



The Planning  
Inspectorate

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# **Report to Staffordshire Moorlands District Council**

**by Patrick T Whitehead DipTP(Nott) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date 2 January 2014**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO STAFFORDSHIRE MOORLANDS CORE  
STRATEGY**

**LOCAL PLAN**

Document submitted for examination on 4 September 2012

Examination hearings held between 05 and 08 February 2013

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## **Abbreviations Used in this Report**

BfL	Building for Life
CS	Core Strategy
GTAA	Gypsy and Traveller Accommodation Needs Assessment
LDS	Local Development Scheme
LPA	Local Planning Authority
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SMDC	Staffordshire Moorlands District Council
SPG	Supplementary Planning Guidance
SuDS	Sustainable Urban Drainage Scheme
WMRA	West Midlands Regional Assembly

## **Non-Technical Summary**

This report concludes that the Staffordshire Moorlands Core Strategy Local Plan provides an appropriate basis for the planning of the District over the next 15 years providing a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All of the modifications to address this were proposed by the LPA, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The most significant modifications can be summarised as follows:

- Insertion of new Policy SS1a – Presumption in Favour of Sustainable Development, together with a supporting paragraph;
- An increase in housing provision from 5,500 to 6,000 additional dwellings to be completed during the period 2006 – 2026, together with a commitment to an early review of the Core Strategy to be combined with a Site Allocations DPD in SS2;
- Amended housing figures for the three towns to meet the revised housing requirement in SS5;
- Amendment to Biddulph Area Strategy committing to a comprehensive review of the Green Belt in SS5b;
- Deletion of the proposed extension to the urban area to the north-east of Cheadle (Area 2) in SS5c;
- Change to Policy SS6 providing an increase to the housing requirement in the Rural Areas;
- Revisions to Policy SS7 to provide clear guidance on the principles of development for Churnet Valley and the considerations regarding the impact of proposals;
- Amended targets for affordable housing provision in Policy H2;
- Revisions to the sustainable development policies to provide clear direction, and to ensure there are not excessive policy burdens threatening the viability of development proposals;
- The provision of an amended Housing Trajectory.

## Introduction

1. This report contains my assessment of the Core Strategy Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the revised submitted draft plan, December 2011, which is the same as the document published for consultation, together with the List of Minor Modifications contained in doc A(2) (July 2012). Those Minor Modifications form part of the submitted draft plan.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that go to soundness have been subject to public consultation and, where necessary, Sustainability Appraisal (SA), and I have taken the consultation responses into account in writing this report.
5. The Council has provided a list of 88 minor modifications which deal largely with the revocation of the Regional Strategy for the West Midlands which came into force on 20 May 2013 (Regional Strategy for the West Midlands (Revocation) Order 2013). It also addresses other changes in national and local policy and guidance, including the withdrawal of PPGs and PPSs, and the latest Corporate Plan priorities, together with corrections and clarifications which the Council considers to be necessary.
6. References in square brackets [ ] are to documents forming the supporting information to the submitted draft plan.

## Assessment of Duty to Co-operate

7. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
8. Preparation of the CS was well advanced by the time the duty to co-operate came into effect. However, there is substantive evidence that the Council has worked collaboratively with adjoining authorities and other stakeholders throughout the preparatory stages of the plan process. The CS, paras 2.25 - 2.29 and the attached table, give an indication of the inter-district links and relationships, together with the influences and issues involved.

9. Further evidence is provided through the submitted Statement [doc K(1)]. This indicates well-established arrangements for joint working and, in particular, highlights the strategic level studies which have informed the CS (Section 5), including the Strategic Housing Market Assessment and the North Housing Market Gypsy and Traveller Accommodation Needs Assessment. The Statement also highlights the Strategic Alliance with High Peak BC, sharing the delivery of key services, and the Staffordshire County Council and County Wide Groups, including the Staffordshire Development Officers Group which meets on a regular basis. Further, the Statement demonstrates that the Council has identified the relevant specific and cross-boundary issues.
10. Concerns have arisen about the ongoing effectiveness of the CS in meeting strategic priorities for housing in the light of the reduction in housing numbers by 500 related to the RS Phase 2 Revision proposal for 6,000 dwellings in the period 2006 -2026. Whilst specific concerns relating to the CS are considered later in this report, there is an indication of clear support for the lower figure from neighbouring authorities Stoke-on-Trent and Newcastle-under-Lyme on the basis that this will strengthen the conurbation's ability to bring forward previously developed sites and support the principle of stemming out-migration [doc K(1), paras 3.62 – 3.63]. Nevertheless, during the Examination the Council has given further consideration to the total housing numbers. These, and other more general issues related to the revocation of the West Midlands RS are dealt with later.
11. In summary, and in the light of all the evidence and in the absence of any indication to the contrary, I am satisfied that the CS has been prepared in accordance with the duty to co-operate. I am also satisfied that the Council will continue to undertake its obligation to co-operate on strategic planning issues through a coherent framework with its neighbours as outlined in doc K(1), para 6.2.

## **Assessment of Soundness**

### **Preamble**

12. The NPPF was published in March 2012 and, as a consequence the Council carried out an additional, non-statutory, consultation, giving representors and others an opportunity to consider the potential effect of the Framework. I have taken account of the additional representations received.
13. The Localism Act 2011, Section 109, provides for the abolition of the regional tier of planning, including regional strategies. Although an Environmental Report on the revocation of the West Midlands RS had been published, at the time of the Examination the regional strategy remained in force as part of the statutory development plan. However the RS in its entirety was revoked in May 2013 (The Regional Strategy for the West Midlands (Revocation) Order 2013) and the development plan now consists of the local plans produced by each LPA.
14. Staffordshire Moorlands is subject to a number of constraints and influences which have a significant impact on the development of the CS, and must be borne in mind in considering the soundness of the submitted document. Physically, one third of the District lies inside the Peak District National Park

and does not form part of this CS. Roughly one third of the remainder is designated as Green Belt within which Biddulph, one of the three market towns and a key location in terms of the development approach, is inset. The remaining one third includes the Churnet Valley, a significant constraint on development opportunities running almost the full length of the District from Tittesworth Water in the north to Alton in the south. Although not presently subject to a designation it includes concentrations of Significant Nature Conservation Areas and the Council continues to offer conditional support to its potential designation as an AONB, where this would complement the overall aims of the Masterplan, currently in preparation.

