

STAFFORDSHIRE MOORLANDS LOCAL PLAN EXAMINATION

INSPECTOR'S POST HEARING ADVICE – MAIN MODIFICATIONS AND RELATED MATTERS

Please reply to the Programme Officer

Introduction

1. The purpose of this note is to provide advice on the next steps and the further Main Modifications (MMs) that are likely to be required to make the Staffordshire Moorlands Local Plan (LP or Plan) sound following the hearing sessions and the receipt of the further information from the Council by letter dated 9 November 2018¹.
2. A significant amount of the further evidence provided relates to housing land supply and delivery. In addition the Council has produced a Housing Implementation Strategy (HIS). I make recommendations below on how consultation on this evidence should be taken forward.
3. In terms of the MMs, these are in addition to those potential MMs (1) prepared by the Council in advance of the hearings following consultation on the submission version of the LP (February 2018)², (2) produced in response to my preliminary questions³ and (3) put forward during the hearing sessions⁴. I have highlighted possible **MMs** in bold. Paragraph references are from the submission version of the LP.
4. I would also advise that I will give full consideration to all the representations made about the LP including the oral contributions at the hearings. My final conclusions regarding soundness and procedural compliance will be set out in the report to be produced following consultation on the proposed MMs. Nevertheless, having regard to the criteria for soundness and to assist at this stage, I shall provide brief explanations for my advice thus far.
5. My findings may alter in the light of any further evidence that emerges including the consultation process. My views are therefore given here without prejudice to the conclusions that will appear in the report. I do not comment on every issue in this advice. My final report will cover other main issues that arose during the examination but which are not dealt with in this note.

¹ EL5.005

² SD1.2

³ EL3.001a

⁴ Attachment to EL5.005

Matter 1 – Legal Compliance, Procedural Requirements and the Duty to Cooperate

Issue 5 – The Local Plan Timeframe and Base Date

6. The 2012 National Planning Policy Framework (the Framework) indicates that LPs should be drawn up over an appropriate time scale, preferably a 15 year time horizon. Although the LP refers to a housing requirement for a period 2012 to 2031⁵ and to delivering development for the period 2016 to 2031⁶ it is only likely to have a lifespan of about 12 years from adoption. The LP timeframe should be extended to 2033 (**MM**). Although this would fall short of 15 years post-adoption, it is close to the desirable timeframe and the evidence base, including objectively assessed needs for housing and employment, is in place to support an end date of 2033.
7. Although I refer above to base dates of 2012 and 2016, most of the up-to-date evidence has a base date of 2014. For example the 2017 Strategic Housing Market Assessment (SHMA) Update⁷ (SD27.5) uses 2014 to reflect the 2014-based sub national household projections. The Employment Land Requirement Study 2017 Update⁸ applied a base date of 2014. Taking into account this evidence, a base date of 2014 is justified and should be made clear through **MMS**.

Matter 2 – Strategy and Strategic Policies

Issue 3 – Settlement Boundaries and the Countryside

8. The LP proposes the removal of settlement boundaries for smaller villages under Policy SS2. This new approach has led to concerns that on the one hand it will create uncertainty and lead to unsustainable growth but on the other hand that opportunities for development will be stifled and villages will stagnate.
9. The effects of the new approach are uncertain. In particular will the removal of settlement boundaries achieve the right balance between sustainable growth and protecting the character of the smaller villages? In this respect the policy approach should be monitored and reviewed. Ultimately this may require the approach to be reconsidered as part of a full or partial review of the Plan. I would recommend that additional commentary be added to MM56 to highlight this point (**MM**). Consideration should also be given to the inclusion of a monitoring indicator within Chapter 10.

