



The Planning Inspectorate

Report to Staffordshire Moorlands District Council

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Staffordshire Moorlands Local Plan

The Plan was submitted for examination on 28 June 2018

The examination hearings were held between 9 October and 23 October 2018 and 4 and 5 February 2020

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Abbreviations used in this report

BVW	Biddulph Valley Way
Dpa	Dwellings per annum
DtC	Duty to Co-operate
ELRS	Employment Land Requirement Study
ELR	Employment Land Review
EL	Examination Library
GI	Green Infrastructure
GTAA	Gypsy, Traveller and Travelling Showpeople Accommodation Assessment
Ha	Hectare
HIS	Housing Implementation Strategy
HRA	Habitats Regulations Assessment
LGS	Local Green Space
LP	Local Plan
LPA	Local Planning Authority
LPVS	Local Plan and Site Allocations Viability Study
MM	Main Modification(s)
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PDNP	Peak District National Park
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SD	Submission Document
SDA	Strategic Development Area
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SMCS	Staffordshire Moorlands Core Strategy

Non-Technical Summary

This report concludes that the Staffordshire Moorlands Local Plan provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. Staffordshire Moorlands District Council [the Council] has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Many of the MMs concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a Schedule of the proposed MMs and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. My recommendations on the MMs take into account all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Adjusting the Plan period to 2014 to 2033 to align with the evidence base
- Articulating the exceptional circumstances for the release of Green Belt land
- Clarifying and updating the components of housing land supply, the assumptions that will be relied upon to calculate the five-year supply and the role of a Housing Implementation Strategy
- Clarifying the employment land requirement, the components of employment land supply and ensuring that employment policies are effective
- Ensuring that the strategic and generic policies, including those relating to housing and the historic and natural environment, are positively prepared, justified, effective, consistent with national policy, and clear to the decision-maker
- Clarifying the open space requirements for housing development
- Deleting that part of the Wharf Road Strategic Development Area which lies to the west of the Biddulph Valley Way and retaining the land as Green Belt
- Deleting land west of Basford Lane, Leekbrook as an allocation for general employment use
- Identifying policy requirements for the brownfield opportunity sites at Bolton Copperworks, Froghall and Anzio Camp, Blackshaw Moor
- Modifying the development criteria for allocations so that they are positively prepared, justified and effective
- Ensuring that Local Green Space designations are positively prepared, justified and consistent with national policy
- Ensuring that monitoring requirements and key triggers that would lead to a review, particularly those relating to housing delivery, windfall sites and employment land supply, are embedded in the Plan

Introduction

1. This report contains my assessment of the Staffordshire Moorlands Local Plan [LP or the 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 [DtC]. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework 2012 [NPPF or the Framework] makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised Framework was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance [PPG] has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority [LPA] has submitted what it considers to be a sound plan. The Staffordshire Moorlands Local Plan Submission Version submitted in June 2018 is the basis for my examination (Submission Document [SD] 1.1). It is the same document that was published for consultation between February and April 2018. A List of Proposed Additional Modifications (SD 1.2) was also submitted alongside the Submission Version but, as this was not subject to consultation, I am not treating it as a formal addendum to the Plan. I have included some of the modifications as Main Modifications [MMs] as appropriate. The remainder have been included as Additional Modifications. I have been provided with the representations on the Submission Version and have taken them into account in my examination of the Plan and this report.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Staffordshire Moorlands District Council [the Council] requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, many of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
5. Following the initial examination hearings in October 2018 and a focused consultation on the Housing Implementation Strategy [HIS] in January 2019, the Council prepared a schedule of proposed MMs (Examination Library [EL] 10.001) and carried out sustainability appraisal [SA] of them (EL 10.002). This MM schedule was subject to public consultation for six weeks during September and October 2019. Further hearings were held in February 2020. I provided post-hearing advice to the Council following both rounds of

hearings. The final MM schedule attached to this report reflects my post-hearing advice.

6. I have taken into account the consultation responses and the representations made through the hearings in coming to my conclusions in this report and, in particular, on the MMs that are necessary to make the Plan sound. In light of the consultation responses and representations I have made some amendments to the MMs. Some of the amendments are relatively minor in nature and do not significantly alter the content of the MMs as published for consultation. Those amendments that are significant result in the Plan remaining as originally submitted by the Council for examination. The latter amendments relate to matters that have been discussed at both sets of hearings. Therefore, the amendments do not undermine the participatory processes and SA that have been undertaken. Where necessary I have highlighted these amendments in the report.
7. The Council has also proposed some Additional Modifications which have also been publicised. But as these do not go to soundness, I do not need to address them in this report.

Policies Map

8. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans in Appendices 1 to 6 of SD 1.1.
9. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective. I have referred to these changes to the Policies Map within this report.
10. These further changes to the policies map were published for consultation alongside the MMs, forming an attachment to the schedule of MMs. In this report I identify any amendments that are needed to those further changes in the light of the consultation responses.
11. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in Appendices 1 to 6 of SD 1.1 and the further changes published alongside the MMs incorporating any necessary amendments identified in this report.

Assessment of Duty to Co-operate

12. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
13. I have had regard to the DtC Statement (SD 9.2) and associated Statements of Common Ground in considering whether the DtC has been met. The DtC Statement and Statements of Common Ground describe the co-operation and partnership working that has taken place with prescribed bodies, including regional working with other LPAs and cross-boundary co-operation on strategic priorities.
14. The Strategic Housing Market Assessments [SHMA] (SD 27.1 – 27.6) indicate that Staffordshire Moorlands is not a fully self-contained Housing Market Area having close relationships with Stoke-on-Trent in particular. The Employment Land Requirement Study [ELRS] (SD. 17.3) shows that the District falls within the wider Functional Economic Market Area of Stoke-on-Trent. As a result, the Council has worked with adjoining authorities in considering housing, employment and infrastructure needs.
15. In terms of housing, discussions have taken place about the needs of the respective LPAs within the Housing Market Area and how these should be met. The adjoining authorities are at different stages in their LP preparation. Stafford Borough Council has an adopted LP which makes provision for its own needs up to 2031. Stoke-on-Trent and Newcastle-under-Lyme Councils are working on a joint LP. The Joint LP has not yet reached publication stage.
16. Each of the LPAs within the Housing Market Area are affected by the North Staffordshire Green Belt. The emerging LPs within the Housing Market Area rely on some release from the Green Belt to meet housing needs. On this basis the Statement of Common Ground records that the LPAs have sought to meet their own needs but not the needs of others. It is also the intention for each LPA within the Functional Economic Market Area to meet its own employment land requirements. I return to housing and employment requirements under Issue 2, but in terms of the DtC, cross-boundary co-operation has been demonstrated in relation to such needs.
17. A joint Gypsy, Traveller and Travelling Showpeople Accommodation Assessment [GTAA] was undertaken for Stoke, Newcastle, Staffordshire Moorlands and Stafford Councils in 2015. The GTAA sets out the needs for the various LPAs. The Statement of Common Ground records that each Council will seek to meet its own needs.
18. Co-ordination of transport infrastructure has been necessary in considering the cumulative impacts of development in Stoke, Staffordshire Moorlands and East Staffordshire on the A50 and Crewe-Derby railway line. Highways England and Staffordshire County Council have been overseeing proposals to improve junctions on the A50, including that with the A521 near Blythe Vale.
19. Most pupils will be accommodated within schools within the District. However, there is some cross-boundary movement of pupils, particularly on the periphery of the Potteries conurbation. The Council has liaised with

Staffordshire County Council in relation to growth proposed within the LP with the objective of school places being provided in the right place at the right time.

20. The Statement of Common Ground notes that the Green Infrastructure [GI] Strategies and delivery plans of the various LPAs will be co-ordinated to ensure a consistent and complementary approach.
21. These and other aspects of infrastructure are co-ordinated in the Infrastructure Delivery Plan (SD 8.2) which has been drawn up with the input of providers such as Staffordshire County Council, Highways England and the Environment Agency. The Environment Agency, Staffordshire County Council and Historic England have also fed into the evidence base supporting the LP, as well as policy formulation.
22. The Council has worked with the Peak District National Park [PDNP] Authority to ensure that the LP considers the landscape setting of the PDNP and takes into account the limited development requirements arising from that part of the PDNP that lies within the Council boundary. The SMHA and ELRS were undertaken on the basis of objectively assessed need [OAN] for homes and employment land for the whole of the District, including those parts which fall within the PDNP. The LP seeks to make provision to meet the vast majority of the needs for the whole of the District on land beyond the PDNP boundary. That said based on past trends an allowance has been made for 100 dwellings per annum (dpa) inside the PDNP that will meet the Parks' social and economic well-being objectives.
23. As a result of a formal Strategic Alliance, the Council undertakes joint working with High Peak Borough Council in many service areas, including planning. Whilst the two Councils do not share many cross-boundary strategic planning matters because of the influence of different city regions and the barrier provided by uplands between Leek and Buxton, there are similarities between the two areas in terms of scale and settlement pattern. The alliance has led to joint studies such as the SHMA, ELRS and Retail Study (SD 25.1) reflecting a consistency of approach.
24. Aside from the above, there are some examples of partnership working other than with prescribed bodies and which are specific to the District. These include the Churnet Valley Living Landscape Partnership and the Alton Towers Resort Transport Liaison Group.
25. I am satisfied that, where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background

26. The LP deals with strategic and other land use policies and allocations for that part of the District outside the PDNP. It will replace the Staffordshire Moorlands Core Strategy [SMCS] (adopted March 2014) and the Biddulph Town Centre Area Action Plan (adopted February 2007) in their entirety as set out in Appendix 9 of the Plan. The only high-level policies not covered are

those that relate to minerals and waste which are dealt with by the Minerals Local Plan for Staffordshire 2015-2030 and the Staffordshire and Stoke-on-Trent Waste Local Plan 2010 to 2026. The other development plan documents envisaged are neighbourhood plans that may come forward during the plan period. In this respect a number of neighbourhood plan areas have been designated as set out in paragraph 1.22 of the LP.