15. A purpose of the Green Belt is to prevent the outward sprawl of the Stoke-on-Trent (North Staffordshire) conurbation and assist with its regeneration. In this context an important cross-boundary consideration has been the need to constrain housing development nearest to the conurbation which has a fragile housing market, to support its regeneration and stem further outward migration. The Housing Requirements Paper, October 2010 [doc C3, para 4.1.7] gives a clear breakdown of the environmental and policy constraints, including Green Belt, landscape and nature conservation designations.

### **Main Issues**

16. Taking account of the constraints and influences referred to, all the representations, written evidence and the discussions that took place at the examination hearings, I have identified 4 main issues upon which the soundness of the Plan depends.

**Issue 1 – Whether the overall approach to the Core Strategy is consistent with national policy, sets out appropriate strategic priorities, provides for sustainable development, meets the objectively assessed housing needs and plans positively for the development and infrastructure needs of the area.**

### ***The Sustainability Appraisal***

17. The SA was produced using a methodology and baseline data explained in the Scoping Report [doc I(1)]. The overall conclusions are provided in the appraisal documents, with those informing the Revised Submission Stage set out in doc I(11). The SA has been criticised for the scoring of individual locations and this will be addressed at the appropriate point in the report. However, the methodology and framework is straightforward and the sustainability issues are clearly identified. The Scoping Report advises (para 6.7) that new information or issues may emerge and these may have implications on sustainability.
18. The SA has been subject to consultation throughout the process and at each stage comments were invited. The report does summarise the reasons for rejecting alternatives with respect to broad locations for growth and these are clearly articulated in doc I(11), with a non-technical summary providing an overview of the whole process. The alternative options were each subjected to the same level of scrutiny as the preferred option, and the final report [doc I(11)] gives a clear overview of why previous options were considered inferior to the preferred option. Subject to more detailed consideration in respect of

broad locations, the SA, as a whole provides justified conclusions to form the basis for informed choices to be made.

### ***Consistency with national policy***

19. In general the CS seeks to promote sustainable development with the components of the CS being subject to assessment against the SA objectives grouped under social, environmental and economic headings. This is in accord with the NPPF dimensions to sustainable development.

#### *The presumption in favour of sustainable development*

20. The Council's compatibility self-assessment acknowledges there is no specific policy which fully reflects the presumption in favour of sustainable development. The Council's original suggestion that Policy SS1 could be modified is not appropriate since it provides only for development to contribute positively to the social, economic and environmental improvement of the area. In order to be found sound 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. The Council has accepted that a new policy, together with appropriate supporting text, should be incorporated in the CS as Policy SS1a (**MM7**).

#### *Housing requirement*

21. The total provision for 5,500 additional dwellings in the Submission CS represented a reduction of 500 dwellings from the Preferred Option for the RS Phase 2 Revision, and was based on the conclusions of the 2010 Housing Requirements Paper [doc C(3)]. The two drivers for the reduction were changing demographic trends (represented by projections of household formation based on the 2008 population projections), and increasing the focus of development in the conurbations. The reduction amounted to less than 10% of the RS expectation and so, arguably, remained consistent with the RS. Consultations carried out under the Duty to Co-operate had not resulted in adverse comments from neighbouring authorities.
22. 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 (see below paras 26-53). Following the hearings the Council gave further consideration to the total housing requirement in the light of the anticipated additional increase in household need arising from the latest 2011 Census results. It concluded that a reversion to the full 6,000 dwellings from the Phase 2 RS would be a sensible precaution. It also suggested the additional requirement should be apportioned between sub-areas based on percentages in Policy SS3, reflected in amendments to Table 19 (**MM16**). The evidence provided to the Examination supports the Council's conclusions and provides a basis for modifications to provide a sound Policy SS2 and supporting text (**MM8 and MM9**).
23. Neighbouring authority, the City of Stoke-on-Trent, expressed disappointment

with the increase. However, by implication, it accepted that the commitment to an early review (paras 39-40), together with continuing '*duty to co-operate*' meetings amounted to a sufficient safeguard in respect of the potential impact on regeneration prospects for the conurbation.

#### *Housing land supply*

24. The NPPF requires LPAs to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirement. It requires an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under-delivery the buffer should be increased to 20% to provide a realistic prospect of achieving the planned supply (NPPF, para 47). SMDC's most recent Annual Monitoring Report 2011-2012 [doc MH23] shows that the District did not have a 5 year supply of housing land at March 2012.
25. At the present time the 6,000 dwelling requirement for the plan period (2006 - 2016) is the appropriate starting point for assessing an average annual requirement. Taking account of actual completions to the year 2012-2013, the remaining requirement to 2026 is 4,780 - annualised over the 13 remaining years to 368 dpa. On this basis a five year supply of developable land would amount to 1,840 dwellings. This is a significant increase on the RS requirement which, if it were to be achieved in the short term would, arguably, have a significant impact on the regeneration objectives of the neighbouring conurbation. At present, and in the light of recent performance, it would be unrealistic to expect its achievement within the 5 year period.
26. It is the case that only 167 dwellings have been completed in the first 2 years of Phase 2 so that the achievement of even 300 dpa in the very short term seems unlikely. On the basis of Policy SS2 there is a residual requirement for the 3 years to 2016 of 933 dwellings – equivalent to an annual requirement of 311. The Council argues that this reflects the latest projected household growth rates and will be followed by a significant uplift in the rate of development post 2016. This appears to me a pragmatic compromise based on what can realistically be achieved in the short term.
27. The housing completions table to March 2012 in the Housing Supply document [doc MD(12)] shows a consistently falling rate since 2006/2007, with the 3 years 2009-2012 showing a significant underperformance. Accordingly, in line with the guidance in the NPPF, the Council should be looking to include a buffer of 20% moved forward from later in the plan period to provide a realistic prospect of achieving the planned supply.
28. The October 2012 SHLAA [doc ML(5)] indicated a net deliverable supply of land equivalent to 1,195 dwellings (excluding uncommitted sites identified in the SHLAA but which may be deliverable over the next 5 years), calculated at around a 4.3 year supply against a 5 year requirement of 1,375 dwellings per year (a shortfall of 180). However, the SHLAA makes it clear that sites are only considered deliverable if they are under construction or have an extant planning permission (detailed or outline). The net total supply over the 5 year period is shown in the Housing Supply document [doc MD(12)] at March 2012 as 1776 dwellings (these include only Local Plan allocations, dwellings under construction or unimplemented sites with valid planning permission).