⁵ Policy SS3

⁶ Paragraph 1.1

⁷ SD27.1

⁸ SD17.5

Issue 5 – Green Belt

10. In Biddulph there is a need for a range of sites to provide market and affordable housing and employment opportunities to enhance the town's role as a service centre and support regeneration. In principle I can see the case for exceptional circumstances existing to justify the alteration of Green Belt boundaries around Biddulph.
11. However, in terms of specific sites, the evidence base, including the Green Belt Review Studies⁹ and the Landscape Assessment¹⁰, does not justify the release of the BDNEW site to the west of Biddulph Valley Way (BVW). I note that the BDNEW site is a component of the key Wharf Road Strategic Development Area and relatively close to the town centre. However, the allocation would result in an encroachment of development into the countryside beyond the clearly defined defensible boundary of the BVW. In addition the site is indicated to be of high landscape sensitivity. Moreover, at the same time the evidence shows that other sites could be released from the Green Belt without damaging Green Belt purposes to the same extent¹¹.
12. Therefore, exceptional circumstances have not been demonstrated for the specific proposals in Biddulph and this aspect of the Plan is unsound. In the first instance I would ask that the Council set out how this soundness issue is to be resolved.
13. In reviewing whether exceptional circumstances exist consideration should be given as to whether it would be appropriate to identify areas of 'safeguarded land' in order to meet longer-term development needs in Biddulph.

Matter 3 – Housing and Employment Objectively Assessed Needs (OAN) and Requirements

Issue 1 – The Housing OAN and Requirement

14. Taking into account the evidence and the recommendations to use a base date of 2014 and to extend the lifetime of the LP to 2033 under Issue 1, a housing OAN and requirement of 320 dwellings per annum (dpa) is justified. The figures within Policy SS3 and the explanatory text will need to be amended to reflect the timeframe of 2014 to 2033 (**MM**). The overall requirement will still be 6080 dwellings (320 dpa x 19).

⁹ SD22.4, 22.6 & 22.7

¹⁰ SD22.5

¹¹ For example Table 5.1 of SD22.4

15. In terms of the employment OAN, a LP period of 2014-2033 results in an employment land requirement of 32 ha. The figures within Policies SS3 and SS4, the explanatory text and Tables 7.4 and 7.5 will need to be amended to reflect this and my recommendation to delete allocation DSR3 (MM). I note that Appendix B to EL5.005 identifies a small shortfall in supply against the 32 ha requirement. The shortfall would be increased by the deletion of DSR3 referred to below. However, it is suggested that windfalls could make up the deficit. In addition monitoring would identify issues with supply, the contribution of windfalls and whether additional allocations would be needed later in the Plan period through review. In this respect I would recommend that additional commentary be added to MM56 to highlight this specific monitoring requirement for employment land (MM). A relevant monitoring indicator should be included within Chapter 10.

Matter 4 – Housing Land Supply

Issues 1, 2 and 3 – Components of Housing Supply, Trajectory and Five Year Housing Land Supply

16. As the evidence base date of the SHMA and LP is 2014, the housing land supply figures and Tables 7.2 and 7.3 should reflect this period (MM). On this basis only the shortfall in completions against the requirement of 320 dpa since 2014 should be included in the housing land supply figures. This is because the SHMA will have taken into account any backlog in provision against the OAN prior to 2014. It is noted that a base date of 2014 has been used in the trajectory attached as Appendix 4 to EL5.005.

17. The LP relies on a significant windfall allowance to deliver the housing needed. Additional information to support the allowance is provided with EL5.005 (Appendix 3). The housing trajectory referred to above includes windfalls and they are an important component of the rolling 5 year supply of housing. However, the effect of making allocations, the removal of development boundaries for the small villages and the implementation of the other housing policies of the LP on delivery of windfalls is uncertain. It will therefore be critical that the number of homes delivered by windfalls going forward is monitored closely to ensure that it is meeting expectations. There is also the related point about whether the reliance on a significant number of windfalls will create opportunities for affordable housing, particularly in the rural areas.

18. As with the policies for small villages and employment land, I would recommend that additional commentary be added to MM56 to highlight this specific monitoring requirement in relation to windfalls, including delivery of affordable housing (MM). A specific monitoring indicator for

windfalls should be included in Chapter 10.

