new school in Areas 1 and 2 in the SA appears unjustified. Whilst Area 1 scores well without the school, Area 2 would be relegated to one of the lowest scores in the SA for the Cheadle area. In these circumstances there appears no justification for retaining Area 2. However, its deletion will leave a deficit in housing allocations and the Council will be faced with re-instating at least one of the areas previously included in the Submission document.

UNSOUND: The final paragraph in Policy SS6c gives an impression of greater certainty that a by-pass will be forthcoming than the evidence supports. The County Council evidence indicates that a southern link road is not considered to be a strategic road proposal and it is assumed unlikely to significantly reduce traffic levels in the town. It agrees with a study but indicates this is likely to confirm its assumption. In these circumstances the requirement for a Transportation Study is unjustified and would be more appropriately placed within the supporting text.

Policy SS6

UNSOUND: Policies SS6a and SS6b provide different policies for 'larger' and 'smaller' villages, including 'Development Boundaries' for the larger settlements and 'Infill Boundaries' for the smaller ones. The differentiation is, in itself, sound, but there is not readily accessible information to show the basis for choosing in which category each village will be placed. The Council has produced a useful summary table showing the assessment of the village hierarchy which provides the justification and would address the soundness issue if it were incorporated as an appendix within the CS and referenced at or near to para 8.1.59.

Policy SS6a

UNSOUND: The description of the built-up area of larger villages as 'the urban area' on 3 occasions in para 2, *Meeting local housing needs*, is not a phrase commonly used to describe villages and could be misleading.

Policy SS6b

UNSOUND: There is no justification for restricting new housing development in smaller villages to that which is essential to local needs. National policy in the NPPF requires authorities to plan positively to support local development, including meeting the need for market housing. It only suggests restricting new housing to meeting essential needs in the countryside.

Policy SS6c

UNSOUND: The support for the expansion of the Blythe Business Park is not justified in the supporting text. The evidence indicates 70ha of employment land available in rural areas (over 56ha with planning permission) [doc MC(5)], and the location of the site is within a Special

Landscape Area (Local Plan, Policy N8). There is no evidence before this Examination to indicate that account has been taken of the proximity and potential impact on the neighbouring settlement of Cresswell, or that the known toxicity of industrial waste has been acknowledged as part of the process of determining whether the principle of expansion is feasible or desirable.

Policy SS7

UN SOUND: The Policy appears to be contradictory and unconvincing in its ultimate purpose. The evidence does not support the concept of a 'major sustainable tourism corridor' [docs MH(9-16)]. Whilst the NPPF encourages plans to be aspirational, it warns that "*only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan*". The Council has previously appeared to support designation of the Churnet Valley as an AONB (defined as an area of such outstanding natural beauty that it should be designated for conserving and enhancing natural beauty). The likelihood of designation occurring seems remote, based on the Council's own analysis [doc MH(13)]. Nevertheless, the Council appears to consider the area worthy of consideration but the Policy appears to support a number of measures which, potentially, would have a significant, and possibly adverse impact on the landscape character and heritage. The intent of the Policy is unclear through its wording – for example there is no indication of what is meant by 'sensitive expansion of Alton Towers, nor identification of 'strategic footpaths/cycle routes'. Significantly, there is no identified boundary to which the Policy would apply. Nor is there any indication of which of the two visitor segments identified in the baseline findings [doc MH(11)] – each with distinct and conflicting needs and aspirations – the Policy would aim to attract. Policy for development related to Alton Towers appears at odds with the main thrust of Policy SS7 and should be considered separately. The clear Policy intent is contained in the phrase 'a Masterplan will be produced'.