Main Issues

27. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified ten main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Whether the timeframe and the amount of housing and employment land proposed by the LP is justified

Timeframe

28. The LP has a stated timeframe of 2016 to 2031. This reflects Policy SS2 of the SMCS which required a comprehensive review of that document to be rolled into a single LP to cover the period 2016-2031. However, this LP has had a long gestation period and, if it is adopted in 2020, it would only have about a 11-year period post adoption, albeit that the whole timespan would be 15 years. The 2012 Framework refers to a 15-year time horizon being preferable but does not, unlike the revised Framework, refer to this period being post-adoption. Moreover, the period is not mandatory.
29. That said the timeframe does not fully reflect the evidence base. The most recent SHMA Update (February 2017) (SD 27.5), which took into account the 2014-based sub-national household projections and informed the Plan's OAN for housing, applied a base date of 2014. The Employment Land Review [ELR] Update (SD 17.5) also applied a base date of 2014 in recommending employment land requirements. The retail studies (SD 25.1 and 25.3) used base dates of 2013 and 2016 up to 2031 respectively but, as retail needs are almost negligible in either case, using 2014 as a base date would not have any implications for the Plan's retail floorspace requirements.
30. In terms of looking beyond 2031, the Council, in preparing an examination note on the implications of 2016-based sub-national household projections (EL5.001), analysed a number of time periods, including 2014-2033 and 2016-2033. The ELR Update already considered employment land requirements up to 2033. Retail floorspace requirements would not be likely to materially change up to 2033. The evidence base justifies moving the end of the Plan period from 2031 to 2033.
31. The housing requirement, as stated by Policy SS3, is for the period 2012 to 2031 which is not consistent with base dates of either 2014 or 2016. The SHMA Update and EL5.001 considered the OAN with a base date of 2014 which would have reflected under-delivery between 2012 and 2014.

32. Therefore, the evidence base justifies a Plan period of 2014-2033. **MM1–MM4, MM8, MM9, MM11, MM18, MM38-MM40, MM42, MM46, MM48, MM57** and **MM60** revise the Plan period accordingly and are required so that the Plan is justified.

Housing OAN

33. The most recent comprehensive assessment of housing needs (the SHMA Update) indicated an OAN range of 235 to 330 dwellings per annum (dpa). The Council has opted for a housing requirement based on a figure towards the top of the range to align with projected economic growth (320dpa). This leads to a requirement for the Plan period of 6080 additional dwellings. The overall requirement is not affected by shifting the housing requirement period forward from 2012-2031 to 2014-2033.
34. The SHMA Update has followed the methodological steps for calculating the OAN set out in the PPG, using the 2014-based household projections as a starting point. Applying a 4% allowance for vacant and second homes, the projections suggest a need for 170 dpa to 2031 or 164 dpa to 2033. Sensitively testing was applied to accelerate household formation rates for the younger age groups and by restricting the 2015 population to the 2015 mid-year estimates rather than the 2014-based projections. Combining the 2014-based household projections with the sensitivity testing suggested an increase of 196 dpa to 2031 or 190 dpa to 2033.
35. In terms of adjustments for market signals, there was a significant worsening in affordability between 2000 and 2015, particularly towards the end of this period. This is likely to have been in part due to under-delivery of new homes. Therefore, some uplift is needed and at a level which would be expected to improve affordability. The SHMA Update proposed an uplift of around 10% which leads to a need for 216 dpa to 2031 or 209 dpa to 2033.
36. The PPG requires plan-makers to assess likely economic growth based on past trends and/or economic forecasts. The SHMA Update considered that basing OAN on demographic-led scenarios would lead to a declining workforce. Unsustainable commuting patterns can result where the labour force is projected to be less than forecast job growth.
37. On the basis that it is undesirable to plan for decline, the Council applied growth forecasts within a range from zero (stabilisation) to over 3000 new jobs (past trends). Even applying the stabilisation scenario would result in an OAN of 282 dpa to 2031 or 274 dpa to 2033. Oxford Economics forecasts suggest a need for between 279 and 302 dpa. Experian forecasts suggest a higher need of between 333 and 357 dpa. Past trends result in much higher dwelling needs of 420 to 446 dpa which would require more than 10,000 additional migrants moving into the District.
38. Both the Oxford Economics and Experian forecasts are credible estimates of job growth. However, taking into account that the projected growth in the manufacturing sectors appears optimistic, the Council has opted for a Combined Job Growth Scenario i.e. between the two forecasts, suggesting a need for up to 329 dpa to 2031, falling to 319 dpa to 2033. These figures include higher headship rates for the younger age groups.

39. In terms of affordable housing, the SHMA Update identified a need of between 224 and 432 dpa to 2031. To achieve this number of affordable homes, taking into account the policies of the Plan, would require a housing OAN of between 679 and 1309 dpa which is considerably in excess of the modelled scenarios, way above the delivery that has been achieved in the District in the past and would be unrealistic.
40. The suggested OAN already includes uplifts to reflect sensitivity testing, market signals and economic growth. There is a considerable degree of overlap between the OAN and affordable housing need. No further adjustment is needed to the OAN for affordable housing delivery.
41. The OAN takes into account those older people who need homes falling under Use Class C3. Those needing institutional accommodation (Use Class C2) are not included in the OAN but have been considered by the SHMA and Policy H1.
42. In September 2018 the Office for National Statistics published the 2016-based household projections. This latest data set suggests a reduction in household growth within the District compared to the 2014-based projections, albeit a modest fall from 170 dpa to 165 dpa to 2031 or 164 dpa to 158 dpa to 2033. However, given that household projections are a starting point, the same factors referred to above would need to be applied and would still support an uplift on the demographic forecasts. Moreover, the Government has said that the 2014 data should be used as a baseline for assessing local housing need, not the lower 2016-based projections, as the former better reflect historic under-delivery and declining affordability.
43. The 2019 Framework refers to the new standard method of assessing housing need set out in the PPG. For the Council this would represent 194 dpa. However, this LP is being examined under the 2012 Framework. Moreover, the Government is committed to ensuring that more homes are built.
44. Overall and in the context of the Government's objective of significantly boosting the supply of homes, the OAN figure of 320 dpa, which leads to a requirement for at least 6080 homes for the Plan period of 2014-2033, is justified and has not been countered by any alternative robust analysis. The 320 dpa is consistent with realistic employment-led needs for a Plan period up to 2033 set out in paragraph 38 above.

Employment OAN

45. The employment land requirement is based on the assessments carried out in the ELRS and the ELR Update. The assessments were conducted in accordance with the PPG. Consultation was undertaken with various businesses and organisations with an interest in the supply of employment land to ascertain the availability of land. Requirements were calculated applying a number of scenarios, including forecast employment growth, past take up and local labour supply.
46. A wide variety of projections of need resulted from the various scenarios. However, after applying a range of qualitative and quantitative local factors, the ELR Update concluded that a range of between 13 ha and 27 ha (gross) of employment land would be required up to 2031 and 14 ha to 32 ha (gross) of

employment land up to 2033. The upper end of the range aligns with the Combined Job Growth Scenario used in calculating the housing OAN. Therefore, it is appropriate to use the upper end figure which is justified as an employment OAN.

Housing and Employment Land Requirements

47. The Framework requires that LPs should meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework such as Green Belt indicate that development should be restricted. Much of the western part of the District is Green Belt. The eastern section of the District falls within the PDNP. However, the central belt of the Council area is not generally affected by the Framework's restrictive policies.
48. The Plan translates the housing and employment OANs into requirements through Policy SS3. Taking into account that a reasonable proportion of the District is not affected by restrictive policies or other significant constraints, the approach of the Plan in meeting the whole of the OAN is justified. I will come onto discuss whether the strategy for the distribution of these requirements, including using Green Belt land, is justified, under Issue 2, and the means of meeting these requirements under Issues 4, 5 and 6.
49. As I recommend that the Plan period is extended to 2033, the employment land requirement within Policy SS3 will need to be increased from 27 ha to 32 ha. This would be secured by **MM8** so that the Plan is justified. Consequential amendments are also required to Policy SS4 (Land Supply) and the supporting text to Policies SS4, E2 (Employment Allocations) and DSB1 (Wharf Road). These revisions would be achieved by **MM9, MM18** and **MM40**.

Conclusions on Issue 1

50. I conclude that, subject to the MMs proposed, the timeframe for the LP and the amount of housing and employment land proposed by the LP is justified.

Issue 2 – Whether the strategy for the distribution of development is justified; whether exceptional circumstances exist for the alteration of Green Belt boundaries; and whether the settlement hierarchy and other strategic policies are positively prepared, effective and consistent with national policy

Development Strategy and Spatial Distribution

51. The SMCS focused growth in the three towns of Leek, Biddulph and Cheadle, and the larger villages of the District on the basis that they had a greater capacity to accommodate development sustainably. This Plan largely seeks to carry forward the strategy of the SMCS in terms of the distribution of development. Policy SS3 shows the split, with some 75% of housing development and 70% of employment development in the towns, compared to 72% and 70% respectively within the SMCS. Steering more housing development towards the towns compared to the rural areas reflects a

sustainable strategy. The approach is scored positively by the suite of SA documents (SD 6.1 – 6.5).

52. The SMCS envisaged that the majority of the District's housing requirement, other than completions and commitments, would be accommodated by new allocations either within existing urban areas or through small urban extensions to the towns. This Plan has a similar approach.
53. Green Belt covers the western part of the District, affecting about half of the Plan area. Biddulph is surrounded by Green Belt. Many of the larger villages in the District close to the Potteries conurbation are also constrained by Green Belt. About half the countryside around Cheadle is also designated as Green Belt but the eastern side of the town is not so constrained.
54. The strategy and spatial distribution reflect the location of the Green Belt in the proportion of development proposed for Biddulph and in the modest shift of development away from the rural areas. Policy SS3 indicates that Biddulph would accommodate around 20% of both the District's housing and employment requirements. Biddulph is the second largest settlement in the District after Leek. But the 20% earmarked for Biddulph is a smaller proportion of development than the other towns of Leek and Cheadle, reflecting, to an extent, Green Belt constraints. Some 30% of both housing and employment requirements would be steered towards Leek whereas some 25% of housing and 20% of employment would go to Cheadle.
55. Most of the homes delivered from allocations in the rural areas will be in larger villages beyond the Green Belt, reflecting the above strategy. A significant proportion of the homes will be at Blythe Vale. The site is adjacent to the village with the broadest range of services in the District, including secondary and primary schools, a medical centre, a range of shops and a railway station. That the site is close to the Potteries conurbation does not exclude it from contributing to the District's needs. The alternative approach of distributing homes over a number of villages would be less sustainable as set out within the SA. In particular, such an option, although potentially benefiting the vitality of some of these village communities as suggested by Policy SS2, would be likely to lead to greater pressure on Green Belt land. This is reflected in earlier iterations of the Plan which showed over 500 homes on such land on the edge of villages.

Exceptional Circumstances

56. In the context of the overall strategy, the Plan proposes some Green Belt release in Biddulph, Cheadle and the rural areas. The Framework requires that exceptional circumstances need to be demonstrated to alter Green Belt boundaries.
57. Biddulph has suffered from economic decline and includes a ward with high deprivation. The 20% proportion of development referred to above seeks to meet the economic and social needs of Biddulph whilst recognising the environmental considerations, principally the restrictions imposed by the Green Belt wrapping around the town.
58. There is some non-Green Belt land in the town but not sufficient to provide the 20% of development referred to above. Some development beyond that

which can be accommodated within the existing town boundary, involving Green Belt land, would be justified to stem decline, support regeneration, provide market and affordable housing and employment opportunities, and to enhance the town's role as a service centre. The specific needs of Biddulph would not be met by development away from the town in adjoining authorities. In any event these authorities are also affected by Green Belt. The SMCS also envisaged that Green Belt release would be required in Biddulph and the circumstances relevant then have not materially changed. Therefore, in principle exceptional circumstances have been demonstrated to alter Green Belt boundaries in Biddulph. However, the Plan as submitted does not clearly articulate these high-level exceptional circumstances. **MM8** would include such an explanation so that the Plan is positively prepared, justified and consistent with national policy.

