

**EAST STAFFORDSHIRE BOROUGH COUNCIL LOCAL PLAN
EXAMINATION**

**EAST STAFFORDSHIRE BOROUGH COUNCIL RESPONSE TO INTERIM
FINDINGS BY THE INSPECTOR**

d. Additional Matters as listed in Note E.18

Information

i. A schedule of omission sites arising from the original representations with cross-reference to the SHLAA or other source and brief details of each.

i. This was provided to the Inspector towards the end of 2014 (Docs F.26 and F.27).

ii. A schedule of appeal decisions issued or awaited for any allocated or omission site, including any that refer to matters relevant to this Examination, with copies of appeal decisions issued (or references to them in the existing evidence).

ii. This was provided to the Inspector following the first week of examination hearings (Docs F.28 – F.36).

iii. Consideration of whether it is appropriate to regard village development allowances also as part of the Borough-wide windfall allowance in relation to:

iiia. any evidence of historic yield of windfalls per village, and
iiib. the respective roles of the ESLP and Neighbourhood Plans.

iiia. Please see response on village development allowances in Doc. F.46.

iiib.1 Discussion on Neighbourhood Plans at the examination provided a useful basis for considering how the respective roles of the ESLP and Neighbourhood Plans could be articulated in the plan. The Plan as submitted sought to reflect Neighbourhood Plan legislation and a basic condition which requires Plans to conform to the Strategic Policies in the Statutory Development Plan. To inform this requirement the Local Plan separates 'Strategic Policies' and 'Detailed Policies'.

iiib.2 However as the Neighbourhood Plan agenda matures and our understanding of Neighbourhood Planning evolves we accept that our definition of 'strategic' requires further thought.

iiib.3 The Council in Hearing Paper 1 set out where policies refer to Neighbourhood Plans and suggested where modifications could be made to reflect the different approaches. However following discussion during the examination hearings the Council acknowledges that this could be clearer and has re-evaluated the plan in terms of policy organisation,

the previous proposed modifications and approach to Neighbourhood Plans. The Council now propose a main modification to include a specific new policy setting out what is expected of Neighbourhood Plans, which policies in the plan the Council consider to be 'Strategic' and the role of Neighbourhood Plans in relation to the delivery of the plan. The Council consider this modification which will supersede some of those previously proposed, addresses the concerns raised in representations and during the examination hearings.

iiib.4 The modifications are set out in the revised schedule however in direct response to the issue raised in the interim findings, the proposed policy is also set out below:

POLICY X ¹

Role of Neighbourhood Plans

Neighbourhood Planning legislation² requires Neighbourhood Development Plans to meet the following basic conditions:

- has regard to national policies and advice
- contributes to the achievement of sustainable development.
- be in general conformity with the strategic policies of the development plan for the area
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

For the purposes of meeting the basic condition, East Staffordshire Borough Council consider the following Local Plan policies to be strategic:

- SP2 – Settlement Hierarchy
- SP3 – Provision of Homes and Jobs 2012-2031
- SP4 – Distribution of Housing Growth 2012 - 2031
- SP5 – Distribution of Employment Growth 2012 – 2031
- SP8 – Development outside Settlement Boundaries
- SP13 – Burton and Uttoxeter Existing Employment Land Policy
- SP14 – Rural Economy
- SP16 – Meeting Housing Needs
- SP17 – Affordable Housing
- SP18 – Residential Development on Exception Sites
- SP20 – Town and Local Centres Hierarchy
- SP32 - Outdoor sports and Open Space

Neighbourhood Plans will be in general conformity with the relevant requirements set out in the strategic policies. Neighbourhood Plans have the ability to add settlement boundaries to their settlements or parish areas, to extend settlement boundaries, or assign themselves more growth than the East Staffordshire Local Plan does in the strategic policies.

¹ (to be inserted between Strategic Policy 1 and 2 with policies renumbered accordingly)

² paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990

Where Neighbourhood Plans identify a strategy for growth the Borough Council will expect the plan to provide sufficient evidence to demonstrate deliverability of the strategy.

For all other policies in the Local Plan there is an opportunity for Neighbourhood Plans to identify a specific local approach, which will only be supported by the Local Authority where there is evidence of a specific local circumstance.

The Borough Council expects all Neighbourhood Plans to include proposals for monitoring the policies in the plan. Should monitoring indicate that the development is not coming forward as envisaged in the Neighbourhood Plan action will be taken by the Borough Council to bring forward sites through a Development Plan Document in accordance with SP6.

iiib.5 Please note that this new policy is based upon the current ordering and labelling of policies. Should the Borough Council re-name and re-order policies to aid clarity then the above will require further amendment.

iv. Further justification of the £40,000 equivalent unit value assumed for off-site affordable housing contributions.

iv. This document (Doc. F.37) was provided on 5th November 2014.

v. Explanation of the shift in the SA from 16 sustainability criteria at the scoping stage and in connection with the strategic options to 11 in connection with the individual sites.

v. See Doc. F.43.

vi. Explanation of the progression from the identification of strategic sites for consideration and their selection prior to SA.

vi. See Doc. F.46.