29. As I have indicated, above, the SHLAA site summary (Appendices A and B) includes a significant number of sites the planning status of which are 'no commitment'. These are not part of the 1,195 deliverable supply, but form a pool of potential windfall sites. The NPPF (para 48) advises that an allowance can be made provided there is compelling evidence that such sites have consistently become available and will continue to provide a reliable source of supply. The Council also indicated at the hearings that there has been no reliance placed on windfalls with an expectation, based on the evidence, that these would provide no more than 10% of the total requirement. Nevertheless, placing only limited reliance on some of the net total supply coming forward and a small number of windfalls arising from the uncommitted pool of sites, it appears to me that a 5 year supply plus 5% (1,443) is within reach. The calculations for the 5 year requirement are based on evidence presented for the submitted CS ([doc MD(12)]). The revised total housing requirement and modifications recommended to Policy SS2, **(MM8)**, would result in a small but not significant change to the figures.
30. On the basis of Policy SS2, and taking account of recent underperformance of the housing market, the addition of the 20% buffer would give an overall requirement of 1,650 resulting in a significantly larger shortfall. However, whilst I have referred to the 'requirement' for the additional buffer of 20% against a record of under-performance, the NPPF is only guidance (para 13), and para 10 makes it clear that plans '*..need to take local circumstances into account*'. Equally importantly, the guidance states that local plans should meet objectively assessed needs, but to take account of any adverse impacts of doing so which '*..would significantly and demonstrably outweigh the benefits*'.
31. In this instance there are local circumstances to take into account which lead me to the conclusion that a simple application of the buffer, leading to the CS being found unsound would result in adverse impacts which would significantly outweigh the benefits. In my view it would result in a policy vacuum which would not serve the best interests of the District in general, or its residents and businesses in particular. Rather, the particular circumstances of Staffordshire Moorlands, suggest that a pragmatic course of action would be more appropriate - based on a clear commitment to an early and comprehensive review of the CS for the period 2016 – 2031 and rolling it forward into a single local plan combined with the Site Allocations DPD (paras 39-40). The significant local circumstances include:
- The updated SHLAA [doc ML(5)] which shows a significantly greater supply of developable large sites which could come forward from year 6 onwards, amounting to 12,690 dwellings (para 4.5);
  - Specific constraints on development in the Biddulph area which will limit housing growth in the short term, until 2016. These constraints relate to the prevention of excessive encroachment into the Green Belt, and to checking outward migration from the neighbouring conurbation;
  - The Council has embarked on a Site Allocations DPD, which it anticipates adopting by 2015. This will identify specific sites for the period beyond 2016, contributing to the uplift in the projected rate of development;

- The Site Allocations DPD will also include a review of the Green Belt boundaries in the vicinity of Biddulph leading to the identification of further development opportunities.

32. All of these circumstances lead me to the conclusion that a phased approach to the provision for development would be a pragmatic and realistic approach to the issue of housing land supply coupled to an early review of the CS, in turn linked to the Site Allocations DPD. Taking account of all the above, appropriate amendments to policies SS2 and SS4, and text at paras 8.1.14, and 8.1.23a would result in a plan which is sound **(MM8, MM12, MM15 and MM17)**.

*Affordable housing provision*

33. There is strong evidence of a high need for affordable housing. The SHMA [doc MD(4)] demonstrated a significant need, indicating a net annual requirement of 429. Whilst the SHMA dates back to 2007, it provides a baseline and there is no dissention regarding the continuing substantial need in the area, or any suggestion that new studies would do anything other than confirm the fact.
34. Against this, Table 7.8 in the Annual Monitoring Report 2011-2012 [doc MH(23)] shows relatively small numbers of completions over the period 2001-2012, ranging from only 5 (2006-2007) to 63 (2005-2006) resulting in a total provision of only 318 for the 12 year period. Clearly, as the Council suggests, an argument could be made for a 100% affordable housing target, however unrealistic this might be in practice. Realistically, the Council considers an increase beyond the current 33% target set down in the Housing for Local People and Affordable Housing SPG, 2005 [doc MH(20)], paras 4.11 – 4.14, could be justified and, it says, has been tested through the Development Capacity Study [doc MA(6)]. The counter argument is that any significant increase in the affordable housing targets - including those of 40% in towns, 50% in larger villages and all housing in the rural areas and small villages - would place the implementation of the plan at serious risk.
35. The Housing Requirements Paper [doc C(3) para 4.1.19] indicates that under current market conditions, most sites would only be viable if there were reductions in the affordable housing policy targets or planning obligations. It draws on a 2010 report, the Development Capacity Study [doc MA (1 – 6)] which suggests [doc MA(6), para 1.2.2] that under current market conditions, it is likely that any upward shift in affordable housing requirements will deter development. The sensitivity analysis, testing site 10 in Cheadle, shows that even reducing the requirement to 29% results in the financial viability being "marginal". This demonstrates the fragile position of the current housing market. It appears to conflict with the indication in para 7.22 of the CS, 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.

