

The notes of this meeting are intended as a general account of the proceedings and are not a verbatim record.

## **The Plan for Stafford Borough Examination**

### **Examination Hearing Sessions**

**Wednesday 23<sup>rd</sup> October 2013 – Morning Session at 10.00am**

### **Legal & Procedural Matters and Vision & Strategic Objectives**

#### **Attendees**

Stephen J Pratt	Planning Inspector	The Inspector
Katharine Makant	Note taker	KM
Sean Roberts	Programme Officer	SR

#### **Stafford Borough Council**

Cllr Frances Beatty	Stafford Borough Council	Cr FB
Alex Yendole	Stafford Borough Council	AY
David Smethurst	Stafford Borough Council	DS
Ted Manders	Stafford Borough Council	TM

#### **Other Participants**

Sue Green	Home Builders Federation	SG
Sarah Wozencroft	Commercial Estates Group	SW
Nicole Penfold	Gladman Developments	NP
Steve Lucas	Gladman Developments	SL
Richard Thomas	Creswell Parish Council	RT
Tom Beavin	Walton Homes / MJ Barrett Group	TB

#### **1. Inspector's Introduction**

- 1.1 The Inspector welcomed those present and introduced himself, SR and KM. He made reference to the Guidance Notes (J2), Matters and Issues paper (J5) and programme, all of which had been previously circulated. He referred also to the information base contained in the Examination Library, including the submitted Plan for Stafford Borough and representations made by participants and the Council. AY introduced the Council's team.
- 1.2 On behalf of the Council, AY confirmed that no more changes were proposed other than the minor modifications set out in the Schedule of Additional (Minor) Modifications and the Schedule of Further Additional Modifications (A26 and J45). The Inspector noted that some of the Council's proposed changes might constitute Major Modifications, which would be subject to a six week consultation period after the hearings had ended.
- 1.3 The Inspector went on to outline the scope of the examination, including his role, the purpose of the hearings and the tests of soundness. He asked those challenging the Plan to explain, firstly, why it was unsound and, secondly, what changes were needed to make it sound. He then outlined the procedure for the hearing sessions and asked participants to base their contributions on their original representations and not to introduce new topics.

## **2. Council's Opening Statement**

2.1 Cr FB gave an opening statement on behalf of the Council, as set out in Document N1a.

## **3. Legal and Procedural Matters**

### **(a) Local Development Scheme (LDS), Statement of Community Involvement (SCI), Sustainable Community Strategy (SCS), Local Development Regulations and National Planning Policy Framework (NPPF)**

3.1 The Inspector noted that the Examination Library contained the LDS (C7), the SCI (A16) and the SCS (E105) plus the County Council's SCS (E104), the Borough's Community Action Plan (E103) and the Council's self-assessments of soundness and legal compliance (B4 & B5). He asked whether the Council had anything to add to its Examination Statement on Matter 1 (M1/1a). AY said it did not.

3.2 SW outlined the concerns of Commercial Estates Group, which focussed on how the Council had interpreted the themes of the SCS in relation to housing growth. She accepted that the Plan reflected the themes of the SCS. The Inspector noted that levels of housing development would be discussed at a later session.

3.3 RT outlined the concerns of Creswell Parish Council, which related to the public availability of the examination documents and confusion around the pre-submission draft and the published amendments. On behalf of the Council, AY confirmed that all the documents had been made available to the public during the consultation period and on the date of submission (20 August 2013). The Inspector noted RC's concerns and invited him to make use of the Examination Library in the Programme Officer's room.

### **(b) Sustainability Appraisal (SA) and Appropriate Assessment**

3.4 The Inspector referred to the Council's Further Statement (M1/1a) which summarised how it had carried out the SA. On behalf of the Council, AY confirmed that he was content that the SA met the legal requirements and national guidance and that it clearly indicated how it had influenced the Plan and what alternative strategies had been considered, giving reasons for rejection where applicable. The alternatives had included different levels of provision and distribution.