Possible further Main Modifications

vii. Clarification of the definition of strategic matters within the scope of the ESLP and those for consideration within Neighbourhood Plans, with reference to the proposed modification by Gladman Development.

vii. See response under iii.b above

viii. Clarification of rural constraints as a 'fourth tier' of settlement outside main towns.

viii.1 The Council accept that the strategy could be clearer when referring to the rural area outside of Tier 1 and Tier 2 settlements. Policy SP4 assigns a level of growth (90 dwellings) to Tier 3 settlements (15 listed in the policy) which at the time of writing was intended to be rural exception housing sites only.

viii.2 *It became apparent during the first week of hearings that there was a perception that the Borough Council was restricting growth in rural areas. This issue arose because the quantum expected to be delivered from the redevelopment of rural buildings, changes of use or new development in line with paragraph 55 of the NPPF or SP8 of the Local Plan was not quantified in the strategy. In addition following changes to the national permitted development regime in 2014, the Council have been in receipt of several prior notifications for residential buildings in the countryside. Prior notifications are expected to continue and will be determined in line with the relevant legislation. These were not envisaged during plan preparation.*

viii.3 *Opportunities for rural development will continue over the plan period and it was not the intention of the plan to add further constraint to this than that set out in the NPPF.*

viii.4 *The plan therefore as submitted did not specify a proportion of the housing requirement to be delivered in the open countryside or 'fourth tier' of settlement.*

viii.5 *Using data in the windfall report (Doc. C.8) it is possible to calculate the number of historical completions in tier 3 settlements and the rural area. Between 2002 and 2012 this was 189 (59 in Tier 3 settlements and 130 in the rural area). This figure consists of new dwellings, conversions, change of use and agricultural workers dwellings.*

viii.6 *As at August 31st 2014 there was commitment for 106 dwellings in tier 3 settlements and in the rural area. Therefore it is considered reasonable to include a higher figure for this tier of development to reflect development in tier 3 settlements and the countryside outside of rural exception sites to include development in accordance with paragraph 55 of the NPPF and SP8 of the Local Plan in addition to rural exceptions. A main modification is proposed to increase the quantum of development from 90 dwellings to 250 dwellings in Tier 3 settlements, other settlements and the countryside and amend the associated wording to make it clear what contributes to this figure including signposting to the relevant policies. This approach is proposed instead of having an additional 'fourth tier'.*

viii.7 *Acknowledging this additional supply contributes further to meeting the housing requirement figure as a whole and provides flexibility in the deliverability of the strategy identified in SP4. Increasing this figure does not alter the approach to rural development set out in the Submission Local Plan. The approach is also compliant with the NPPF.*

ix. Flexibility of future Plan review (based on AM34).

ix. *During the examination hearings the Council acknowledged an error in the wording of AM34. The first paragraph of the modification should read:*

'As part of Duty to Co-operate working with neighbouring and other authorities the Borough Council acknowledges that as these Authorities review their housing requirement, and monitor delivery against this figure, it is possible that the situation could change.'

x. Housing targets expressly minima and not ceilings.

x. Following further consideration of this issue the Borough Council will not be proposing main modifications to introduce the word minimum.

xi. MM17 reference only to brownfield development.

xi. Following further consideration of this issue the Borough Council will not be proposing main modifications to remove reference to brownfield development at this stage.

xii. Consideration of the use of the terms 'framework' and 'network'.

xxi. Where appropriate, additional modifications are proposed to ensure consistency of wording through the document. In addition a main modification is proposed to amend Policy SP2 from 'A Network of Settlements' to 'Settlement Hierarchy'.

xiii. Consideration of developed employment (or residential) sites outside settlements (such as JCB Uttoxeter) either:
a. as (detached parts of) the urban settlement, or
b. as locations redefined in their rural context with respect to the appropriate degree of development constraint applied to them.

xiii.1 During the hearings two particular locations were discussed with regards to their identification in the plan; JCB Uttoxeter and Barton Marina. Both of these examples are existing and well established uses within the countryside.

xiii.2 Strategic Policy 8: Development Outside Settlement Boundaries would be the principle policy used to determine applications, it is not considered that any of the criteria would place inappropriate development constraint. In many cases the first criteria would apply to such proposals (essential to the support and viability of an existing lawful business or the creation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location) with the subsequent set of criteria ensuring that the development is of a high quality.

xiii.3 The Council therefore do not consider it necessary to identify those areas where a use has been established in the rural area- as these are too numerous.

xiii.4 JCB (Lightbrook) is an area outside of any settlement or industrial estate boundary. JCB have many land holdings in the Borough,

particularly at Uttoxeter, Denstone and Rocester and are an important employer in the area. The Council have determined many applications, particularly in the recent year for developments in association with JCB, some of which are in the rural area and outside any settlement boundary. The representor wishes to see specific reference to JCB with identification of the land raised in the representations. The Council have identified rural industrial estates on the policies map but not all employment areas within the Borough. This is because of the spread out nature of the areas, some of which are adjacent to relatively long stretches of the highway network at the A50 and A38. The Council do not consider it appropriate to identify all specific land uses in these cases as the policies in the plan when used alongside the NPPF are adequate in determining any applications for new development, alterations, change of use etc. Determining any boundary now due to the nature of development that has taken place or permitted in recent years could be considered redundant and quickly out of date.

xiii.5 Barton Marina is a retail tourist destination with residential moorings. Discussion took place during the examination hearings on identifying the marina and providing a specific policy. The Pre-Submission Local Plan identified the Barton Marina location on the policies map but did not specifically reference the location in any policy. Representations requested to see removal of the identification of the marina or inclusion of further policy wording to justify why it had been identified. The Council do not consider it appropriate to identify the location without a specific policy and so a main modification was proposed to remove it. It is considered there are other policies in the plan that would be adequate in determining any future development proposals at Barton Marina. In addition there are other tourist destinations within the Borough, many of which do not have a specific policy in the plan, some of which are outside settlement boundaries e.g. The National Forest Adventure Farm on the edge of Burton Upon Trent.

xiii.6 Should there be numerous planning applications in the future at locations outside of settlements such as at Barton Marina, the Council will consider developing a development brief or specific SPD to guide development.

Document

English Partnerships Additionality Guidance 2014

This document (Doc. F.39) was provided on the 5th November 2014.