59. In terms of particular sites in Biddulph, the majority of housing development would be provided within the built-up area or existing town boundary, beyond the Green Belt. This would be through two allocations and windfalls. The submitted Plan shows the two allocations at the Wharf Road Strategic Development Area [SDA] and Biddulph Mills providing about 390 dwellings and 1 ha of employment land, without encroaching into the Green Belt.
60. In terms of Green Belt release, the Tunstall Road SDA would involve the alteration of Green Belt boundaries and is shown in the submitted Plan as contributing some 85 dwellings and 5 ha of employment land. The SDA would have limited impacts on Green Belt purposes because of its relationship with the Victoria Business Park to the west of the A527 and the significant separation that would remain between the southern extremity of Biddulph and the outlying parts of the Potteries conurbation. Therefore, I conclude that exceptional circumstances exist for the release of the land at Tunstall Road from the Green Belt. However, the exceptional circumstances to support the release of this Green Belt land should be more clearly articulated within the Plan to justify the proposals in the context of national policy. This would be achieved by **MM42**.
61. The larger of the two allocations referred to in paragraph 59 above, known as the Wharf Road SDA, was flagged up in the SMCS as a broad location for housing. However, the allocation in the submitted Plan not only relates to land in the town boundary but also includes Green Belt land to the west of the Biddulph Valley Way [BVW]. The latter component of the allocation is known as BDNEW.
62. BDNEW would have the potential for about 255 dwellings. However, the BDNEW site would result in an incursion of development into the countryside beyond the clearly defined defensible boundary of the BVW. Development would have a significant impact on the Green Belt purposes of checking the unrestricted sprawl of a large built-up area and safeguarding the countryside from encroachment. The south-western boundary would not use physical features that are readily recognisable. In addition, the site is indicated to be of high landscape sensitivity. Other parts of the built-up area of Biddulph around Gillow Heath and Newpool extend beyond the BVW. However, these comprise well-established residential areas. There is a significant stretch of the BVW between the two that has not been breached. This strong boundary would be considerably weakened by BDNEW. It is also of note that the

BDNEW site was not identified as one that could potentially be suitable for housing in the initial Districtwide Green Belt Review in 2015 (SD 22.4) or the Strategic Housing Land Availability Assessment [SHLAA] (SD 26.1).

63. For the above reasons I conclude that exceptional circumstances do not exist for the alteration of the Green Belt boundaries in Biddulph for that part of the Wharf Road SDA comprising BDNEW. **MM9** which modifies Policy SS4 (strategic housing and employment land supply), **MM12** which modifies the supporting text to Policy SS6 (Biddulph Area Strategy), **MM22** which modifies Policy H2 (housing allocations) and **MM40** which modifies Policy DSB1 (Wharf Road SDA) are, therefore, required so that the Plan is positively prepared, justified and consistent with national policy. Corresponding changes to the Policies Map would also be required.
64. One of the consequences of not allocating BDNEW would be that, based on the Plan's strategy of providing about 20% of the housing requirement in Biddulph, the remaining allocations and other elements of housing supply, as modified by MMs referred to elsewhere in this report, would be some way short of the residual requirement for the town of some 945 dwellings. There would be a shortfall of about 230 dwellings. There would also be a shortfall against the Plan's requirement for the District as a whole of about 350 dwellings, equivalent to just over one year's supply.
65. To provide sufficient sites for the total Biddulph LP requirement would need additional Green Belt release. I have had regard to the Green Belt reviews conducted by the Council that have considered a number of potential sites on the edge of Biddulph, including the assessment of potential land around Biddulph following the initial hearings in October 2018. The later assessment followed my recommendations that BDNEW should not be released from the Green Belt but that other options, including identifying areas of safeguarded land, should be considered. This resulted in the Council proposing the safeguarding of three sites at Gillow Heath (BD062, BD068 and BD087) as MMs to the Plan.
66. However, the sites assessed, which do not form part of the submitted Plan, including those at Gillow Heath, have varying adverse effects on Green Belt purposes and also have a range of landscape and other constraints. Although the effects vary, all of the sites contribute to at least one of the five Green Belt purposes set out in paragraph 80 of the Framework.
67. Moreover, the Council's proposals to safeguard land but not allocate enough land in Biddulph for the Plan period falls between two stools. Even if the Gillow Heath sites were to be allocated, rather than safeguarded, they would not bridge the entire gap between provision and the net requirement for the Plan period and no land would be identified for safeguarding. Furthermore, if additional land is required in Biddulph in the future, the Gillow Heath sites may not necessarily represent the most suitable option taking into account all things considered in the round, including the amount of land required at that time, Green Belt purposes, the location relative to the town's services and a review of constraints affecting these and other sites.
68. Sufficient sites would be available to meet the Biddulph requirement for the next 10 years in accordance with paragraph 47 of the Framework on the

assumption that the allocations are deliverable or developable. In terms of the remaining requirement, the Framework requires that a supply of sites for years 11-15 of a LP should be identified 'where possible'. It is not an absolute requirement to identify sites for the entirety of a plan period. The shortfall would be towards the end of the Plan period.

69. Therefore, the Gillow Heath sites proposed for removal from the Green Belt and safeguarding through the MMs should remain part of the Green Belt as shown in the submitted Plan and accompanying Policies Maps. The suitability of the Gillow Heath sites and other Green Belt land on the edge of Biddulph could be reviewed when the LP is updated, should there be a need to identify more land for development at that time. As part of this review, both development requirements for the new Plan period and the need for safeguarded land could be considered such that the quantum of land released from the Green Belt would meet longer-term development needs.
70. The Plan will be considered for updating within 5 years in accordance with the 2019 Framework. An earlier review would also occur if sites are not delivering housing as anticipated. In reviewing the requirement for an update and the need for Green Belt release, the Council would have regard to housing and other development needs and deliverability at that time. Whilst the Framework requires that LPs should consider Green Belt boundaries having regard to their intended permanence in the long term so that they are capable of enduring beyond the Plan period, circumstances may well change going forward in terms of development requirements such that an update of the Plan may indicate that sufficient land has already been identified to meet longer-term needs either in the District overall or within the Biddulph area in particular.
71. This Plan, as suggested by the Examining Inspector into the SMCS, represented an opportunity to undertake that comprehensive review, but for the reasons given, the submitted Plan and the alternative which proposed the Gillow Heath sites for safeguarding do not achieve this. To my mind a comprehensive review should consider both the allocation of sites to meet the requirement for Biddulph for the Plan period and whether to safeguard additional land for beyond the period. To embark on that review now would significantly delay the adoption of the Plan and risk suppressing rather than accelerating housing delivery in the District. The submitted Plan, with the modification relating to BDNEW, has identified sufficient land in Biddulph for the next 10 years and for the District as a whole for all but the last couple of years of the Plan period and would be sound.
72. I have given further consideration to how the Plan should refer to Biddulph's longer-term needs following the February 2020 hearings. The Plan should make it clear that Biddulph should be revisited again so that a comprehensive review can be undertaken. This would be secured by **MM55** so that the Plan is positively prepared, justified, effective and consistent with national policy.
73. All in all, I do not consider that exceptional circumstances to justify additional Green Belt release in Biddulph at the present time have been demonstrated.
74. In terms of Cheadle, most of the land allocated is within the existing development boundary or on non-Green Belt land. However, a relatively small

parcel of land to the south of Mobberley Farm is proposed for release from the Green Belt. This is to enable direct access from the main road network into the Mobberley Farm SDA and the provision of an initial section of the potential link road between the A522 and A521. Without this Green Belt land, it is unlikely that the site would be capable of being delivered. This would sterilise an area which has been earmarked for development for many years, preventing suitable development land in Cheadle coming forward and putting pressure on more sensitive areas on the edge of the town, including larger areas of Green Belt. The provision of the link road would also be stymied, with implications for traffic congestion in the town centre. The land is already partly developed with a veterinary surgery and makes limited contribution to Green Belt purposes.

75. For these reasons I conclude that exceptional circumstances exist for the alteration of the Green Belt boundary to the south of Mobberley Farm. However, the Plan does not clearly articulate the reasons. **MM45** is needed so that Policy DSC3 (Mobberley Farm SDA) is positively prepared, justified and consistent with national policy.
76. There is no need for the release of further Green Belt land in Cheadle. A range of sites have been allocated on non-Green Belt land within the built-up area and on the northern side of the town to meet Cheadle's contribution to the District's housing requirement. It has not been demonstrated that further release of land to the south of Mobberley Farm is necessary to enable the SDA to come forward.
77. The larger villages of Biddulph Moor, Blythe Bridge/Forsbrook, Brown Edge, Cheddleton, Endon, Kingsley, Werrington/Cellarhead and Wetley Rocks are also affected by Green Belt. All these villages have had new homes built since 2014 and have other housing committed through permissions (see EL5.005 Appendix 9). That said the level of development has been and will be modest in most of the settlements reflecting the Green Belt restrictions. Some sites on the edge of these villages were assessed in the Green Belt Review as having limited effect on Green Belt purposes. However, notwithstanding the specific impacts, exceptional circumstances do not exist for the strategic reasons set out earlier. Biddulph Moor lies within the Biddulph Neighbourhood Plan Area but, in respect of the LP's spatial strategy, falls within the Rural Areas. Allocating land in Biddulph Moor would not contribute to the shortfall in Biddulph.
78. Of the larger villages, the LP only proposes Green Belt release in Werrington through Policy DSR4 (land off Ash Bank Road, Werrington). Werrington is a village with a range of services, including primary and secondary schools, and good transport connections to the Potteries conurbation. There are few development opportunities within the village. The two sites proposed to be removed from the Green Belt are, to a significant extent, enclosed by existing development, including that at HM Young Offenders Institute. The sites make only a moderate or limited contribution to Green Belt purposes. There are no other overriding constraints. I conclude that exceptional circumstances exist for the release of the sites from the Green Belt. However, the Plan does not clearly articulate the reasons. **MM50** is needed so that Policy DSR4 is positively prepared, justified and consistent with national policy.