36. It has been rightly said by those opposed to the targets included in the CS that other levels of affordable housing provision have not been tested for the impact on viability. Although MA 1 -6 considered the consequences of raising the proportion of affordable housing to 50% and 100%, it did not consider other potential levels. As a result any proposal to vary the targets or recommend setting a lower rate could be challenged as equally unsound. In these circumstances, the only sound option is to revert to the existing requirement for a 33% target for the short term, and include a commitment to a re-assessment as part of the early review of the CS. Accordingly the Council has proposed to delete the commitment to an overall affordable housing target in Policy SS2 (**MM8**), insert a new para 8.1.12a (**MM10**) indicating that the current level of 33% will be re-assessed after 2016 as part of the review of the CS. It is also proposed to delete the affordable housing targets in Policy SS5 (**MM18**). Further changes to Policy H2 and its supporting text are also necessary and considered at paras 95-99.

*The Plan period*

37. 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 to 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. However, in my view, 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.
38. The Council has accepted an alternative course of action as more appropriate. This would be based on a clear commitment to an early and comprehensive review of the Core Strategy for the period 2016 – 2031 and rolling it forward into a single local plan combined with the Site Allocations DPD. Generally, the early review of Core Strategies goes against the concept of plans aimed at providing guidance and certainty over the longer term. In this respect the arguments of those opposed to the idea of an early review carry some weight. However, compared to the examples of core strategies brought to the attention of the Examination the case of the Staffordshire Moorlands Core Strategy is different particularly in that the housing figures were developed in co-operation with neighbouring authorities, and it reflects an agreed cross-boundary approach to housing provision. In the circumstances I consider there is little to be gained by delaying its adoption whilst the evidence base is updated, including a review of the Strategic Housing Market Assessment.
39. An early review would provide a basis for taking account of longer term requirements and would have the added 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. In these particular circumstances I believe a commitment to an early review would ensure a sound basis for the strategy. Appropriate modifications are proposed by the Council (**MM1, MM2 and MM8**). It is also necessary to delete para 8.1.15 (**MM13**) and replace it with new para 8.1.17a (**MM14**).

**Issue 2 – Whether the Strategy addresses the spatial implications of economic, social and environmental change in an aspirational but realistic manner, making adequate provision for the overall land-use requirements for the District in appropriate locations.**

***The Development Approach***

40. The Council assessed and consulted on 4 development approaches which were considered to be deliverable [doc A1, para 6.4] from an original list of 7, each having a different impact on the 3 market towns. 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. Generally the approach to development, focussing on the three market towns and allowing limited development elsewhere to meet local needs is soundly based and supported by the evidence.
41. Amongst the important conclusions were that whilst in Leek and Cheadle infrastructure and accessibility would not act as a constraint on future development, Biddulph – whilst having adequate provision at present – may not be able to accommodate higher levels of growth without placing undue strains on services and facilities. This is in contrast to Policy UR2 in the RS, which indicated that Biddulph is amongst towns identified for local authorities to bring forward local regeneration policies and programmes. In this context there is inadequate explanation of why the development approach limits growth in Biddulph. The Council has accepted the criticism and responded with modification to para 6.10 (**MM3**) to address soundness. There is also consequential amendment to para 7.9 as discussed below.

***The Spatial Strategy***

42. 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. The Spatial Strategy is aspirational to a degree, in that it seeks to make the District an exceptional place in which to live and work and to visit. This follows guidance for plan-making in the NPPF (para 154). Overall, it appears to me the most appropriate, effective and sustainable strategy for the District.
43. However, there are a number of concerns with the Strategy which require modifications in order to be found sound. The first of these, as referred to above, is the need to clarify the development approach to Biddulph, which seeks to restrain housing development in relation to its population. The proposed Modification is for a small but significant change of wording which results in a sound approach (**MM4**).
44. The second concern relates to the provision for affordable housing. Significant changes are required to Policy H2 and the modifications to that policy for soundness reasons require further amendments to para 7.22 and these are addressed through an additional modification (**MM5**).
45. The final concern with the Spatial Strategy relates to the Council's approach to

the Churnet Valley. The Council's intention to promote Churnet Valley as a major tourism corridor has come in for heavy criticism, even though there was general support for the initiative at the Preferred Options Stage [doc F(4), p.98 - Preferred Options Consultation Results (April 2009)]. Although the Council's intention has always been to develop more detailed proposals outside the Core Strategy through a Masterplan approach, the Core Strategy nevertheless includes an overarching Policy SS7 to provide a context for the Masterplan. This has been criticised for many reasons, leading to significant changes to Policy SS7 to address the perceived weaknesses. These are considered in more detail under Issue 3. In respect of para 7.46, the Council has sought to address soundness through proposed modifications to clarify the aims of the strategy for the Churnet Valley – refocusing around increasing the economic contribution from sustainable tourism and regenerating key brownfield sites without compromising overall environmental quality **(MM6)**.

46. As a consequence of including the proposed Main Modifications I conclude that the Development Approach and Spatial strategy are sound.

**Issue 3 – Whether the Settlement Hierarchy and Area Strategies, provide a satisfactory framework for achieving the Spatial Strategy whilst recognising the individual roles of each settlement and the countryside.**

***The Settlement Hierarchy***

47. The Core Strategy proposes to establish a hierarchy of settlements reflecting the roles, function and capacity of individual settlements. Separate policies are provided for each of the market towns, for larger and smaller villages, and for other rural areas. There was criticism, particularly relating to the categorisation of specific settlements as larger or smaller villages. In general, the hierarchy is logically structured and, subject to specific concerns dealt with below, identifies the development principles and levels of development applying to each level in the hierarchy.
48. 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 is placed. During the Examination the Council produced a useful summary table showing the assessment of the village hierarchy which provides appropriate justification. It is proposed to address the soundness issue by incorporating the assessment as Appendix J **(MM85)** and incorporating a reference in para 8.1.59 **(MM35)**.

***SS5a - Leek Area Strategy***

49. The Leek Area Strategy set down in Policy SS5a seeks to consolidate its role as the District's principal service centre and support its regeneration. In general it provides satisfactory guidance to achieve these objectives and did not raise any significant level of objections. To make the Policy and accompanying Table 11 sound it is necessary to reflect the increase in the housing requirement (para 22) and latest housing land monitoring **(MM20-23)** and also in relation to the changes to Policy SS7 regarding the Churnet Valley **(MM19)**.

