

Programme Officer  
Mr Sean Roberts  
the Plan for Stafford Borough Part 2  
Stafford Borough Council  
Civic Offices  
Riverside  
Stafford  
ST16 3AQ

Your Ref.:  
Our Ref.: APA/DYKE/16/Misc.

9 August 2016

Dear Mr Roberts

**THE PLAN FOR STAFFORD BOROUGH PART 2: EXAMINATION: FINAL COMMENTS BY ASPBURY PLANNING LIMITED ON BEHALF OF MR O DYKE.**

I set out below the final comments on behalf of the Representor, Mr O Dyke. These comments are made without prejudice to the Written Statement submitted prior to the Examination and oral comments by me during the Examination as recorded by the Inspector. They address the issues raised by the Mr Inspector Fox on the final day of the Examination.

Quantitative and Qualitative Housing Land Supply

The Representor remains of the view that it is questionable whether the Council can demonstrate a practical 5-and 6-10 year housing land supply in accordance with paragraph 47 of the Framework. The figures provided by the Council to the Examination were challenged by the housebuilders and landowners side and have not been independently audited. Moreover, as I stated in the Examination, in the Representors view, the supply claimed is hardly a robust one at such an early stage in the Plan Period. There is, therefore, a risk that the Part 1 and 2 Plans will be rendered out-of-date in accordance with paragraph 49 of the Framework as soon as they are adopted. The imminent decision of the Inspector in the Planning Appeal by David Wilson Homes at Marlborough Road/Walton Heath Common Lane, Stone will be highly instructive in this respect.

Despite protesting that it was not treating the housing requirement as a ceiling or target, the Council's representatives repeatedly stated that the Council had already met it's 'target' through allocations and commitments.

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The Inspector will be aware that the housing requirement in a local plan represents the *minimum* level of housing to be achieved and furthermore that requirement of a plan is not met until the houses are actually *built*.

The practical effect of the declared approach of the Council in the Examination, as expressed through the Part 2 Plan is to cap and artificially *constrain* supply because there is only limited scope to bring forward further development within the very tightly-drawn settlement boundaries. The Council's contention that the purpose of the boundaries is to direct development to the SDLs is an acceptance that the policy is overtly proscriptive and to choke off housing development elsewhere. Not only is this contrary to national policy as expressed in the Framework, but it is in conflict with the Part 1 Plan. This goes to the fundamental soundness of the Part 2 Plan.

The excessive reliance on SDLs for overall quantitative delivery and the doubts about the capacity of the SDLs to deliver at a sufficient rate to maintain a rolling 5-year supply throughout the Plan Period were fully aired by various representors at the examination. However, representors, including myself, also pointed to a qualitative dimension in the manifest absence of provision in the upper tiers of the settlement hierarchy (i.e. the *most* sustainable locations) of *medium*-sized sites (say in the 50-450 house range), which are the basic product of local and regional housebuilders and which contribute critically not only to quantitative delivery, but also to local distinctiveness and choice in the housing market. Representors proposed a variety of solutions ranging from explicit allocation of identified site through a more flexible approach to the drafting of settlement boundaries, to (in the Representor's case, deletion of the boundaries altogether.

#### Settlement Boundaries and Flexibility

The Council's justification for the demonstrably tightly-drawn and, in the submission of the Representor, arbitrary and inconsistent, settlement boundaries during the Examination was at best equivocal and at times contradictory.

The Council has offered no objective evidence, nor is the Representor aware of such evidence, that there is a direct relationship between constraining supply elsewhere and securing the development of allocated sites, including the SDLs. On the one hand the Council argues that the SDL's are available, free from constraint and attractive to the market, but on the other, effectively asserts that competition from other development opportunities, were they available, alone would critically inhibit the delivery of the SDLs. If this proposition were valid then it is more likely that SDLs would also compete *with each other*, a possibility which the Council appears to have overlooked. On the basis of their extensive experience, the industry and landowner representatives accepted that the SDLs would all deliver eventually but that this delivery would be delayed not just by the delivery of threshold infrastructure, but also by land ownership and marketing constraints.

The Council's approach denies the opportunity for sustainable development to be brought forward through the development management system on an opportunistic ad hoc basis on the by reference to Policies SP1 and SP7, which would be entirely consistent with national policy as expressed in the Framework.