Settlement Hierarchy

79. Policy SS2 sets out the settlement hierarchy alluded to above. The District's three towns sit at the top of the hierarchy below which are 'Larger Villages', 'Smaller Villages' and 'Other Rural Areas'. Policies SS5 to SS10 set out in detail the settlements to which each level of the hierarchy applies and the development principles and levels of development appropriate for each category. Leekbrook provides existing and proposed employment land close to Leek but otherwise has limited facilities. There is no primary school whereas all the 'Larger Villages' appear to have a primary school. Therefore, its categorisation as a 'Smaller Village' is justified. The position of other settlements within the hierarchy is also justified by the evidence base, including that which supported the SMCS.
80. For Smaller Villages, Policy SS2 indicates that these settlements will not have a development boundary. Limited development would be allowed appropriate to the scale of the settlements, applying criteria which will provide more flexibility but will have regard to the particular character of the village. It should be noted that, of the 29 smaller villages identified by Policy SS2, only 11 had defined boundaries in the Proposals Map for the 1998 LP.
81. However, many of the Smaller Villages lie within the Green Belt and would be washed over by this designation. Policy SS2 does not make reference to Green Belt policy applying in such circumstances. Other Smaller Villages are surrounded by Green Belt but have had a development boundary which excluded land within it from the Green Belt. The implications of removing development boundaries is not clear from the submitted Plan.
82. **MM7** makes it clear that Green Belt policy will apply in Smaller Villages washed over by Green Belt. Bagnall, Caverswall/Cookshill and Stanley will no longer have a settlement boundary but will not be washed over by Green Belt, effectively becoming inset villages. The developed parts of Kingsley Holt, Leekbrook and Rushton Spencer, which have Green Belt abutting to one side, will remain beyond the Green Belt. The removal of development boundaries from the Smaller Villages and clarity in relation to the extent of Green Belt will be given effect by changes to the submitted Policies Map.
83. In relation to 'Other Rural Areas', Policy SS2 conflates Green Belt and open countryside policy by referring to inappropriate development in respect of both. **MM7** would ensure that there is a distinction so that Policy SS2 is consistent with national policy.
84. Policies SS8, SS9 and H1 refer, in the case of larger villages, to allowing some limited infilling on the edge of settlements, and in the case of smaller villages which will not have a settlement boundary, small infill schemes. This is a new approach which seeks to enable the sustainable growth of villages to maintain and enhance their vitality, whilst retaining their existing character. Ensuring that the approach achieves the right balance will depend on careful monitoring. **MM55** and **MM56** emphasise the importance of monitoring the implementation of Policies SS8, SS9 and H1 to ensure that the Plan is positively prepared and effective.
85. In order to make it clear that the development allowed by Policies SS8, SS9 and H1 should be sensitive to landscape and village character, the explanation

to Policy H1 and the wording of the policy itself require strengthening and linking to Policy DC3 (Landscape and Settlement Setting). **MM21** would achieve these changes so that the policies are positively prepared.

86. Policy SS10 relating to 'Other Rural Areas' refers to the regeneration of major developed areas within the countryside at Bolton Copperworks, Froghall and Anzio Camp, Blackshaw Moor. Both sites are identified in the Churnet Valley Masterplan Supplementary Planning Document as development opportunity sites for mixed use development. However, these relatively large sites are deserving of specific policies that would encourage their sustainable regeneration and guide development proposals that come forward. **MM13**, **MM51** and **MM52** would modify Policy SS10 and its explanation and introduce Policies DSR5 and DSR6 so that the LP is positively prepared. Neither site is taken into account in contributing to housing or employment land requirements because of uncertainty over delivery.

Other Strategic Policies

87. There is no need for the LPA to reiterate policies that are already set out in the Framework. Policy 1a recites the presumption in favour of sustainable development at paragraph 14 of the NPPF. This would give the presumption development plan weight which would potentially weaken other policies within the Plan. Moreover, the wording of national policy in relation to the presumption has changed with the revised Framework so Policy 1a would be out of date upon adoption. Therefore, the policy is not necessary and should be deleted by **MM6** so that the Plan is consistent with national policy.
88. The Plan includes a Key Diagram, but it is incomplete because it excludes the 'Small Village' of Swinscoe. **MM15** would amend the diagram so that it is effective.

Conclusions on Issue 2

89. I conclude that, subject to the MMs proposed, the strategy for the distribution of development is justified; exceptional circumstances exist for the alteration of some Green Belt boundaries; and the settlement hierarchy and other strategic policies are positively prepared, effective and consistent with national policy.

Issue 3 – Whether the policies of the Plan address the needs for all types of housing, including affordable housing and those of different groups in the community such as gypsies and travellers

Affordable Housing

90. Policy H3 proposes that developments above certain thresholds should provide 33% affordable housing. However, the Local Plan and Site Allocations Viability Study [LPVS] (SD 24.1) indicates that the level of affordable housing that could be achieved without threatening viability and, therefore, schemes being deliverable, varies across the District. A number of different areas are identified in the LPVS (Zones 1-4) where provision of 10%, 20% and 33% affordable housing was tested. This variation across the district and the need to have regard to viability, including up-to-date evidence, should be recognised by the policy. **MM23** would ensure that Policy H3 and the

explanation acknowledges the viability factors that may well come into play so that the Plan is positively prepared, justified and effective.

91. That said the actual level of provision that can be achieved on a particular site would also be affected by the particular characteristics of a site and the development proposed. Taking into account the significant need for affordable housing and the objective of delivering as much as possible, a 33% aspirational requirement is justified as a starting point. However, the policy and explanation should recognise that 33% is not a target as this would not be justified (**MM23**).
92. Policy H3 refers to developments of 15 dwellings or more in towns and 5 dwellings or more elsewhere contributing to affordable housing. These thresholds do not align with Policy H1 (Housing Mix), earlier versions of the PPG which set a threshold of 11, or the revised Framework which states that affordable housing should not be sought for residential developments that are not major developments. The District, other than those parts which lie within the PDNP, is not a 'designated rural area' so the 5-dwelling threshold for villages is not consistent with national policy. Therefore, notwithstanding the transitional arrangements set out in paragraph 2 of this report, the policy should align with the revised Framework. **MM23** secures this change so that Policy H3 refers to 10 dwellings or more and is consistent with other policies of the Plan, national policy going forward and is not effectively out-of-date upon adoption.
93. Housing developments within the PDNP will not be subject to Policy H3 and the 10-dwelling threshold. The PDNP has its own development plan and policies for affordable housing. That said any affordable housing provided within the boundaries would contribute to the District's overall needs. This is explained by **MM23** so that the Plan is effective.
94. The SHMA suggests a tenure split of 60% social/affordable rent and 40% intermediate tenure/starter homes and this mix is referred to in Policy H3. The Plan should recognise that the SHMA will not be the only source of evidence for a particular area or site in determining the appropriate tenure split and housing mix. Paragraph 8.48 refers to other evidence that may be considered but should be modified to refer to evidence produced in relation to neighbourhood plans. Policy H1 refers to the SHMA but should also accept that it is likely to be replaced by more up-to-date successor documents. These changes would be secured by **MM21** so that Policies H1 and H3 are justified and effective.
95. The SHMA Update addresses the need for starter homes, following the Government's introduction of legislation and policy which require local authorities to promote their delivery. Policy H3 recognises that starter homes form an important component of low-cost home ownership. That said, Policy SS1, which sets out high level development principles, including the need for affordable homes, refers only to starter homes, thereby giving them more prominence than other forms of tenure. **MM5** would ensure that Policy SS1 is positively prepared in this respect by referring to affordable homes in general.
96. There are other issues with Policy H3. Firstly, greater clarity is required as to when off-site provision or a financial contribution would be acceptable as an

exception in accordance with paragraph 50 of the Framework. Secondly, the policy should recognise that some market homes may be appropriate on rural exception sites to facilitate the provision of significant additional affordable housing in line with paragraph 54 of the Framework. Finally, the policy needs to make it clear that affordable housing should be designed as an integral part of developments. These flaws would be rectified by **MM23**, ensuring that Policy H3 is positively prepared, effective and consistent with national policy.

Housing Mix and Types

97. Consistent with the Framework's objectives set out in paragraph 50, Policy H1 seeks to ensure that new housing developments of 10 dwellings or more provides a mix of housing sizes, types and tenure. However, the LPVS recommended a flexible approach to applying the policy due to issues of viability, particularly in some of the urban areas of the District. To ensure that this flexibility is embodied in Policy H1, **MM21** is needed so that the policy is justified and effective.
98. Policy H1 seeks to encourage densities that reflect the character of an area and also indicates that higher densities will be generally appropriate in locations that are accessible by public transport. However, higher densities should also have regard to the accessibility of the location. **MM21** would ensure that the policy recognises this factor so that it is consistent with the Framework.
99. The Council holds a register for those with an interest in self-build and custom-built housing. Although the demand is low, Policy H1 includes reference to the inclusion of such plots where a demand exists. However, there is reference to a threshold of 15 dwellings or more which is not consistent with that applied in relation to housing mix. **MM21** refers to a threshold of 10 dwellings or more so that Policy H1 is effective and consistent with other policies of the Plan and national policy.

Housing Standards

100. Policy H1 states that all new dwellings should aim to provide flexible accommodation, seek internal space standards in accordance with the Nationally Described Space Standard and deliver accessibility standards set out in M4(2) of the Building Regulations. As submitted the policy lacks clarity as to whether the optional standards are being required or merely desirable.
101. **MM21** would amend the explanation to Policy H1 to recognise that to apply the standards to all dwellings would be onerous and has not been justified by evidence. The revised explanation recognises that whether the optional standards are applied will depend on the type of development and viability considerations. For example, space and accessibility standards would be more likely to be sought on development specifically designed for older people. These changes are needed to ensure that the policy is justified, effective and consistent with national policy.
102. A MM to Policy H1 was proposed during the examination that introduced a minimum threshold of 10 dwellings in applying the space and accessibility standards. The PPG does not indicate that space and accessibility standards should only be considered for developments over a certain size. The desirable

position is that all homes should seek such standards but subject to the caveats referred to in modified paragraph 8.50 of the Plan.