### ***SS5b - Biddulph Area Strategy***

50. In respect of Biddulph the town is constrained by the Stoke-on-Trent Green Belt, and the Council acknowledges that it will be necessary to make minor changes to the boundaries of the Green Belt to accommodate some small urban extension sites [doc A1, para 8.1.47]. During the Examination a number of locations were suggested for inclusion as housing allocations, or small urban extensions. Irrespective of the merits of individual proposals, this appears to be an appropriate way forward in principle.
51. However, the supporting text to Policy SS5b does not make clear the process through which the 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 Council has accepted that the most appropriate way forward would be to review the Green Belt boundary around Biddulph as part of the Site Allocations DPD which is proposed to be rolled into a single local plan as shown in **MM1**. Consequential to this, it is necessary for soundness to amend Policy SS5b and the supporting text at paras 8.1.45 and 8.1.47 (**MM24, MM25 and MM27**).
52. As with Leek, it is also necessary to amend the text at paras 8.1.46 (**MM26**) and 8.1.47 (**MM27**), together with Table 12 (**MM28**) to reflect the increase in the housing requirement and latest housing land monitoring. Taken together, these modifications result in a sound Policy.

### ***SS5c - Cheadle Area Strategy***

53. The Cheadle Area Strategy seeks to expand the role of the town as a significant service centre and market town, achieved through expansion of the housing market area and community provision. Amongst other provisions, Policy SS5c proposes the extension of the urban area to the north and north-east of the town (Areas 1 and 2). The proposals for Cheadle drew by far the largest and most significant body of objection. Many representors objected to the idea of development in Cheadle in general for a variety of reasons, but specifically because of perceived limitations on the road structure and traffic congestion.
54. The Council's response to the general objections focuses on the fact that Cheadle has suffered from under-investment in its infrastructure and town centre, and has a lack of housing opportunities. It points to the Development Capacity Study as indicating there is scope to accommodate further growth which will address issues of under-investment and under-performance in terms of employment growth and opportunities, community provision, town centre retailing and improving environmental quality. In these general terms the policy approach is sound.
55. A significant body of objection is focused on the broad locations for housing located to the north and north-east of the town. It may be expected that proposals for significant amounts of development will draw objections from those residents most affected, by reason of the location. However, the objections have weight in respect of Area 2, the allocation of which is not justified by the evidence in the SA. 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.
56. The Council has argued that areas 4 and 5 have a score which includes the potential for funding a southern link road. This is not considered a strategic requirement so the score of 10 for large scale infrastructure benefits is no longer justified. The score for areas 4 and 5 would therefore fall to such an extent that the difference in scores with area 2 would not be so significant. Nevertheless, this exercise does not raise the relative ranking of Area 2 such that it merits inclusion on this basis.
57. Clearly areas 1 and 2 are deliverable, but 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. The Council has accepted this to be the case and has proposed deleting Area 2 as an allocation within the Policy and as an identified broad location for housing on the Cheadle Inset Map (**MM29 and MM87**).
58. The final paragraph of Policy SS5c relates to the acknowledged need for a bypass of Cheadle. The Council has accepted that including a statement of intent relating to a Transportation Study does not accord with para 154 in the NPPF and has proposed that the reference should be deleted (**MM30**) and consequential textual changes be made to para 8.1.51 (**MM31**). It is also necessary to include consequential changes to para 8.1.53 (**MM32**) and Figure 13 showing anticipated housing provision for Cheadle (**MM33**) to reflect the increase in housing requirement and latest housing land monitoring, and deletion of Area 2 as a broad location. These changes will ensure the Policy is sound.

### ***SS6 - Rural Areas***

59. Policy SS6 identifies the hierarchy of larger and smaller villages, and other rural areas, and gives an indication of housing provision within these categories. As a consequence of the increase in the housing requirement, amendments are necessary to the Policy and have been provided by the Council's Main Modification (**MM34**). As a result, and together with the modification to para 8.1.59 as shown above, the Policy is sound.

### ***SS6a - Larger Villages Area Strategy***

60. Part 2 of Policy SS6a refers to 'the urban area' on 3 occasions. This is misleading since it is not a phrase commonly used to describe villages. The Council has accepted that this could cause confusion rendering the Policy unsound. It has proposed to replace the phrase with 'built-up area' which provides a clearer and therefore acceptable description (**MM36**).

### ***SS6b - Smaller Villages Strategy***

61. The evidence base provides 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. The NPPF only suggests restricting new housing to meeting essential needs in the countryside, not within settlements. Accordingly the Council has accepted that the Policy is unsound and has provided amended wording both to the Policy **(MM37)** and to the supporting text at para 8.1.63 **(MM38)**. With these modifications the Policy is sound.

### ***SS6c - Other Rural Areas Strategy***

62. In order to be found sound a number of changes are necessary to Policy SS6c, to reflect the guidance in the NPPF. In particular it is necessary to clarify the types of housing development which would be acceptable within the open countryside in Part 1, and the Council has provided appropriate wording **(MM39)**.
63. A change is required to clarify the process for undertaking a review of the Green Belt boundaries to accord with guidance in the NPPF. The Council's proposed wording for Part 6 of the Policy **(MM42)**, and the supporting text at para 8.1.73 **(MM43)** provide appropriate modifications to form a sound Policy.
64. 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 questions regarding the possibility of contamination by industrial waste have been answered satisfactorily as part of the process of determining whether the principle of expansion is feasible or desirable.
65. It has been argued that although there is an identified supply of 70 hectares of employment land in the rural areas [doc MC5], nearly 50 hectares of this is land allocated at the Blythe Bridge Regional Investment Site which is to serve regional needs. It is suggested that, in reality, there is very little employment land available in the rural areas for speculative employment needs. Accordingly, the Council has defended the need to provide a range of new sites in order to meet the employment needs of the rural areas.
66. Nevertheless, it has proposed removing specific reference to Blythe Business Park from policy SS6c **(MM40)** and replacing it with an additional policy statement in policy E1 supporting the sustainable redevelopment, intensification and improvement of existing employment sites for new business and industrial developments, whilst deferring the definition of such sites to the Site Allocations DPD **(MM63)**. This is an appropriate course of action resulting in a sound Policy.
67. Policy SS7, Churnet Valley Tourism Corridor, was the subject of a substantial level of objection, as discussed at paras 74-78, below. As a consequence the Council has undertaken a significant review of the Policy which has consequential implications for Policy SS6c. Part 5 of the Policy requires amended text for the first bullet point, provided by the Council's proposed modification **(MM41)**. There is also a consequential change required to the

text of para 8.1.69, deleting the reference to 'Tourist Corridor' under the bullet point dealing with the Bolton Copperworks. This could be the subject of a minor modification by the Council prior to adoption.