19. As I understand it the housing trajectory includes all sites with planning permission. In projecting completions forward no slippage allowance has been included. However, data indicates that between 1.2% and 11.6% of permissions have lapsed between 2014/15 and 2016/17. A precautionary slippage allowance of 10% should be applied to commitments, should be factored in to the trajectory included in Appendix 7 and should be referred to within paragraph 7.33 of the Plan (MM).
20. Information to support the trajectory is provided in Appendix 4 to EL5.005. The trajectory now commences at 2014/15 to align with the base date. Adjustments have been made to delivery from the Cheadle North and Blythe Vale allocations to take into account information provided at the hearings. Delivery from Wharf Road has been pushed back to commence in 2021/22 and halved for the first year. Some other adjustments have been made to take into account up-to-date information and more cautious commencement dates on Cornhill and the allocation in Upper Tean. However, no other significant adjustments have been made to delivery having regard to discussions at the hearings or the information provided in Appendix 4.
21. Assuming other inputs remain the same and applying a lapse rate of 10% to commitments, the trajectory would still show a 5 year supply upon adoption using the Liverpool approach to dealing with the shortfall¹². Taking into account the significant uplift in housing delivery proposed in the LP, I consider that using the Liverpool approach at the point of adoption is realistic and reasonable. Adjustments would also need to be made to the delivery from allocations in Biddulph taking into my comments on Green Belt releases under Issue 2. However, this in itself is unlikely to significantly affect the 5 year supply assuming that Wharf Road still commences in the next 5 years. Delivery from other Green Belt releases in Biddulph equivalent to BDNEW could commence in the same period.
22. The LP does not include much flexibility when comparing the housing requirement of 6080 homes with the supply side. Indeed the housing trajectory shows a slight deficit between projected supply and the housing requirement and that deficit will increase with the application of a lapse rate. Some of the assumptions about delivery are optimistic based on site complexity and viability considerations. Moreover, the trajectory relies on 76 dpa from windfalls from 2021/22 onwards. That said the Framework does not require the identification of specific sites for the whole of the

¹² Spreading the shortfall in delivery from the early years of the Plan over the whole of the Plan period.

Plan period but does expect a five-year supply to be maintained through the Plan period.

23. The Council has recently prepared a HIS with the objective of demonstrating how it will seek to maintain delivery over the Plan period.

24. Therefore, in relation to Matter 4 there are a number of strands of new evidence that are before the examination. My conclusion is that the new evidence on housing land supply, primarily that set out in the letter of 9 November and the HIS, ought to be subject to a further period of consultation of a minimum period of 3 weeks starting in early 2019. The Council will have the opportunity to consider the responses and decide whether to put forward additional MMs as a result. I will then consider the responses and the Council's position. In particular it will allow me to come to conclusions on the issue of housing land supply. I do not envisage at this stage requiring an additional hearing session on Matter 4 but that will be reviewed following the consultation.

Matter 5 – Specific Housing Needs and Generic Housing Policies

Issue 2 – Affordable Housing

25. I note proposed MM23 to Policy H3 and the supporting text. In relation to Section 1 of Policy H3 I would recommend the wording is as follows (MM):
1) Residential developments of 10 dwellings or more shall provide 33% affordable housing. Where justified, the Council will consider a lower level of provision taking into account the Local Plan and Site Allocations Viability Study, other up-to-date viability evidence and other contributions. Affordable housing should normally be provided on-site. Provision through a commuted sum payment in lieu will only be considered where it will be of broadly equivalent value to on-site provision and it can be robustly justified in delivering affordable homes through mixed and balanced communities.

Matter 6 – Employment Policies

Issue 4 – Tourism

26. There was discussion about the wording of Policy E4 at the hearing. I would recommend a further change to the policy through MM21 namely the replacement of 'promotes' with 'compliments' in the 1st line (MM).

Matter 8 - Allocations

Policy DSL2 – Land at the Mount, Leek

27. With regard to MM37 I would recommend an amendment to the new criterion relating to the recreational value of the Mount as follows:

Recognition of the recreational value of the Mount to the community and reflect this in master planning proposals through the sensitive treatment of Mount Road and Kniveden Lane, appropriately located green infrastructure, recognition of key views and connectivity to public rights of way (MM).