Gypsies, Travellers and Travelling Showpeople

103. The needs of gypsies, travellers and travelling showpeople were assessed in the Joint GTAA of 2015 referred to in paragraph 17. The GTAA identified a need for 6 residential pitches for gypsies and travellers between 2014-2019 and an additional 2 pitches up to 2034. The GTAA notes that the definition of travellers in the 2015 Planning Policy for Traveller Sites [PPTS] was introduced just as the GTAA was being finalised. Thus, if anything, the need identified in the GTAA is likely to be towards the maximum for those meeting the definition. No need for travelling showpeople plots was identified.
104. Permission has been granted for 3 pitches since the base date of the Plan. This leaves an immediate need for 3 pitches and an overall residual requirement of 5 pitches. Policy H4 relates to gypsies and travellers but does not set out this need or what the residual requirement would be. Therefore, **MM24** is necessary to ensure that Policy H4 is positively prepared, effective and consistent with national policy.
105. In terms of the residual requirement, the Council has undertaken 'call for sites' exercises, investigated whether public land was available, and liaised with neighbouring authorities to see if sites were available beyond the District. However, none of these sources have resulted in any suitable sites coming forward.
106. That said the residual requirement is relatively small. There are criteria within Policy H4 which are not too restrictive and are generally consistent with the PPTS. The policy should enable the requirement to be met by further applications coming forward over the remainder of the Plan period. This approach and the reasons for adopting it are explained by **MM24** so that Policy H4 is justified.
107. The criteria of Policy H4 do not include reference to sites being soft landscaped to positively enhance the environment and for hard landscaping to be avoided in accordance with paragraph 26 of the PPTS. **MM24** would include these additions so that the policy is positively prepared and consistent with national policy.
108. The Framework requires that the housing needs of different groups in the community should be planned for. This would include those 'travellers' who do not meet the PPTS definition but would have a cultural aversion to living in 'bricks and mortar' housing. Those needs will, to an extent, have been assessed because of the scope of the GTAA. But **MM24** ensures that the Plan recognises this distinction and clarifies that those who do not meet the PPTS definition will still require their needs to be assessed going forward.

Other Housing

109. Policy H1 allows the conversion of rural buildings to dwellings where they are suitable in physical, architectural and character terms for conversion. The policy goes further than paragraph 55 of the Framework which does not require the building that is to be re-used to be of a particular character.

However, paragraphs 17 and 60 of the Framework, in requiring high quality design and reinforcement of local distinctiveness, support the Council's approach. The policy would not prevent permitted development rights being used for the conversion of former agricultural buildings to dwellings.

110. That said the policy requires that the building is both of suitable character and would represent the optimal use of a heritage asset. All rural buildings of character are not necessarily heritage assets. **MM21** would replace the and with or to ensure that this element of Policy H1 is justified.

Conclusions on Issue 3

111. I conclude that, subject to the MMs proposed, the policies of the Plan address the needs for all types of housing, including affordable housing and those of different groups in the community such as gypsies and travellers.

Issue 4 - Whether the housing allocations identified in the Plan are sound and capable of being developed over the Plan period

Generally

112. The LP identifies SDAs and other allocations which seek, along with completions, commitments and windfalls, to meet the majority of the District's housing requirement.
113. The SHLAA was published some time ago in 2015. However, the SHLAA has been used as a starting point in identifying and assessing the availability, suitability and deliverability of potential housing sites. Subsequent documents, which form the evidence base for the submitted Plan, have refined the findings of the SHLAA to come up with the allocations proposed in this LP.
114. The three-stage methodology used in the SHLAA is broadly consistent with the advice in the PPG. Concerns have been raised about some of the site assessments, the extent to which constraints could be mitigated and that more sites should have become allocations because the SHLAA and the other evidence documents pointed to them being available, suitable and deliverable. However, it seems to me that the overall methodology has been reasonable in seeking to arrive at the allocations necessary to get close to the OAN.
115. As indicated under Issue 3, the LPVS suggests that achieving the 33% affordable housing figure as well as other policy requirements on many sites, particularly those in lower value areas, will be challenging. That said the policies of the Plan, including H3, allow for flexibility in provision taking into account the LPVS and other viability evidence. With this caveat, the LPVS concludes that *'the overall scale of obligations, standards and policy burdens contained in the Local Plan are not of such a scale that cumulatively they threaten the ability of the sites and scale of development identified in the Plan to be developed viably'*.
116. The Council will need to be realistic in what can be achieved in terms of affordable housing and contributions to infrastructure so that sites can be delivered. It will also need to continue to be proactive in engaging with landowners and developers and implementing other interventions. Similar

issues of viability would affect other sites put forward as alternatives to those allocated in the Plan, particularly in the lower value areas. Steering more development to the higher value areas would not achieve the strategy of the Plan set out under Issue 2.

117. The introduction to the Plan refers to specific policy guidance only being provided for strategic sites. This is also reflected in the title of Chapter 9 ('Strategic Development Site Policies'). However, Chapter 9 of the Plan also deals with some smaller allocations where bespoke policy guidance is required. **MM2** and **MM35** would clarify the scope of the site-specific policies so that the Plan is effective.
118. Each of the allocations or clusters of allocations dealt with in Chapter 9 has a specific policy. However, although paragraph 9.1 refers to each policy being bespoke, some of the site-specific policy requirements are generic and are covered by other policies of the Plan. There is also inconsistency in the way that generic requirements are expressed across different allocation policies. Therefore, I recommend that the generic requirements are removed from the allocation policies and bespoke requirements are tailored to the site and development in question. I deal with these changes below when discussing each allocation which has a specific policy. However, **MM35** makes it clear that generic policies will apply to all allocations so that the Plan is positively prepared and effective.
119. Policy H2 and the Policies Map both include housing site references but the site allocation policies themselves do not incorporate the references. In order to ensure that all three elements are linked and to make it clear which sites are covered by the allocation policies, particularly where there are clusters of sites, **MM36** to **MM46**, **MM48** and **MM50** show the site references so that the relevant policies are effective and clear to the decision maker.

Leek

120. Land at Horsescroft Farm (DSL1) to the rear of Churnet View Middle School, would accommodate a small housing development and an expansion of the school. Vehicular access would be shared with a recent well-designed affordable housing development on adjacent land. Bespoke requirements in relation to access and forming a new landscaped settlement edge would be secured by **MM36** so that the allocation is positively prepared and effective.
121. The LPVS indicates that the site would be viable with 20% affordable housing and the provision of land for school expansion. The need for landfill gas migration to be tested and potentially mitigated would be unlikely to prevent the site coming forward as demonstrated by the neighbouring development. The site is shown as delivering homes in 2021/22 and 2022/23.
122. The cluster of sites known as Land at The Mount (DSL2) lie on high ground on the eastern edge of Leek which is an area of high to medium landscape sensitivity. Mount Road, which cuts through the sites, forms part of a local recreational route. Linked footpaths head west into the town and east across the rural plateau. Mount Road and the connecting routes are well used by walkers, cyclists, horse riders and runners who would be sensitive to landscape change.

123. However, the allocations are predominantly on the lower side of the road and on the well-wooded site of Kniveden Hall. As such, views would still be possible over rooftops and through the developments to the town and hills to the west. Building on Kniveden Hall would not alter long distance views to the east.
124. There is a single wind turbine to the south of the allocation. However, most of the land allocated would be more than 250m from the turbine. Noise levels are unlikely to represent an overriding constraint for a well-planned housing development. Highway, surface water and biodiversity matters would not prevent development coming forward providing suitable mitigation is in place.
125. The policy should recognise the importance of landscaping mitigation to form a sensitive new settlement edge and the informal recreational role of Mount Road. These requirements, together with the need for a noise assessment to take into account the wind turbine and a cumulative assessment of highway impacts, would be secured by **MM37** to ensure that Policy DSL2 is positively prepared and effective.
126. The allocation includes a site for a new first school which would be safeguarded through Policy DSL2. For effectiveness the policy should allow for comprehensive planning of the site, including phasing, which would also be secured by **MM37**.
127. The sites are in a number of different ownerships but in a location which is attractive to the market. One of the landowners has already commenced discussions and done some master planning work. The LPVS concludes that the allocation is viable with 33% affordable housing. Completions are anticipated from 2022/23 with delivery of about 50 dpa on the assumption that there would be two outlets.
128. Land at Newton House (DSL3) on the southern side of the town is occupied by a modern office block in substantial grounds, served by a roundabout on the A520. The site has no significant constraints.
129. As noted under Issue 6, master planning and phasing of the mixed residential and employment development should be included in the policy. In addition, the policy should be specific about the land to be used for the respective uses. Bespoke requirements relating to heritage assets, landscape mitigation, wildlife buffers, pedestrian and cycle links and the retention of the existing tennis courts should be incorporated. **MM38** would secure these modifications so that Policy DSL3 is positively prepared and effective.
130. The landowner has already undertaken some master planning work. The LPVS concludes that the mixed-use allocation is viable with 20% affordable housing. Completions are anticipated from 2022/23 with delivery of about 30 dpa.
131. The Cornhill East (DSL4) area was identified in the SMCS as a broad location for an employment allocation. The inclusion of a residential component within the allocation would assist the viability of the allocation.
132. As noted under Issue 6, master planning and phasing of the mixed residential and employment development should be included in the policy. In addition,

the policy should be specific about the land to be used for the respective uses and the bespoke requirement for a potential link between the A520 and A53. **MM39** would secure these modifications so that Policy DSL4 is positively prepared and effective.

133. The Council is working with the landowner and a developer to bring forward a master plan for the allocation and land to the west at Barnfields which has planning permission. A bid for public funding to support infrastructure costs is to be made. The LPVS concludes that the mixed-use allocation is viable with 10% affordable housing. Completions are anticipated from 2022/23 with delivery of the 50 or so homes over 3 years.

134. In terms of other housing allocations, the small site at Ashbourne Road has planning permission and is anticipated to deliver 12 dwellings in 2020/21. Land to the north of Macclesfield Road has challenging topography which means that it is only likely to be able to deliver 10% affordable housing. Delivery of around 25 dwellings is anticipated over 3 years from 2021/22.

Biddulph

135. The Wharf Road SDA (DSB1) allocation takes forward the strategy of the SMCS. I addressed that part of the allocation to the west of the BVW (BDNEW) under Issue 2. The remainder of the allocation is in a sustainable location close to the town centre. The site presents an opportunity to make a significant contribution to Biddulph's development needs.

136. Policy DSB1 includes a masterplan requirement but should also highlight the need for phasing given the mix of housing, employment, retail and recreation uses proposed. Within the context of a masterplan, early phases that would boost the supply of homes and would assist the delivery of the wider development area should be encouraged. In terms of bespoke requirements, those relating to landscaping mitigation, transport links and wildlife corridors need to reflect the specific characteristics of the site. **MM40** would secure the above so that Policy DSB1 is positively prepared and effective.

137. The LPVS concludes that 20% affordable housing could be supported on the site. However, with the deletion of BDNEW, viability may be more marginal. That said the development should be able to support some affordable housing provision as well as other necessary contributions based on the conclusions of the LPVS on a range of sites across the District. Due to the different ownerships and range of issues that need to be tackled pre-commencement, delivery of the site will not be straightforward. However, the Council has already engaged with landowners and undertaken some master planning work. Continuing public sector intervention would make it more likely that the site's challenges are overcome. The site is shown as starting to deliver completions by 2021/22. Commencement in 2022/23 would be more realistic and would not materially alter the Plan's housing trajectory or the five-year supply position.

