

MATTER 7

Generic Development Management Policies

Issue 1 – Development Management Policies

1.1 Are the development management policies (as modified) positively prepared and consistent with national policy?

1.1.1 Yes. The Local Plan Soundness Self-Assessment Checklist (ED11.1) provides an overview of the soundness of the Local Plan, including the development management policies. Specific matters in relation to the soundness of individual policies are addressed in the Council's response to relevant representations (ED5.3, Appendix 1) and in response to the questions in this statement.

1.2 Should Policy DC2 include requirements that the Council is proactive in tackling buildings at risk?

1.2.1 No, this is not considered to be necessary.

1.2.2 The Council acts in a proactive way in relation to heritage at risk in the District in any case so including this as a policy measure will not add anything new. The Council has statutory powers under separate legislation - Planning (Listed Building and Conservation Areas) Act 1990 in relation to urgent works and repair notices to Listed Buildings.

1.2.3 Additional Modifications are proposed in response to Historic England's representation to explain in the supporting text to Policy DC2 the work which is being undertaken by the Council to monitor and reduce the number of buildings at risk in the District (AM53 and AM54).

1.2.4 It is considered that the addition of the new text together with the reference to buildings at risk in part 6 of the policy and the fact that the number of properties on the 'Buildings at Risk' Register is the monitoring indicator for Policy DC2 covers buildings at risk sufficiently.

1.3 Do Policies C3, NE1 and NE2 provide sufficient protection for the GI network and biodiversity sites within the District?

1.3.1 Yes they do.

1.3.2 Policy C3 is supported by the Council's Green Infrastructure strategy (ED22.10) and recognises that the District's wide range of green infrastructure assets benefit from a strategic approach ensuring that adequate protection is given to key features; areas are identified where new linkages and assets need to be created and guidance is provided for development that may impact on such areas. It is consistent with NPPF (2012) paragraph 114.

1.3.3 Policy NE1 provides a clear and robust basis for conserving and enhancing the biodiversity and geological resources of the District. It is consistent with recommendations made in the Council's HRA report (ED7.2) and with NPPF (2012) paragraph 109. The Policy will ensure all development

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schemes have regard to the surveys and actions recommended by the Council's Extended Phase 1 Habitat Surveys and Local Wildlife Assessment, and include measures for protection and enhancement of site biodiversity and protection of any geodiversity as appropriate as a Main Modification in response to the Inspector's preliminary questions (MM34).

1.3.4 Reflecting the importance of trees and woodland to the character of the area, quality of life and for assistance with mitigating the effects of climate change, Policy NE2 establishes a range of measures to protect trees and hedgerows outside designated sites. In particular NE2 provides protection for ancient woodland, veteran trees and ancient or species-rich hedgerows from loss or deterioration. The policy is consistent with NPPF (2012) paragraph 118.

1.4 Are the terms of the 2nd section of Policy T1 consistent with national policy (in particular para 34 of the Framework)?

1.4.1 Yes. Proposals would have to accord with all of the policy, including the wider spatial strategy (which maintains a settlement hierarchy predicated upon creating sustainable, self supporting communities as per para 34 NPPF) . The principle of the policy is to ensure that new development is, where demonstrably necessary, required to contribute to highway works to mitigate any impact their traffic creates and to provide for the means to access the site more readily by sustainable modes.

Issue 2 – Community Facilities and Open Space
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2.1 Does Policy C1 (as modified) provide sufficient protection for community facilities?

2.1.1 Yes, it does.

2.1.2 It is proposed to modify the supporting text in paragraph 8.99 and Policy C1 parts 3 a) and b) to provide additional strength and flexibility in response to the Inspector's preliminary views on matters and questions (MM31 and MM32).

2.2 Does Policy C1 (as modified) take into account that some facilities such as those providing healthcare are outdated and may need to be redeveloped for alternative uses?

2.2.1 Yes, it does.

2.2.2 It is recognised that some community facilities (such as healthcare) may be outdated and future services will need to be reconfigured. Part 3 of Policy C1 resists the loss of facilities unless it can be demonstrated that there are no viable options for continued community use and the loss of the facility would not disadvantage local residents. Part c) of the policy allows for the redevelopment of one type of community facility to alternative community uses but the Council will consider the respective benefits in terms of their contribution to the community's needs.

2.2.3 The Council has engaged with the CCG/NHS through the Local Plan process and in the preparation of the Council's Infrastructure Delivery Plan (IDP) (ED8.2). The IDP states that CCG are in the process of developing a business case and plans to reconfigure services and infrastructure and recommends close working with the CCG to understand future plans once these have been finalised. It is

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considered that such evidence could support the redevelopment for alternative uses required by Policy C1.

2.3 Is Policy C2 (as modified) positively prepared and clear to the decision maker in respect of provision of open space on new developments? In relation to 'qualifying development' this would be 11 dwellings or more in accordance with the PPG.

2.3.1 Yes, it is.

2.3.2 The proposed modifications to Policy C2 in response to the Inspector's preliminary questions will add clarity for the decision maker in respect of the provision of open space on new developments and the 11 dwelling threshold in accordance with the PPG (MM33).