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In this context, I pointed out in the course of the Examination that Policy SP7 (amended as proposed in our Written Statement) provided perfectly valid satisfactory criteria for assessing development and could equally be applied to sites outside the presently-proposed settlement boundaries. The question arises that if a proposed development can be shown to be sustainable, to meet the SP7 criteria, not to conflict with other policies in the Local Plan, and not to cause other harm to interests of acknowledged importance, should the fact that it lay *outside* the settlement boundary in and of itself automatically require it to be rejected? To do so would, in our view conflict with the Framework, especially if paragraph 49 circumstances obtain at the time. In such circumstance the Representor considers that an independent and objective decision maker is likely to set aside the boundary and this calls into question the need for and value of tightly drawn boundaries and will discredit the policy in the eyes of the public.

The Council has stated that it is intended the boundaries defined now to remain in force throughout the life of the Plan and possibly beyond. In practice, this places boundaries on a similar basis to Green Belt designation. Such an approach is clearly inconsistent with policy in the Framework, but arises inevitably from the Council's objectives for and approach to such boundaries. Thus, if tight boundaries are a short-/medium-term policy expedient, effectively to drive development to preferred sites, rather than, in the case of the Green Belt, to keep land *permanently* open, then arbitrary definition (simply throwing a girdle around existing developed and allocated areas) results in illogical and inconsistent boundaries in direct contradiction of the objective approach the Council claims to have taken to boundary definition. Everyone knows – it is patently obvious – that, in practice, the Council has simply drawn the boundaries around existing development and proposed allocations and this has led to the anomalies pointed out at the Examination. Its dogged insistence at the Examination in defending the defined boundaries and its refusal to amend them in the face of perfectly clearly reasonable criticism of such anomalies clearly demonstrates the Council's true motives.

#### Possible Main Modifications

A MM providing for boundaries to be subject to regular/periodic review during the Plan period does not address their fundamental weaknesses as a policy. Formal reviews of plans tend to be cumbersome, time-consuming and sensitive to resource availability in local planning authorities, especially human resources, and to local political considerations. For this reason they are infrequent and unresponsive to the circumstances that necessitate them. Moreover a plan that relies on future reviews cannot be adjudged to be sound now. For this reason we do not consider that introducing a provision for review during the Plan Period will address the problem which we say tight settlement boundaries impose.

Nor, given the Council's current mindset -its clear disposition against permitting further development and its restrictive approach to boundary designation - do we think that an MM requiring it to undertake a review of the boundaries now, *before* adoption of the Part 2 Plan, with the overt objective of relaxing them (either by incorporating additional allocations or 'white land' within them), is a satisfactory solution. Again, this will not address the fundamental flaws in the Policy and will merely defer the inevitable moment when their restrictive nature prevents needed and acceptable sustainable development in order both to meet housing need and to significantly boost the supply of housing. This will also be a time-consuming process as, amongst other things, for it to be undertaken thoroughly and objectively it would require a fresh call for 'sites'/suggestions for boundary re-alignment.

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In the Representors view the only effective MM in relation to settlement boundaries would be to delete them completely, at least for the towns of Stafford and Stone and for development on the periphery of these towns therefore to be regulated by other policies in the Plan, which we consider to be entirely adequate for the purpose.

We do not accept that it is necessary, as Mr Holmes for the Council (somewhat out of the blue) suggested at the Examination, that an expressly different approach should be taken in relation boundary definition or the absence of it around Stone. The Council has argued that it has adopted a consistent approach to boundary designation between settlements across the Plan Area and, given its elevated position in the settlement hierarchy, we do not see that there is any justification for treating Stone differently if boundaries are to be modified or removed.

Finally, I wish to provide an additional item of information in relation specifically to Stone. The Inspector already has the Representors Written Statement relating to the alignment of the settlement boundary for Stone and specifically the unnecessary fragmentation of the Town into two parts and the drafting of the boundary to exclude of the Trent Valley Green Infrastructure corridor.

The Representor has argued that, amongst other things, additional development provision in Stone could and should also contribute to the "protection, *enhancement* and *expansion*" of Green Infrastructure under the terms of policy N4 of the PSB Part 1. Indeed, it is difficult to see where resources to achieve those outcomes for the considerable areas of Green Infrastructure especially in Stone would come from without developer contributions. A more flexible approach to development in and on the edge of Stone and particularly in the Trent Valley, would provide this significant additional benefit for Green Infrastructure, either through Planning Conditions, Planning Obligations or the impending CIL Charging Schedule. In this context we draw attention to the fact that none of the extant planning permissions, *including that for the Stone SDL*, make explicit provision for delivering benefits under Policy N4. Since these permissions pre-date the adoption the SBC CIL Charging Schedule, then the opportunity for future CIL contributions has already been lost.

We trust that the above comments will be given due consideration by the Inspector.

Yours sincerely,

Tony Aspbury  
Director