138. Biddulph Mills (DSB2) lie close to the town centre and provide the opportunity for redevelopment with high density housing schemes. The explanation to the policy includes some very specific requirements in relation to parking provision. The policy itself contains predominantly generic criteria. **MM41** is

necessary so that the requirements of Policy DSB2 are bespoke but not too prescriptive and that the policy is positively prepared and effective.

139. The LPVS shows that the sites are marginal so that the Council may need to be flexible in its approach to affordable housing and developer contributions. In this respect the housing trajectory showing the sites delivering over 50 dwellings over a 3-year period from 2022/23 appears somewhat optimistic. That said, they are sites which, if developed, would have significant regeneration benefits. Like some of the other allocations, positive interventions by the Council may be necessary to bring the sites forward in line with the trajectory.
140. I dealt with the exceptional circumstances that exist to justify the release of the Tunstall Road SDA (DSB3) site from the Green Belt under Issue 2. The site is well-located in relation to the Victoria Business Park opposite and the transport corridor of the A527. Due to an unwilling landowner, a small portion at the southern end (0.7 ha) should be removed from the allocation. This change to the site area would be secured by **MM18** and **MM42** and is necessary for effectiveness. A corresponding change will be required to the Policies Map.
141. Policy DSB3 includes a masterplan requirement but should also highlight the need for phasing given the mix of employment and housing proposed. In terms of bespoke requirements, those relating to landscaping mitigation, footpath links and access need to reflect the specific characteristics of the site. **MM42** would secure the above so that Policy DSB3 is positively prepared and effective.
142. The LPVS concludes that 20% affordable housing could be supported on the site. Due to the different ownerships and range of issues that need to be tackled pre-commencement, delivery of the site will not be straightforward. However, the Council has already engaged with landowners and undertaken some master planning work. Continuing public sector involvement should make it more likely that the site's challenges are overcome. The site is shown as starting to deliver completions by 2022/23 which would depend on the momentum achieved by public sector involvement being sustained.
143. In considering the need to promote sustainable patterns of development, the Council has reviewed whether more effective use could be made of the Wharf Road and Tunstall Road SDAs. A master planning exercise (EL10.007 and EL10.008) has indicated that the density of housing could be increased on the allocations. The resultant densities of between 30 and 40 dwellings per hectare (ha) would be acceptable having regard to the characteristics of nearby development and accessibility of the sites. As a result, that part of the Wharf Road SDA remaining within the Plan would have the capacity for about 440 dwellings and Tunstall Road some 105 dwellings. **MM9**, **MM22**, **MM40** and **MM42** reflect these changes so that the Plan is positively prepared and effective.

Cheadle

144. A northern extension to the urban area of Cheadle formed part of the town's strategy set out in the SMCS. Undeveloped land to the south-west of the built-up area lies within the development boundary having been proposed for housing in the previous LP. The sites forming the Cecilly Brook SDA lie within the development boundary and, in the case of the Churchill Road site and adjacent land at Cecilly Mill, has already had outline planning permission granted. Other housing allocations lie within the built-up area. Therefore, although significant representations have been made about the scale of development in Cheadle, the principle of much of the housing is acceptable. Moreover, the overall amount of housing would not depart significantly from that envisaged by the SMCS. The quantum of housing proposed would also reflect the availability of suitable sites, the Plan's strategy to shift 3% of housing development from the rural areas to Cheadle and the limited completions that have taken place in the town since the adoption of the SMCS.
145. The LPVS concludes that 33% affordable housing together with necessary education contributions would generally be viable on sites in Cheadle.
146. The Cheadle North SDA (DSC1) would provide some 320 homes and a primary school with playing fields. The allocation would extend beyond that envisaged in the SMCS but would not have significant landscape effects or other adverse impacts.
147. Policy DSC1 includes a significant number of requirements which are generic. **MM43** would remove these but include bespoke provisions relating to access, the phasing of the school and impacts on the Cecilly Brook Local Nature Reserve. The modification would also ensure that land under control of the developer but outside the allocated site in Flood Zones 2 and 3 could be used as additional open space. These changes would ensure that Policy DSC1 is positively prepared and effective.
148. A hybrid planning application has been submitted by a national housebuilder for the site proposing 300 dwellings and a primary school with a multi-use games area. The housing trajectory envisages completions by 2021/22 with output of about 40 dpa which is consistent with the developer's predictions.
149. The Cecilly Brook SDA (DSC2) would comprise two separate sites which share a number of features. The sites lie adjacent to the Cecilly Brook Local Nature Reserve, but the provision of appropriate buffers and other mitigation would ensure no significant adverse effects.
150. Policy DSC2 includes a significant number of requirements which are generic. **MM44** would remove these but include bespoke provisions relating to the local nature reserve and flood risk. The modification would also ensure that land under control of the developer but outside the allocated site in Flood Zones 2 and 3 could be used as additional open space. Given the grant of outline planning permission on one of the sites, the requirement for a masterplan has been overtaken by events and should not be included within the policy. These changes would ensure that Policy DSC2 is positively prepared and effective.

151. The progress that has been made recently in relation to obtaining planning permission supports completions on the allocation by 2021/22 with an output of around 30 dpa over a 3-4-year period. Indeed, this larger site would now deliver around 120 homes which is more than envisaged by the allocation as a whole. The other site forming part of the allocation, at Moor Lane Farm, would potentially contribute to supply later in the Plan period.
152. I deal with the exceptional circumstances that exist to justify the release of a small part of the Mobberley Farm (DSC3) site from the Green Belt under Issue 2. The remaining part of the site has been earmarked for development for many years and has no overriding constraints. Policy DSC3 includes a significant number of requirements which are generic. **MM45** would remove these but retain bespoke provisions relating to landscaping, heritage assets, footpath links, ground conditions and flood risk. The modification would also ensure that land under control of the developer but outside the allocated site in Flood Zones 2 and 3 could be used as additional open space. These changes would ensure that Policy DSC3 is positively prepared and effective.
153. The explanation to the policy and the policy itself refer to a potential link road on the south-west edge of the town between the A522 and the A521. The requirement within Policy DSC3 to design access roads to a standard that would enable them to serve as a link road is reasonable.
154. The Mobberley Farm SDA is in two separate ownerships, but the landowners have indicated a willingness to cooperate so that the site as a whole can be brought forward. Development is shown as spanning the period from 2022/23 to 2031/32 with a maximum output of 50 dpa. As with other allocations, the Council will need to be proactive in ensuring that the site delivers as anticipated.
155. There are four other housing allocations in Cheadle which would each provide between about 30 and 50 dwellings. I have not been made aware of any significant constraints that would prevent these sites coming forward as anticipated by the housing trajectory (between 2021/22 and towards the end of the Plan period). The site at the rear of the Birches received full planning permission in 2019.

Rural Areas

156. The mixed-use site at Blythe Vale (DSR1) was identified in previous plans, including the SMCS, for employment development. This LP proposes some 300 dwellings as well as the employment development. The housing will make a significant contribution to the District's housing needs on non-Green Belt land. That part of the site to the south of the A50 has high landscape sensitivity but the railway line provides a clear boundary and Policy DSR 1 includes a requirement for significant landscape mitigation.
157. Policy DSR1 includes a significant number of requirements which are generic. **MM47** would remove these but strengthen bespoke provisions relating to landscaping, GI and accessibility to Blythe Bridge. The modification would also ensure that the requirement for master planning and phasing takes into account the bespoke criteria of the policy. These changes would ensure that Policy DSR1 is positively prepared and effective.

158. There are significant infrastructure costs associated with bridging the A50. In addition, the site is in a lower value area. Therefore, the flexibility allowed for by Policy H3 in relation to the amount of affordable housing has been applied to the site. Some 118 dwellings have been granted detailed planning permission at Blythe Vale and, by the time of the February 2020 hearings, development had commenced. Completions in 2019/20 and output of about 50 dpa thereafter is realistic and is similar to the developer's predictions, based on delivery at a site in Stoke.
159. I deal with the exceptional circumstances that exist to justify the release of the Ash Bank Road, Werrington (DSR4) sites from the Green Belt under Issue 2. The smaller of the two sites (WE052) has low landscape sensitivity whereas WE003 has medium sensitivity. There is scope for reducing the landscape impact of development on the latter by forming a new settlement edge to the south and planting along the Ash Bank Road frontage. The proximity of the young offenders' institute would need to be taken into account in the layout, landscaping and noise mitigation for the sites to ensure a suitable living environment. A pedestrian crossing to the west allows safe access to the primary school, doctors surgery and convenience store.
160. There is an existing access point to the young offenders' institute adjacent to WE003. The most suitable location for the access to WE052 may be on land immediately to the west of the allocation. In order to ensure that safe accesses onto the A52 can be achieved, the existing entrance and additional land should be incorporated into the sites. In addition, the criteria within Policy DSR4 should be specific in relation to access requirements, including avoiding a crossroads with Oak Mount Road and taking into account an existing bus stop. These changes would be secured by **MM50** so that Policy DSR4 is positively prepared and effective. The modification would also remove generic criteria and include a specific requirement for landscaping on the new settlement edge boundaries for the same reasons. The changes to the site areas will require corresponding changes to the submitted Policies Map.
161. The sites are in the ownership of Homes England and form part of their accelerated delivery programme. The LPVS suggests that the sites should be viable with 33% affordable housing. Homes England support the Council's trajectory for the sites which show completion of the 75 dwellings over a 3-year period from 2022/23.
162. There are four other housing allocations in the rural areas which would provide between 13 and 36 dwellings. I have not been made aware of any significant constraints that would prevent these sites coming forward as anticipated by the housing trajectory.
163. Access to the site at Endon could be via an improved Stoney Lane or from Brookfield Avenue. The latter is busy at school start and finish times because of the proximity of primary and secondary schools. However, an allocation of some 22 dwellings would be capable of being accessed safely without significantly adding to congestion. Future residents would adjust their travel patterns to avoid peak periods. Notwithstanding the previous designation as Visual Open Space, the site does not have any significant landscape or open space value as it forms a small field of rough grassland largely surrounded by

existing development. There are no overriding biodiversity, flood risk, drainage or infrastructure constraints.

Conclusions on Issue 4

164. I conclude, that subject to the MMs proposed, the housing allocations identified in the Plan are sound and are capable of being developed over the Plan period.

Issue 5 - Whether the housing requirement is likely to be met over the Plan period; whether those means of meeting the requirement have been justified and will be effective; and whether the LP will be able to maintain a five-year housing land supply

Generally

165. Earlier in this report I concluded that the Plan's requirement for 6080 homes between 2014 and 2033 is justified. Under Issue 4 I considered whether the land allocations were sound and capable of being developed over the Plan period. I now go on to consider the totality of the likely housing supply against the Plan's requirements; whether there will be a five-year housing land supply upon adoption of the Plan; and whether that supply will be maintained through the Plan period.