Policy DSR3 – Land west of Basford Lane, Leekbrook

28. Based on the evidence before me, the adverse impacts of developing the site (residents' living conditions, landscape and biodiversity) would outweigh the benefits. Therefore, I do not consider the allocation is justified and I recommend that the allocation be deleted (MM).
29. I note the contents of the letter dated 2 November from N J Docksey Ltd and the case for expanding the business on land adjacent to its existing operations. However, it is not a proposal for a strategic site more a bespoke proposal that is meeting a specific business need. In my view it would be best progressed by a planning application outside of the LP process when the Council would be able to weigh impacts against benefits based on more detailed information about how the site could be developed taking into account the provisions of Policy E1 of the LP.

Policy DSB1 – Wharf Road Strategic Development Area, Biddulph

30. I recommend deletion of BDNEW from the allocation in paragraph 11. Consequential amendments will be needed to Policy DSB1 in terms of the site area and number of houses. Modifications will also be required to Policy SS4 and para 7.50, although the detail of the changes (MMs) will depend on whether other sites are brought forward as alternatives.

Green Infrastructure Designations

31. The Landscape, Local Green Space and Heritage Impact Study¹³ considered whether areas protected as Visual Open Space (VOS) within the existing LP should be subject to Local Green Space (LGS) designations within this LP. It appears to me that the majority of VOS designations have been carried forward to LGS designations despite the high bar set by paragraph 77 of the Framework in relation to LGS – 'demonstrably special to a local community'.
32. As an example, the two areas that were discussed in Cheddleton and Werrington and which I saw on site have some attributes in providing visual relief and views beyond the settlement. The fields at Ox Pasture are attractive. However, I do not consider that their designation as LGS is justified on the basis of them being 'demonstrably special.' In addition

¹³ SD22.5

both villages are hemmed in by Green Belt with few opportunities for infill development (windfalls). Similar considerations would apply in other settlements. Providing the equivalent of Green Belt protection to land within settlements which is not 'demonstrably special' would limit opportunities for windfalls and would run counter to the Council's objective of delivering at least 30 dpa through windfalls in the rural area (some 45% of the net housing requirement for the sub-area).

33. I would recommend that these two designations be deleted and that other LGS designations are reviewed in the light of this advice (**MMs**). In this respect I note the summary and recommendations in Table 9.1 and Appendix 2 to SD22.5 setting out why the LGS designation was considered appropriate for each site. However, in the light of my recommendations I would ask for each LGS to be reviewed applying the criteria within paragraph 77 of the Framework. A summary table of the Council's conclusions on each site following this review should be provided.

Future Timetable

34. In view of my findings on Matter 4 the next stage will be to organise a focused consultation to deal with this discrete issue. I would envisage the following timetable in relation to this, assuming that a further hearing is not held:

- January/February 2019 – Council to consult for a minimum 3 week period on the additional information on housing land supply provided with the letter dated 9 November, the HIS and other updated information. This post-hearings advice and the Council's response will be background documents to the consultation.
- February/March 2019 – Council to consider responses to consultation, suggest any MMs and pass on to Inspector.
- March/April 2019 – Inspector to consider responses and recommend MMs and any other action required.
- Late May 2019 onwards¹⁴ – Council to update Schedule of MMs and any supporting evidence such as revised Sustainability Appraisal and consult for 6 week period.

35. In due course the Council will need to update the composite Schedule of Proposed Main Modifications (MMs). This schedule will contain MMs which have arisen since the publication of the LP, including potential MMs discussed at the hearings, those recommended in this post hearings advice and any that arise from the above consultation. Supporting documentation such as an updated SA would also be required in due

¹⁴ To avoid election period between 20 March and 2 May

course. However, the MMs and an updated SA should not be progressed until after the above consultation as additional MMs may arise.

Response

36. A response to this note should be provided as soon as possible. This advice and the Council's response should be published on the website. However, it should be emphasised that no representations on the contents of this note and the Council's response should be submitted at this stage.

37. Representations will be invited on the focused consultation on housing land supply once the timing of that has been confirmed. Representations on MMs as a whole will follow at a later stage. This advice and the Council's response will form background documents to the focused consultation and the MMs.

38. If the Council require clarification of any of the above points please contact me via the Programme Officer.

Thank you.

Mark Dakeyne

INSPECTOR

December 2018