3.5 The Inspector referred to the Council's Planning Strategy Statement (A13), which had been produced after the publication and consultation on the pre-submission plan. AY explained that, following the consultation in early 2013, a new strategic allocation at Clarkes Farm had been put forward which the Council felt should be subjected to SA. An addendum to the SA had been produced (A12) which looked at the Clarkes Farm option and two others. The Planning Strategy Statement (PSS) had been produced to give context to the addendum. The PSS had been subjected to consultation and representations had been received (A22 & A23). AY confirmed that no other changes had been made before submission.

3.6 SW set out the concerns of Commercial Estates Group (CEG), which related to how the SA had influenced the choice of strategy in the Plan. CEG was promoting the expansion of the Stafford East Strategic Development Location (SDL), but it was not apparent how this had been considered or why it had been rejected and it had not been included in the PSS. The Inspector noted that the merits of strategic allocations would be discussed at a later session.

AY maintained that the SA had assessed the wider Stafford East SDL and had given reasons for rejecting it. The Inspector asked the Council to direct CEG to the relevant part of the SA – **Homework 1 (N2.3).**

- 3.7 The Inspector asked whether the SA had considered the West Midlands Regional Spatial Strategy Phase Two Revision Panel Report. AY replied that the SA had not looked specifically at the 550 dwellings per annum (dpa) figure recommended by the Panel Report, but it had looked at a range from 250 to 750 dpa and at the Council's preferred 500 dpa figure. It had also considered alternative distributions.

**(c) Regional Spatial Strategy (RSS)**

- 3.8 The Inspector noted that the West Midlands RSS had been revoked but that paragraph 218 of the NPPF allowed evidence used in the RSS to be taken into account in Local Plans, provided it had been supplemented by robust, up-to-date local evidence. AY said that the Council had reviewed the Plan in the light of the revocation and the results were set out in Topic Paper G, contained within the Council's Background Paper (K1). Some minor modifications to wording of the Plan were being proposed but these were not significant. There were no RSS policies that were not now covered by the NPPF, Plan for Stafford Borough or other plans.
- 3.9 SW outlined the concerns of Commercial Estates Group, which related to the Council's reliance on the RSS evidence on housing levels. CEG felt that the evidence had not been updated as required by the NPPF, resulting in a level of housing provision that was too low. SW also had points to raise on the Appropriate Assessment but agreed to defer these until the session on Cannock Chase SAC when Natural England would be in attendance.
- 3.10 On behalf of Creswell Parish Council, RT said that he had attended one of the RSS Panel Examination sessions at which a duty to co-operate with South Staffordshire had been emphasised. The Parish Council felt that this had not happened, resulting in an emphasis on development to the north and east of Stafford which overlooked the potential of the south.

**4. Duty to Co-operate**

- 4.1 The Inspector said that this was an important duty and one on which several Local Plans had failed. He then set out the three elements of the Duty as follows:
1. Is it applicable?
  2. What processes have been followed?
  3. What is the outcome?
- 4.2 The Inspector noted that there were a number of strategic cross-boundary issues in Stafford which meant that the Duty did apply. The Council had submitted evidence that it had complied in its Duty to Co-operate Statement (B3) and Update (K2), summarised in its Examination Statement (M1/1a). The Inspector had identified four areas for cross-boundary co-operation as follows:
- Staffordshire and West Midlands local authorities on housing requirements;
  - Stoke-on-Trent CC and Newcastle-under-Lyme BC on impact on regeneration;
  - South Staffordshire DC on Regional Logistics Sites;
  - Natural England and other local authorities in Staffordshire and the Black Country on Cannock Chase SAC.
- 4.3 AY confirmed that the Council had established systems of co-operation with neighbouring

authorities and prescribed bodies which had taken place over considerable time, including one-to-one meetings. Details were set out in the protocols attached to documents B3 and K2. All Staffordshire authorities except Tamworth had signed, including the County Council, as well as Shropshire, Telford and Wrekin and Birmingham City Councils, the Environment Agency, Natural England, English Heritage, Highways Agency and Ministry of Defence. None of the bodies asked had refused to sign. AY acknowledged that some areas of disagreement remained.