### ***Other areas for development***

68. A number of representations have suggested alternative sites for development, whilst others have suggested that discarded broad locations for development should be reintroduced. Previous Government guidance in PPG12, now replaced by the NPPF, but under which the CS was prepared advised that the CS should look to the long term and only include sites which are central to the achievement of the strategy. The advice also indicated that progress on the core strategy should not be held up by inclusion of non-strategic sites. The intention was that the core strategy would be followed up with a site allocations DPD which would select appropriate sites for development from alternatives. The Council has embarked on this second stage process and as now proposed, above, it is intended that the two plans should be rolled into one with a review of this CS.
69. As a consequence it is not appropriate for this CS to give detailed consideration to individual sites for development and make choices amongst alternatives: those are matters for the Site Allocations DPD. This relates to sites put forward during this Examination within urban areas or adjacent to them, such as Brookhouses, Park Lane and others in the vicinity of Cheadle. It also relates to sites proposed within larger villages such as Cheddleton, Werrington and Cellerhead and Wetley Rocks and even in the rural areas, such as the Fole Dairy site. Accordingly I have not given detailed consideration to these or any other alternative sites for development but leave them for the Council to take into account in developing the Site Allocations DPD.
70. A slightly different scenario is provided by suggestions for sites, such as that at Gillow Heath in the vicinity of Biddulph. Here, as I saw during my visits to the area, there are sites currently within the Green Belt designation which could form the basis for small urban extensions which Policy SS5b indicates **[MM24]** will be identified as part of a comprehensive review of the Green Belt around Biddulph through the Site Allocations DPD and review of the Core Strategy. It would clearly be premature and therefore inappropriate to give detailed consideration to those sites at this stage.
71. Turning to the consideration of discarded broad locations these include firstly, the South West Cheadle Urban Extension (areas 4 and 5) otherwise known as Mobberley Farm and secondly, areas 6 and 7 (and area 7 alone). The Council's decision to delete the south western urban extension (areas 4 and 5) was as a result of concerns over the scale of development and the relationship with a south western link road. Mobberley Farm lies beyond the urban area of Cheadle, a factor taken into account by the Inspector in the appeal dismissed in 2001 (APP/B3438/A/00/1042806) (para 12.23). In the case of areas 6 and 7, the Council's decision not to include them was in order to avoid development of too many large estates and to allow for smaller developments on the edges of the settlement. The Council has not dismissed the possibility that parts of those areas may be suitable as small urban extensions, identified as part of the Site Allocations DPD process. These are cogent reasons not to

pursue any of these as alternative broad locations for development at this stage in the process.

72. Overall, there is no overwhelming evidence to suggest that additional broad locations are necessary to the achievement of the strategy, or that the examination of the CS should pre-empt the site selection process which forms part of the preparation of the Site Allocations DPD.

### **SS7 - Churnet Valley**

73. Policy SS7 identifies the Churnet Valley as a '*major sustainable tourism corridor*' running through from Rudyard Lake and Tittesworth Water in the north to Alton in the south. Briefly, the Policy is contradictory and unconvincing in its ultimate purpose
74. 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*". There appears to be support through the Policy for 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.
75. Nor is there any indication of which of the two visitor categories identified in the baseline findings [doc MH(10)] – 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*'.
76. In its defence, the Council has drawn attention to the CS Issues & Evidence Base Background Document [doc F(1)], which highlights the opportunities and need for a coordinated approach to tourism development in the Churnet Valley and to the RS [docs L1 and L2] which identifies the need for policies to support the further development and success of key regional tourism assets such as Alton Towers, the canal network, and the region's historic sites, buildings and gardens. The Council has maintained that the principles and aims of the Churnet Valley strategy and policy are consistent with these objectives.
77. There is local support for the designation of the Churnet Valley as an AONB. The Council has indicated that its support for an AONB is not unconditional and it would support AONB designation only '*where this would complement the overall aims of the Draft Masterplan*'. Its priority is to increase the economic contribution from sustainable tourism and regenerate key brownfield sites in a manner which respects the character of the countryside and ensures that valued landscapes are protected and enhanced, which it considers to be fully in accordance with the NPPF (para. 21 and 28). It also considers the regeneration of areas based on sustainable tourism is not considered inconsistent with AONB designation.

78. Nevertheless the Council has accepted that changes to policy SS7 are required. These are necessary to clarify the aims of the strategy for the Churnet Valley and give a clear indication of the purpose of the Masterplan. It is also necessary to provide clearer guidance on the principles of development, the visitor categories which the Council would support in the Churnet Valley, and the considerations regarding impact on the natural environment etc. It is also considered that removal of reference to specific proposals, including Alton Towers, would be appropriate as these can be better addressed through the Masterplan and subsequent Site Allocations DPD and that the boundary of Churnet Valley be identified on the key diagram. The appropriate amendments to provide a sound Policy are provided by the proposed modification [MM44]. The supporting text for the Policy requires amendments, including deletion of para 8.1.75 [MM46] and revisions to paras 8.1.74 [MM45] and 8.1.76 [MM47]. It is also necessary to amend the Map of the Churnet Valley - Fig 14 [MM48] and the District Key Diagram [MM86] to delete reference to the 'Tourism Corridor'.