Policy SD1

UN SOUND: There are a number of concerns with Policy SD1. Given the emphasis on sustainability and encouragement to re-use previously developed land in the NPPF, and the Council's own preference for 'brownfield' sites, bullet 1 is ambiguous in its prioritisation of such land. It is possible to read into the policy that, provided enough incentives are offered, it is possible that greenfield sites will be able to over-ride that priority. From the evidence this would not be the Council's intention. There needs to be a clear indication that it would only be in exceptional circumstances that a non-allocated greenfield site would be given preference. The word 'most' adds to the ambiguity and it would be better if the first bullet stopped at "...determining planning applications", and was followed by a second (or perhaps a) and b) sub-paras) identifying those exceptional circumstances where a greenfield site would be preferred.

Bullet 2 - targets for previously developed land appear to be overly optimistic in relation to the aspiration to achieve 40% affordable housing in urban areas and 50% in rural areas. It is a requirement of soundness that the plan is deliverable over its period and this is one key area where it appears that deliverability is clearly questionable. It may be that one, or the other of these targets may be achievable, although even that may depend on market conditions and – in the event – may not be reached. It is doubtful in the extreme that both will be achieved.

Bullet 5 - is unduly onerous in requiring a Sustainability/Energy Statement for all applications requiring a Design and Access Statement and contrary to advice in the NPPF that information requirements should be proportionate to the nature and scale of development proposals.

Bullet 6 - CABE no longer exists, having merged with the Design Council. The *Building for Life* guidance is currently under review. In these circumstances, it appears inappropriate to require all new housing developments to meet specific standards relating to that guidance. It is questionable whether specifying this requirement would assist in delivering the aims of the Policy. In considering this I have noted that the wording reflects that contained in the recommendations of the Panel Report for the RSS Phase II Review.

Bullet 7 – there appears to be no justification for this part of the Policy which reflects the feasibility of achievement of the target. There is no reference to background studies or technical reports which indicate that 25% recycling of used materials is deliverable and no reference to national or building industry codes which support the choice, although I recognise the requirement was incorporated in the RSS Phase II Review, Policy SR3 (F) and endorsed by the Panel Report.

Bullet 8 – requires the highest viably possible water conservation standards of the Code for Sustainable Homes, unless it can be demonstrated that it is not practicable. Whilst this follows the recommendation of the Panel Report for the RSS Phase II Review, it appears to conflict with the spirit of the NPPF which indicates that planning should not act as an impediment to sustainable growth.

Policy SD2

UN SOUND: The Policy attempts to deal with two quite different issues. The first part of the Policy provides criteria for assessing the location of low-carbon energy schemes such as wind, solar energy and biomass schemes. The second part is concerned with achieving energy efficient/low-carbon development. Whilst the two issues are related the Policy is not clear in its intent. The first consideration, therefore, should be whether the Policy would be clearer, and so better, if it were sub-divided with para 1 forming a separate policy.

Following on from this, the second part, comprising paras 2–5 is a mixture of requirements to be met by some, but not all development proposals,

and statements of intent. This does not provide developers and others with a clear indication of what the Council requires. Paras 4 and 5 are, in effect, statements of intent or aspiration. They do not tell applicants what they must do: rather they indicate the Council's desire to promote or support certain actions. The terms are ambiguous – for example do they indicate that an application which might otherwise be unacceptable becomes acceptable if certain measures are included? Would permission be withheld if a developer refuses to explore measures likely to increase development costs? These paragraphs do not meet the requirements of the NPPF, that only policies which give a clear indication of how a decision-maker will react to a development proposal should be included in the Plan.

Similar criticisms may be made about para 3 which requires applicants for certain scales or types of developments to carry out explorations regarding district style heating schemes. Such explorations are likely to involve expensive studies, adding to the financial burden on developments. Clearly RSS Policy SR3 provides a basis for requiring new developments to be designed and constructed to the highest possible environmental standards and gives clear guidance on matters that should be addressed. Whilst I do not agree that such matters are beyond the scope of planning the Policy should provide a simpler and therefore clearer message to developers about what the Council requires. Para 2 does not appear to add to the usual requirements of the Building Regulations which, as para 8.2.7 indicates, are required as a matter of law. No clear or local justification is provided for requiring a higher standard, and the statement simply asks, as a minimum, that developments satisfy the levels required by law at the date of approval. This appears to achieve nothing and would be best deleted for clarity.