- 4.4 On behalf of the Council, AY confirmed that none of the local authorities listed had asked Stafford to take some of their housing and that Stafford had not asked any of them to take its own housing requirement. There were no unmet development or infrastructure needs.
- 4.5 The Inspector noted that document K2 included a protocol signed by Birmingham City Council, which had recently asked some neighbouring authorities to take its unmet housing requirement. AY confirmed that Stafford had not been asked to take any of Birmingham's housing and neither had it been asked to include a paragraph raising the issue in its Plan. Birmingham had indicated to Stafford that it would be seeking to meet its needs within its own LEP of Greater Birmingham & Solihull. Stafford was in the Stoke-on-Trent and Staffordshire LEP.
- 4.6 On behalf of the Home Builders Federation, SG noted that documents B3 and K2 were quite general and did not provide evidence that the question of taking housing requirements had been asked. She went on to question why the 2012 SHMA (D5) covered only Stafford, while the previous 2008 SHMA (E13) had been a joint commission covering the RSS North Housing Market Area. CEG and Gladman Developments shared this concern.
- 4.7 AY explained that, whilst the 2012 SHMA only covered Stafford, the work had been carried out in co-operation with neighbouring authorities and this was set out within document D5. He confirmed that the question of unmet housing needs had been discussed with the neighbouring authorities. The Inspector noted that the proformas indicated that the levels of housing provision were agreed between all the local authorities.
- 4.8 The Inspector sought confirmation of the status of the Local Plans of neighbouring authorities. AY said that all had adopted local plans except Cannock Chase, Lichfield and Stafford Moorlands, which were all at Examination stage, and East Staffordshire, which was at publication stage. He acknowledged that those with adopted plans may not have had to meet the Duty to Co-operate.

*(A break took place for refreshments.)*

#### **(a) Staffordshire and West Midlands**

- 4.9 The Inspector asked the Council to explain why it had chosen not to carry out a joint SHMA to update the one carried out in 2008 (E13), which was based on 2006 figures. AY said that a number of the authorities in the 2008 study had already adopted Core Strategies and so were not interested in participating in a joint SHMA. He acknowledged that joint SHMAs had been carried out in other parts of Staffordshire. He went on to explain how the Council had involved other stakeholders in the study, including neighbouring authorities, developers, registered providers for affordable housing and the Home Builders Federation.
- 4.10 On the issue of Birmingham's housing needs, AY confirmed that Stafford had not been asked

to take any extra housing and, based on discussions with Birmingham City, he did not expect to be asked to do so. The Inspector referred to the use by the Council of the phrase “potential to meet unmet regional needs” (M3/1a; ¶ 7.4). AY explained that the Plan was intended to meet local need and an element of inward migration, consisting of people moving into the Borough from neighbouring areas. Approximately 30% of provision was to meet local need and 70% was for inward migration.

- 4.11 With reference to Creswell Parish Council’s point on overlooking potential for development to the south of the Borough, AY acknowledged that the RSS Phase 2 Panel had mentioned the possibility of development to the south but this had been subject to further work. The Council had considered an allocation to the south but had not progressed this due to environmental constraints (proximity to Cannock Chase SAC) and transport access issues. He noted that no representations on this issue had been made in South Staffordshire District’s letter of 21<sup>st</sup> February 2013 (Appendix 1 to M1/1a). The Inspector noted that South Staffordshire’s Core Strategy had been found sound and no unmet housing needs had been identified.
- 4.12 On behalf of the Home Builders Federation, SG made the following comments:
- Participation in SHMAs tended to be for information rather than engagement;
  - GBSLEP’s draft Spatial Plan and Strategy for Growth had just been published, identifying a shortfall in housing provision across the LEP area;
  - The adopted Plans in Staffordshire were all based on the old RSS figures and HBF questioned whether they met ‘objectively assessed housing needs’;
  - The recent Hunston Properties case was relevant;
  - Stafford had been identified in the 2008 SHMA as having one of the highest levels of interactions with its neighbours and was not self-contained.
- 4.13 With reference to the Hunston case, the Inspector said that it had been explicit that the decision was based on a planning application appeal, not the plan-making process. He noted that it had been challenged.
- 4.14 On behalf of Creswell PC, RT said that nothing had been done to establish whether South Staffordshire could meet the needs of Stafford Borough. He noted that Stafford was located between Junctions 13 and 14 of the M6 and had infrastructure needs as well as housing requirements. The Inspector asked whether the southern part of the Borough was in the Green Belt. AY explained that part of the Borough was covered by the West Midlands Green Belt, but not the area of land to the south and round Junction 13 of the M6.
- 4.15 DS responded on behalf of the Council. He noted that there was nothing in the NPPF that required SHMAs to be carried out jointly. The Borough had links with a number of neighbouring authorities and the Council had been in dialogue with them all. No unmet needs had been identified.