Components of Supply

166. The Plan at Table 7.2 shows the gross housing requirement of 6080 homes and then takes off completions since the base date of the Plan; commitments in the form of planning permissions; and an allowance for the PDNP. The table then shows the resulting net housing requirement. However, the table reflects the position as at 31 March 2017 and a Plan period of 2012-2031.

167. In order to be effective, Table 7.2 needs to be updated to reflect the Plan period changing to 2014-2033 but also to show the position at 31 March 2019. As a result, the overall net requirement is at least 3,763 dwellings. These figures also need to be used to update Table 7.3 which show the National Park allowance, completions, commitments and the net housing requirements for each of the sub-areas of the Plan based on proportions of development reflecting the Plan's strategy. **MM9** provides these amendments. **MM10** is required to revise the residual requirement for Leek as part of the supporting text to Policy SS5 so that it is consistent with the updated Tables 7.2 and 7.3.

168. In terms of the above components, commitments reflect planning permissions in place at the base date. However, it is unlikely that all commitments will translate into completions on the ground. A 10% lapse rate was used in the SMCS. Although the lapse rate varies from year to year, over the period 2015/16 to 2017/18 it was 5.3%. In order for the delivery from commitments to be realistic, a precautionary lapse rate of 10% should be applied to commitments. This would be secured by **MM9**. Tables 7.2 and 7.3 would, as a result, include a row or column showing the 10% lapse rate applied to those commitments that have not been implemented. Paragraph 7.33 would be amended accordingly. The housing trajectory at Appendix 7 of the Plan would also be revised to reflect the lapse rate (**MM57**). These changes will ensure that the Plan is effective.

169. An allowance of 100 dwellings from the PDNP over the Plan period has been agreed by the National Park Authority. The figure is based on past completions in that part of the PDNP that lies within the District and appears reasonable. It does not infer a development requirement or target for the PDNP.
170. The net requirement and future supply of housing for the sub-areas is shown in Policy SS4. **MM9** and **MM59** would ensure that Policy SS4, the tables within it (7.6, 7.7 and 7.9) and Appendix 11 are effective in these respects. The supply (or potential provision) shows allocations in the Plan and windfall allowances (Table 7.6). The Neighbourhood Plan Areas requirements set out in Table 7.9 and Appendix 11 are set as a minimum reflecting current anticipated supply.
171. In terms of windfall allowances, a large site windfall allowance is shown for Leek and Biddulph and small site allowances for all of the sub-areas. The allowances are based on past trends, together with, in the case of Leek and Biddulph, evidence from the SHLAA about potential opportunities for development on larger windfall sites within the settlement boundaries (EL7.002). The figures also reflect less restrictive policies now being proposed compared to those contained in the SMCS which applied indicative maximum sizes to windfall sites. No such cap exists in this LP. Indeed, Policy H1 allows windfalls outside development boundaries in some settlements. Although some of the sites now allocated may have historically come forward as windfalls, for the above reasons compelling evidence supports the windfall allowances.
172. The windfall allowances within Policy SS4 need to be amended to reflect the position at 31 March 2019, the remaining years of the Plan up to 2033 but also to prevent double counting of commitments and windfalls. The contribution of windfalls will also need to be closely monitored to ensure that provision is meeting expected levels. These elements would be achieved by **MM9**, **MM55** and **MM56** so that the Plan is effective.
173. Between 31 March 2017 and 31 March 2019, a few of the sites subject to housing allocations have obtained planning permission. Therefore, to ensure consistency between the various tables and Policies SS4 and H2, those units with permission should be moved from allocations to commitments. **MM9** amends Policy SS4 and **MM22** amends H2 and adds commentary to explain the changes to the figures so that the policies are effective.

Housing Trajectory, Housing Implementation Strategy [HIS] and Five-year Housing Land Supply

174. Paragraph 47 of the Framework indicates that LPAs should illustrate the expected rate of housing delivery through a housing trajectory for the Plan period and set out a HIS describing how a five-year supply of delivery will be maintained to meet the housing target. In order to rectify omissions in the supporting evidence to the submitted Plan, a HIS has now been provided. The HIS includes an updated housing trajectory to reflect the housing land supply position at 31 March 2019 and sets out how housing supply will be managed. Appendix 7 within the Plan (housing trajectory) is also updated. The production of the HIS is explained by **MM9**. The updated trajectory is

achieved by **MM57**. These changes are required to ensure that the LP is effective.

175. The data that supports the housing trajectory has been subject to considerable scrutiny during the examination. The delivery assumptions have been amended during the examination to more closely correlate with the work carried out on the delivery of large-scale housing sites¹, adjusted by local evidence, where this is available. These assumptions, using the base date of 31 March 2019, are reflected in most of the figures for specific site delivery referred to under Issue 4.
176. I acknowledge that some of the allocations are large scale, involve multiple ownerships and are seeking to facilitate mixed use developments. For these reasons, viability is marginal on several of the sites. Some of these sites will require considerable lead in times prior to applications being submitted. Pre-commencement work between consent and start on site may also take some time. Therefore, applying assumptions that are designed for more straightforward greenfield sites is not necessarily robust. Moreover, the past delivery record in the District has been poor. However, the Council has already shown a commitment to intervention through an Accelerated Housing Delivery Programme and other measures set out in the HIS. It is in the Council's interest to maintain and build upon these initiatives to ensure that sites deliver as anticipated. The Council should be given the opportunity to work with partners, including developers and landowners, to significantly improve delivery through an up-to-date plan with allocations.
177. Policy SS4 has the objective of identifying sufficient land to accommodate at least 3,763 dwellings. However, the policy shows that the housing supply from allocations and windfalls does not meet the minimum net requirement. There is a shortfall of about 350 dwellings, equivalent to just over a year's supply. This is reflected in the trajectory which indicates that, assuming sites deliver in accordance with the trajectory, there would be a shortfall in provision in the final 2 years of the Plan period (2031/32 and 2032/33). Clearly, because of this shortfall, there is also no flexibility built into the supply.
178. That said paragraph 47 of the Framework does not require that LPAs identify sites for the entirety of a Plan period. Policy SS4 itself requires that the release of housing will be managed in order to deliver the level of housing set by the policy. As explained under Issue 2 in relation to Biddulph, where 65% of the deficit in supply is found because of Green Belt restrictions, the Plan will be reviewed to see whether it needs updating within 5 years when there will be the opportunity to bring forward further sites.
179. In terms of affordable housing, the viability issues highlighted under Issue 4 suggest that delivering affordable housing as a component of private sector led housing schemes will be a challenge. However, the Council has been proactive in seeking to bring forward affordable housing by other means. It has been undertaking a joint venture with Harvest Housing Group to use land

¹ Start to Finish: How Quickly do Large-Scale Housing Sites Deliver? (NLP November 2016)

holdings by both of the partners to deliver affordable housing development. The programme has delivered some 280 affordable homes. Going forward the Council will need to be involved in similar programmes to ensure the sustained delivery of affordable housing to meet the significant need.

180. In identifying a five-year supply of deliverable housing sites, the Framework requires an additional buffer of 5% or 20% to be added, the latter to be applied where there has been a record of persistent under delivery against the housing requirement. There has been a record of persistent under delivery in the District. The five-year supply position set out in the HIS is based on a 20% buffer which is justified.
181. There has been a shortfall in provision against the requirement since the 2014 base date of the Plan of some 788 dwellings. The Plan, through the housing trajectory, proposes to spread the shortfall over the remainder of the Plan period (the Liverpool approach) rather than making up the shortfall in the next five years (the Sedgefield approach). The PPG favours the Sedgefield approach but no one approach is prescribed by national policy. Applying the Sedgefield approach would not be realistic as it would set a 5-year housing requirement that is highly unlikely to be delivered and would risk the LP being out-of-date soon after adoption. The use of the Liverpool approach is justified. The LP would still achieve a significant boost in the supply of housing.
182. The LP should clearly express the key assumptions and parameters which will be relied upon to calculate the five-year housing land supply. **MMS** would ensure that reference is made to the 20% buffer and the Liverpool method of spreading the shortfall in completions over the Plan period so that the LP is effective and consistent with national policy.
183. Taking into account the above factors, the housing trajectory set out in Section 8 of the HIS shows that supply would be above five years on adoption of the LP using the base date of 31 March 2019. The supply would not be much more than 5 years (5.32 years). This is partly attributable to the limited number of sites with planning permission which cannot be resolved by this Plan. Many of the assumptions underpinning the supply have been questioned. However, the Council has the incentive to continue its proactive work to ensure that sites come forward, otherwise it is unlikely to be able to demonstrate a 5-year supply going forward. The mechanisms set out in the HIS are now also reinforced by the Council's Housing Delivery Test Action Plan required under the 2019 Framework. The monitoring provisions built into the Plan, including, if necessary, an early update of the Plan to bring forward additional sites, and the backstop of the Framework's requirement to consider updating the Plan within the next 5 years, gives me some comfort that a five-year supply can be maintained during the Plan period.
184. The housing market in the District has been slow. However, by early 2020 there were already signs of improvement. All but one of the sites with full planning permission was either under construction or subject to discharge of conditions applications. Cheadle, where there has been little housebuilding over the last few years and questions over whether there is the market for a significant upturn in housebuilding, has seen a number of sites approved since 31 March 2019.

185. The absence of an up-to-date LP with allocations is likely to have been one of the main reasons for poor housing delivery in the District. Going forward adoption of the Plan should allow more certainty about delivery. Given the current economic downturn due to the global pandemic, it is even more important that the District has an up-to-date Plan in place as soon as possible so that the encouraging signs evident in the local market during 2019/20 can potentially be built upon when the country comes out of the downturn. Housing delivery should also be seen in the context of the Plan proposing a requirement which is towards the top of a range, reflecting relatively ambitious economic growth. Moreover, a staged approach has not been proposed, despite the considerable step-change in delivery embraced by the Plan. The lapse rate applied is precautionary. For all these reasons I consider that the Plan should be adopted without further delay, despite some of the uncertainties over whether sites will deliver as anticipated.

Conclusions on Issue 5

186. I conclude that, subject to the MMs proposed, the housing requirement is likely to be met over the Plan period; the means of meeting the requirement have been justified and are likely to be effective; and the LP should provide the mechanisms to be able to maintain a five-year housing land supply.

Issue 6 - Whether the Plan meets the development needs of business through its policies and whether those policies are positively prepared, justified, effective and consistent with national planning policy

Employment Land Supply and Allocations

187. The Plan's requirement for 32 ha of employment land would be met from a combination of completions that have occurred since the base date of the Plan, existing commitments and allocations. These elements, including the net requirement for each of the District's Sub-Areas based on the spatial strategy, are set out in Tables 7.4, 7.5 and 7.8. The submitted plan bases the figures in the tables on completions and commitments at 31 March 2017. During the examination the completions and commitments have been updated to the position at 31 March 2019. **MM9** reflects these updated figures so that the Plan is effective.