**Issue 4 – Whether the Strategy includes realistic and effective policies to ensure that sustainable development will be delivered to achieve the Core Strategy's Aims and Objectives.**

***SD1 – Sustainable Use of Resources***

79. 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 in Policy SD1 is ambiguous in its prioritisation of such land. It is possible to read into the policy that, provided enough incentives are offered, proposals for greenfield sites will be able to over-ride that priority. From the evidence this is not 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. In response the Council has proposed to amend the wording of the first bullet and delete reference to the 3rd bullet (MM50).
80. The second bullet includes targets for previously developed land which are overly optimistic in relation to the aspiration to achieve 40% affordable housing in urban areas and 50% in rural areas (although see conclusions relating to Policy H2). It is a requirement of soundness that the plan is deliverable over its period and this is one key area where deliverability is questionable. 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. To meet the requirement for soundness the Council proposes to delete the clause entirely and renumber subsequent bullets (MM51-MM53).
81. 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. The response from the Council is to amend the text to require Sustainability/Energy Statements for all major-scale applications. This is in line with recent changes to the 2010

Development Management Procedure Order, addressing the concern **(MM54)**.

82. The sixth bullet relates to Building for Life guidance which was re-issued in September 2012 as BfL12. It provides questions to help structure discussions about design rather than specific standards to be met. Accordingly a policy requirement for all new housing developments to meet particular standards relating to the guidance is unduly onerous and, in reality, not achievable. It is questionable whether specifying this requirement would assist in delivering the aims of the Policy. The Council has proposed to remove this clause entirely from the Policy and include references to Building for Life in the supporting text to Policy H1 which would meet the requirement for soundness **(MM55)**.
83. Bullet 7 – There is no justification for bullet 7. For example, 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 the requirement was incorporated in the RSS Phase II Review, Policy SR3 (F) and endorsed by the Panel Report the Council has proposed deleting the reference to the requirement for 25% recycling of used materials **(MM56)**.
84. 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. It conflicts with the spirit of the NPPF which indicates that planning should not act as an impediment to sustainable growth. The Council's response is to propose deleting the final two sentences **(MM57)**.
85. Necessary modifications have been proposed to paras 8.2.2 concerning the background to the SD policies **(MM49)**, 8.2.4 and 8.2.5 to provide the appropriate supporting text **(MM58-MM59)**. As a result of the proposed modifications the conclusion is that Policy SD1 is sound.

### ***SD2 – Renewable and Low-Carbon Energy***

86. 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 and so cannot be considered as sound. The Policy would be clearer if it were sub-divided with para 1 forming a separate policy. The Council's response is to split SD2 into a new SD2 Policy dealing with stand-alone renewables/low-carbon energy schemes and a second Policy (a new 'SD3') covering the remaining clauses. It also proposes removal of the final bullet of SD2 Part(1) regarding brownfield prioritisation for stand alone renewables **(MM60)**.
87. The second part of the Policy, 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 which indicate the Council's desire to promote or support certain actions. These paragraphs do not meet the requirements of the NPPF that only policies which give a clear indication of how a decision-maker should react to a development proposal should be

included in the Plan. The Council has accepted the criticism and proposes a new Policy SD3 (Carbon Saving Measures in Development), setting out the Council's support for (i) the voluntary exceeding of carbon standards above Building Regulations on approved schemes (or where approval not required, eg house extensions), (ii) endeavours by landowners etc concerning development/expansion of District Heating networks; and (iii) measures designed to improve the sustainability of existing buildings (such as improved thermal insulation, water conservation, or the installation of micro-renewables).

88. The proposed modifications satisfactorily address the concerns raised and create replacement policies which provide clear guidance in line with the NPPF. As a result the policies are considered to be sound. It is necessary to provide new supporting text to replace that included in the submission document **(MM61)**. Although the creation of the new policies and revisions to the supporting text are substantial, the intent remains the same.

### ***SD3 – Pollution and Flood Risk***

89. In response to representations the Council has included a minor modification to the Revised Publication version of the CS adding text following the second paragraph relating to the requirement for developments to incorporate SuDS. The intention was that this statement should be related to Para 8 of Policy SD1. However, the latter no longer refers to SuDS so a further minor modification will be necessary for consistency. The Council has also proposed to include a reference to 'land' in considering the effects of pollution. This is clearly a necessary amendment to reflect the wider effects of pollution from waste contamination. It is also necessary to rename the Policy as 'SD4 – Pollution and Flood Risk' for it to be sound **(MM62)**.

### ***E1 – New Employment Development***

90. The Policy provides for the assessment of new employment development against the needs of the local economy. The Council has recognised that there is an omission regarding requirements for the redevelopment, intensification or improvement of existing sites. It has proposed a new bullet point to address the deficiency **(MM63)**. With the addition of this text the Policy is sound. Although there has been criticism of the promotion of mixed-use schemes, the Policy statement at Bullet 2 accords with the aims of the NPPF and, in this respect, the Policy is sound.

### ***E3 – Tourism and Cultural Development***

91. 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. 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. 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”.

92. In line with modifications proposed to Policy SS7, the Council has proposed to delete the first two bullets and amend the third to omit references to the Churnet Valley. It also proposes to set out more general support for new and extended tourism development, accommodation and measures specific to and enhancing the role of Staffordshire Moorlands as a tourism destination **(MM64)**. The changes will ensure the Policy is sound. Necessary consequent modifications to the supporting text at paras 8.3.12 – 14 have also been agreed **(MM65-MM67)**.

### **H1 – New Housing Development**

93. The Council has proposed no modifications to the Policy in response to concerns related to the requirements for appropriate densities (bullet 3), and maximum sizes for schemes on windfall sites (bullet 4). The requirements set down in both of these are general or indicative measures and, in the case of windfall sites, there is provision for exceptions to the indicative maxima. In this respect the Policy is sound.
94. The Policy does retain reference to the ‘Lifetime Homes’ standard, although it indicates that this is an aim rather than a requirement (bullet 5). However, the Council has proposed new text to be added to para 8.4.7 updating the advice relating to the Buildings for Life Code. The new text indicates that the Council will expect a demonstration from applicants – with particular reference to larger proposals – of how the scheme has been informed by application of the BfL assessment **(MM68)**. No further modifications are necessary to ensure soundness.