Policy E3

UNSOUND: Policy E3 is closely related to Policy SS7, so far as Churnet Valley is concerned. Having regard to the comments on SS7, above, the wording of bullet points 1, 2 and 3 are not appropriate and do not appear to be well founded in the evidence base. For example, there is no indication of what 'clusters of attractions' might comprise and therefore no means of measuring potential impact, or what criteria might be used to evaluate the impact. In the same vein, the description of 'new facilities attracting large numbers of people' is imprecise and provides no firm basis for evaluating proposals. There is no clear understanding of what 'an appropriate scale' might be in relation to Policy SS7 and no assessment of what might comprise 'cumulative detrimental impact'. This does not accord with advice in the NPPF, para 154, that the plan should set out "*..clear policies on what will or will not be permitted and where*".

Policy H2

UNSOUND: The Policy requires residential developments above a certain threshold to provide a target of 40% affordable housing provision in towns, 50% in larger villages and 100% in the rest of the rural areas,

including small villages. There are provisos regarding the actual level of provision which will be determined through negotiation, taking into account development viability and other contributions. As indicated above in the discussion of affordable provision in general, this approach appears to be in direct conflict with the NPPF, para 173. Sites and the scale of development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. The Council's own evidence [doc MA(6)] places severe doubt on anything beyond 33% affordable provision. The report suggests that a 50% provision is only likely to be feasible in some instances on large greenfield sites across the District, whilst smaller sites would struggle to offset affordable housing contributions in the form of 33% of total dwellings. As a consequence the Policy requirements are unrealistic and inappropriate in the context of the NPPF requirement that the cumulative impact of policies, including affordable housing, should not put implementation of the plan at serious risk, and should facilitate development through the economic cycle (para 174).

Policy H3

SOUND: The Policy has been criticised for relying on an out-of-date evidence base, provided by the 2007 North Housing Gypsy and Traveller Accommodation Needs Assessment [doc ME(1)]. However, in the absence of more recent information, reliance is placed on the WMRA Interim Draft Policy Statement. Policy H3 indicates that the Site Allocations Local Plan will make provision if required to meet a proven need. This is a reasonable approach if need is identified through up-to-date information on pitch requirements.

UNSOUND: The Policy provides criteria for determining planning applications where there is an identified need. This is in conflict with advice in the Government's Planning Policy for traveller sites, para 22(d), which advises that criteria-based policies should be included for situations where there is no identified need.

Those parts of the CS not referred to above may be taken as being found sound, although the Council may wish to pursue Minor Modifications to address matters of accuracy.

THE NEXT STEPS

The Council is invited to consider these interim conclusions and put forward the necessary amendments to the policies and accompanying text in a schedule of Proposed Main Modifications necessary to ensure the soundness of the Core Strategy. These Proposed Main Modifications can then be published and be subject to a 6 week formal period of public consultation. If any further Sustainability Appraisal is needed, it should be undertaken before public consultation and published at the same time.

Before reaching my final conclusions and preparing my report to the Council, I will consider any representations and responses on the

INDEPENDENT EXAMINATION OF THE STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL'S
CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

Schedule of Proposed Modifications, along with those made during earlier stages of the examination process.

These are interim conclusions, without prejudice, on the soundness of the Core Strategy. The full reasoning for the final conclusions will be included in the report to the Council. It should be remembered that it is not the role of the Inspector to 'improve' the CS and the recommendations will only address issues of soundness identified through the whole Examination, including the hearing stage. The recommendations will not, therefore, address all matters which have raised concerns amongst representors. Whilst requesting the Council to consider Modifications needed to make the Plan sound, this note is made available to others for information only.

Patrick T Whitehead

Inspector (05/03/2013)