**(b) Stoke-on-Trent and Newcastle-under-Lyme**

- 4.16 The Inspector noted that a number of representations had expressed concerns at the Council’s proposed level and phasing of development at Stone. AY explained that the Plan took account of the impact of development at Stone on the urban regeneration initiatives planned for The Potteries in northern Staffordshire. The phasing policy had been introduced before submission and no modifications on the issue were being proposed.

### **(c) South Staffordshire – Regional Logistics Sites**

- 4.17 AY explained that the Council had worked in partnership with neighbouring authorities to commission a Regional Logistics Site Study (E18). The second part of the work was to identify sites. Additional Modification M10 (A26) was proposed in response to South Staffordshire's letter of 21<sup>st</sup> February 2013 (Appendix 1 to M1/1a). South Staffordshire was content with the changes proposed and the duty to co-operate proforma had been signed after M10 had been published.
- 4.18 RT commented that he had not been aware of the Study and that it would be of great interest to the Parish Council. AY referred him to Document E18 in the Examination Library.

### **(d) Natural England and Cannock Chase SAC**

- 4.19 With reference to the Cannock Chase SAC Partnership, AY explained that this had met regularly since it had been established in 2011. Members included the local authorities covered by the SAC and its surrounding area and Natural England. The Council had been an active participant for a number of years. A protocol signed by Natural England was included in the Duty to Co-operate Statement (B3) and there were no outstanding issues.
- 4.20 The Inspector noted that Cannock Chase Council had recently revised the wording of its Local Plan policy on the SAC and asked the Council to review the wording of its own policy to ensure consistency – **Homework 2 (N2.4)**.
- 4.21 The Inspector noted that a failure in the Duty to Co-operate had serious consequences and required a Council to withdraw its Plan. He asked the participants to confirm whether they wished him to consider such a recommendation. SG on behalf of HBF confirmed that she did, based on the lack of a joint SHMA. CEG and Gladmans said that it should be considered. On behalf of the Council, AY said that it considered that its legal requirements on the Duty to Co-operate had been met, but noted that further sessions were to be held. The Inspector confirmed that he could not reach a view until the further sessions had taken place.

## **5. Further Proposed Changes**

- 5.1 The Inspector noted that A26 contained 125 and J45 contained a further 46 proposed modifications. AY confirmed that, in the view of the Council, these were all minor modifications in response to representations received. The Inspector noted that any proposed modifications which went to soundness would constitute major modifications and would require further consultation.
- 5.2 RT raised a point about the Eastern Access Improvement Scheme and Eastern Distributor Road (EDR). The Inspector noted that a discussion on transport was due to be held at a later session.

## **6. Vision & Objectives**

- 6.1 AY confirmed that the Vision and Objectives had evolved in consultation with key stakeholders and local communities and that they were consistent with the Sustainable Community Strategy. He then listed the proposed minor modifications to the Spatial Vision (M12-M15 and M18) and to Key Objective 11 (M16) and Key Objective 17 (M17), set out in A26. In addition, J45 set out proposed minor modifications to the Vision (FAM7-FAM9) and

to Key Objective 5 (FAM10). The Council's Examination Statement (M2/1a) set out the justification for the Vision and the Objectives.

- 6.2 SW said that CEG was supportive of the Vision and Objectives and had no concerns.
- 6.3 RT on behalf of Creswell Parish Council was not satisfied that the Vision had the support of the local community. In his view, the Plan represented 'piecemeal development' which had a particularly detrimental effect on the local road network, including the A513, and this was compounded by the absence of the promised Area Master Plans to ensure connectivity. The Inspector noted RT's comments and asked him to give consideration to what should replace the submitted Plan.
- 6.4 Responding on behalf of the Council, AY said that there had been numerous opportunities for the local community to shape the Vision and Strategic Objectives and that many representations had been received. The Council was content that the legal requirements had been met.

*(The session was adjourned for lunch at 1.10 pm.)*