### **H2 – Affordable and Local Needs Housing**

95. 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 in the relation to affordable provision in general (para 36), this approach is in conflict with the NPPF, para 173 which states 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.
96. 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).
97. The Council acknowledges that the affordable housing policy targets are

ambitious in the current market conditions but suggests these are targets for the whole of the plan period and allow for future improved market conditions enabling higher levels of affordable housing to be delivered. There is no convincing evidence to support this view and it is contrary to the guidance in the "Harman Report" (June 2012) Viability Testing Local Plans, to the effect that only current values and costs should be taken into account in relation to viability. Therefore, the Policy is unsound as submitted.

98. The Council has now proposed a number of amendments to the Policy. These would set the affordable housing requirement at 33% for the first ten years of the plan and allow subsequent targets to be set through a review of the plan, whilst retaining the threshold of 15 dwellings (0.5 hectares) for towns and 5 dwellings (0.16 hectares) elsewhere. There would be provision for a review of targets and thresholds for the period after 2016. Para 4 of the Policy would be deleted, reflecting concerns that it would place an onerous burden on developers, and para 5 amended to make specific reference to rural exceptions sites **(MM69)**. These modifications would ensure a sound Policy.
99. Additionally, it is proposed to substantially amend the supporting text. The justification for an increase beyond the current 33% in para 8.4.11 is deleted and new text provides justification for the Policy related to the NPPF requirements **(MM70)**. Reference to exceptional circumstances in para 8.4.12, and the following text relating to the higher targets, is deleted **(MM71)**, the definition of 'local need' in para 8.4.14 is deleted **(MM72)** and para 8.4.15 is deleted in its entirety **(MM73)**. All of these modifications are necessary to ensure the modified Policy is properly justified.

### ***H3 – Gypsy and Traveller Sites***

100. The evidence base for the Policy was criticised for becoming rapidly out-of-date and the 2007 GTAA was acknowledged by the Council as approaching its review period. However, the West Midlands Regional Assembly (WMRA) issued an Interim Draft Policy Statement in 2010 which proposed the same pitch requirement for Staffordshire Moorlands [doc ME(2)] for the period to 2017. A review of pitch requirements is proposed by 2015. None of this suggests any amendment to Policy H3 is necessary. However, there remains an issue with the wording of the criteria. The Policy indicates that, in determining applications for Gypsy and Traveller sites, there is a requirement that there is an identified need that cannot reasonably be met on an existing or planned site. This is contrary to advice in the Government's *Planning Policy for traveller sites (2012)* which indicates that criteria-based policies should be included as a basis for decisions in case applications come forward 'where there is no identified need'. In order to be found sound it is necessary to amend the wording of the Policy to reflect this advice **(MM74)**. The Council has also provided appropriate amendments to the text to ensure soundness **(MM75-MM77)**.

### ***R2 – Rural Housing***

101. The main thrust of Policy R2, to limit housing development in the rural areas, accords with national policy in the NPPF. Criticism that the Policy would not be sufficiently flexible, or would not allow for the development of unidentified sites or the redevelopment of major redundant sites, is not justified by

evidence. However, the Council has accepted the need for some modification to the fifth bullet point of the Policy **(MM78)**. This is regarding the conversion of non-residential buildings for residential use in rural areas to accord with advice in the NPPF which does not require them to meet an essential local need. The modification is necessary to ensure soundness. Related modification is necessary to para 8.8.1 for the same reason **(MM79)**.

### ***Consequential changes***

102. As a consequence of the Main Modifications it is necessary to make amendments to Appendix A **(MM80)**, Appendix B **(MM81)**, Appendix C **(MM82)**, Appendix F **(MM83)**, and Appendix G (the Housing Trajectory) **(MM84)**.

## **Assessment of Legal Compliance**

103. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all. A substantial number of representations raised the issue of non-compliance with the legal requirements relating to consultation and community involvement, resulting in extensive discussion at the hearing stage of the Examination.

104. The Council's documentation [docs H(1) –H(4)] provides evidence that appropriate advertisements were inserted in the local press and that the documents were made available at the appropriate locations and published on the Council's website as required by Reg 35 of the Town and Country Planning (Local Planning)(England) Regulations 2012. There is also substantial evidence that the Council has complied with the requirements set down in Reg 18 regarding notification of individuals and bodies during the preparation of the plan, and Reg 19 at publication stage. [Doc Q(3) provides an overview of initial findings concerning legal compliance].

105. The documentary evidence also suggests that the Council undertook the consultation process in compliance with its SCI. Suggestions that it was not in compliance with the SCI, based on the statement in para 11.7: "*comprehensive consultation on all documents is viewed as a fundamental right for all citizens*" have to be considered against what an authority can reasonably be expected to achieve. The same is true of the undertaking to provide site notices where major sites are proposed (Appendix 1, stage 3: Public participation on Preferred Options and Final Sustainability Appraisal). On both of these matters I have concluded that in this instance the Council took all reasonable steps to comply with the requirements of the SCI.

106. Overall, I am satisfied that the public consultation requirements for this Plan were fully and properly carried out. The Plan complied with all UK legislation in this regard, and therefore I am satisfied that it also complied with the relevant Articles in the Aarhus Convention.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS July 2012 which sets out an expected adoption date of April 2013. The Core Strategy's content and timing are generally compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in September 2006 and, although questioned by representors as detailed above, consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations HRA has been carried out and is adequate.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are recommended.
Regional Strategy (RS)	The Core Strategy is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Core Strategy complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

107. **The Plan has a number of deficiencies in relation to soundness which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.**
108. **The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Staffordshire Moorlands Core Strategy local plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.**

*Patrick T Whitehead*

Inspector

This report is accompanied by the Appendix containing the Main Modifications