188. Taking into account the updated completions and commitments, there is a net employment requirement of 15.3 ha. Policy E2 of the submitted Plan shows mixed use and employment allocations providing around 18 ha of employment land. However, following master planning work undertaken for the Tunstall Road SDA in Biddulph, the amount of employment land likely to come forward at this mixed-use allocation would be reduced by about 1 ha.

189. In addition, the allocation on land west of Basford Lane, Leekbrook (0.8 ha) is not sound. The allocation is intended to allow the expansion of an adjacent haulage yard. The site involves steeply sloping partly wooded land to the rear of the yard. There are some dwellings on Basford Lane, very close to the proposed allocation. The adverse impacts of developing the site (landscape, biodiversity and residents' living conditions) would outweigh the benefits. Moreover, it is not clear to me, given the topography, how the site would be developed to provide additional floorspace or yard area.

190. Therefore, the allocation (Policy DSR3) is not positively prepared or justified and should be deleted. This would be secured by **MM49**. Consequential amendments are also required to the supporting text to Policy SS5 (Leek Area Strategy) through **MM11**. The deletion of the allocation will require a corresponding change to the submitted Policies Map.
191. The other employment land allocations are justified. Those forming part of mixed-use developments at Newton House (DSL3) and Cornhill East (DSL4), Leek and Blythe Vale (DSR1) should include a master planning requirement with indicative phasing so that the employment development is an integral part of the overall development. **MM38**, **MM39** and **MM47** would achieve these changes so that Policies DSL3, DSL4 and DSR1 are positively prepared and effective. I addressed some of the other site-specific requirements under Issue 4.
192. The allocations for employment purposes at New Haden Road, Cheadle (DSC4) and Brooklands Way, Leekbrook (DSR2) include reference to general landscape, flood risk and biodiversity requirements which are covered by other policies of the Plan. **MM46** and **MM48** would delete these generic requirements and replace them with bespoke criteria where necessary, so that Policies DSC4 and DSR2 are positively prepared and effective.
193. As a consequence of the modifications affecting Tunstall Road and Basford Lane, the allocations would provide about 16 ha of employment land which would meet the Plan's net employment land requirement. **MM18** modifies Policy E2 (Employment Allocations) so that the Plan is effective.
194. There is also scope for windfalls coming forward under Policy E1 of the Plan which would introduce additional flexibility into the supply and make up the slight deficit in provision in the Leek and Biddulph Sub-Areas. This is explained by **MM9**, **MM39**, **MM40** and **MM48** to ensure that the Plan is effective. Moreover, Bolton Copperworks and Anzio Camp provide opportunities for employment development through Policies DSR5 and DSR6, albeit that these sites cannot form part of the supply figures because delivery is uncertain. It should also be noted that the mixed-use allocation at Blythe Vale (Policy DSR1), which incorporates employment development, is not included as contributing to the general employment land requirement in the District because it is intended to meet a regional need. This is explained by **MM47** so that the Plan is effective. Overall, there is likely to be a sufficient supply of employment land to meet the requirement.
195. The LPVS indicates that employment development is unlikely to be viable on a speculative basis. However, this is not as a result of the LP's policy requirements or the particular characteristics of the allocations but because of market factors. Public sector funding support, cross-subsidy through mixed-use schemes and the particular circumstances of employers wanting to expand on their own land would provide the drivers for industrial and office development coming forward.

New Employment Development and Protection of Employment Land

196. Policy E1 supports employment development in various locations with a preference for existing employment areas but with locations inside settlement

boundaries as an alternative. This overall steer to the most sustainable locations is sound. The policy also indicates that new employment development outside settlement boundaries may be supported but only in exceptional circumstances. This is a high bar equivalent to a Green Belt test. **MM17** removes reference to exceptional circumstances so that the policy is positively prepared.

197. Policy E1 as submitted is more permissive towards sui generis business uses than B1, B2 and B8 development. The policy also includes a more restrictive locational requirement for the conversion of rural buildings to commercial uses in comparison to residential uses under Policy H1. **MM17** would secure changes to Policy E1 in these respects to ensure that it is positively prepared.
198. Policy E3 seeks to safeguard existing employment areas, premises and allocations for employment purposes. The policy is reasonably consistent with paragraph 22 of the Framework which aims to avoid the long-term protection of sites where there is no reasonable prospect of them being used for employment purposes. However, there is a lack of clarity in respect of the circumstances in which development of such sites for non-employment uses may be acceptable. This failing applies particularly to the preference for mixed use schemes, incorporating employment floorspace. **MM19** ensures that Policy E3 is effective and clear to the decision maker in these respects.

Main Town Centre Uses

199. Leek, Biddulph and Cheadle are the main shopping and service centres within the District as recognised by Policy TCR1. No other 'town centres' are referred to in the Plan or defined on the Policies Map as there are none of any substance. The suburban areas of the towns and the larger villages within the District are served by individual shops or small parades which are not sufficiently grouped together to constitute district or local centres.
200. The Policies Maps show the extent of the town centres. For Cheadle the centre is tightly defined around High Street and Chapel Street, excluding the town centre car park and retail development and other town centre uses along Tape Street. The Retail Study Update (SD 25.1) recommended a town centre boundary forming a triangle bordered by the aforementioned three streets. This would provide more opportunities for any town centre uses that come forward to be located in the town centre. The Policies Map should be amended accordingly so that Policy TCR1 as it applies to Cheadle would be positively prepared, effective and consistent with national policy.
201. The retail studies (SD 25.1–25.3) did not identify a significant quantitative need for retail development within the Plan period. However, there is a qualitative need for a discount foodstore in Biddulph to prevent expenditure leakage to other centres such as Congleton and the Potteries. The Wharf Road SDA (DSB1) includes 0.5 ha of land for retail which would accommodate a store of some 1000 sq m net sales floor space. Parts of the Wharf Road site are on the edge of the town centre as confirmed by the Biddulph Town Centre Area Action Plan. The allocation would represent an appropriate edge of centre site that is well-connected to the town centre. The specific location of the store would be determined by the master planning process required for

the SDA but in the context of national and local policy relating to retail development.

202. Policy TCR1 seeks to protect and enhance the role of Leek, Biddulph and Cheadle by promoting retailing and other town centre uses in the defined centres. The policy refers to such uses contributing to vitality and viability, but this requirement is superfluous for town centre uses located in town centres. In relation to promoting residential uses on upper floors, the policy should apply to the entirety of the town centre, not just primary shopping areas. **MM25** would ensure that Policy TCR1 is positively prepared and justified.
203. Primary shopping frontages are defined on the Policies Map under Policy TCR2. The policy seeks to prevent a concentration of non-shopping uses in the primary frontages but does not define what would constitute a concentration. Taking into account the significant changes in retailing, including the growth of on-line shopping, applying a flexible rather than a rigid approach over the Plan period is justified.
204. Policy TCR3 is intended to control town centre uses outside the designated centres. The policy sets a threshold of 200 sq m net sales area for impact assessments for such uses which is considerably less than the default threshold of 2,500 sq m in the Framework. However, the locally set threshold is justified by the retail evidence which points to the relatively modest size of most retail units; the size of the town centres themselves; and the health and vulnerability of the centres. The threshold would not prevent the development of sustainably located local convenience stores which in most cases would be smaller than 200 sq m net sales area.
205. Reference is made in Policy TCR3 to the sequential test being required for town centre uses of more than 200 sq m that are not on sites allocated in the LP. However, a sequential test would not be required for the development of such uses within town centres. **MM26** would ensure that Policy TCR3 is positively prepared, justified and consistent with national policy in this respect.

Tourism and Culture

206. Policy E4 supports tourism and cultural development with a preference for locations with good connectivity, close to settlements or in areas specifically identified for tourism development, such as the Churnet Valley. However, the policy requires a demonstration of exceptional circumstances in rural locations. This is overly restrictive and is not consistent with other elements of the policy which support tourism and visitor development in rural areas where such facilities do not exist. The policy also suggests that tourism and cultural development which promotes the distinctive character of the District will be supported. It is not a primary requirement of development to 'promote' the qualities of the area, more to 'compliment' them. **MM20** would remove the reference to exceptional circumstances and replace 'promote' with 'compliment' so that Policy E4 is positively prepared.
207. The Churnet Valley is subject to Policy SS11 which references the Masterplan Supplementary Planning Document. The policy emphasises sustainable tourism and, when considered alongside Policy E4, would provide sufficient

opportunities for tourism related development within the valley with an emphasis on sustainable travel modes.

Conclusions on Issue 6

208.I conclude that, subject to the MMs proposed, the Plan meets the development needs of business through its policies and those policies are positively prepared, justified, effective and consistent with national planning policy.

Issue 7 – Whether the policies of the Plan relating to Local Green Space, Sport and Recreation and Green Infrastructure are positively prepared, justified, effective and consistent with national policy

Local Green Space

- 209.Policy DC4 designates Local Green Space [LGS] within the Plan area, seeking to protect such areas by preventing development which would harm their openness or special character or their significance and value to the local community. However, to be consistent with the Framework, particularly paragraphs 76 and 78, Policy DC4 should make specific reference to national Green Belt policy being applicable to LGS. **MM30** would secure this change.
- 210.Paragraph 77 of the Framework states that the LGS designation will not be appropriate for most green areas or open space. The designation should only be used where all three bullet points within paragraph 77 are met. The Landscape, Local Green Space and Heritage Impact Study (SD 22.5) reviewed Visual Open Space designations from the previous LP to assess whether they met the requirements for LGS. Following my post-hearing advice, the Council undertook a further review of the designations (EL6.007). However, having considered the evidence and the particular characteristics of the LGS designations, I conclude that some are not justified.
- 211.A number of the LGS designations set out within Appendix 10 of the Plan are characterised as open space planned in connection with housing development, some of which are owned by the District or Town/Parish Councils. These are Glebe Road, Cheadle; Mayfair Avenue, Ipstones; and Caverswall Old Road, Blithe View and Elmwood Drive, Blythe Bridge (Reference Nos 23, 38, 47, 51 and 52). Land north of Cotehill Road, Werrington (No 35) is also partly used as a play area. Whilst these areas provide visual relief and, in some cases, recreational value, they are not demonstrably special. The designation of these areas should be changed from LGS and, in some cases, LGS and open space, to solely open space. As open space, protection would be provided by Policy C2 of the LP. Although most open space is likely to be publicly owned, some areas may be private land but have attributes which justify them being kept free from development.
- 212.Site No 25 at Brown Edge is privately owned land skirted by a public footpath above. There are extensive views across the site from the footpath. But the nature of many settlements in the Moorlands is that they are on higher ground and at locations within them there will be views across the surrounding landscape, often over existing development. The site is not demonstrably special and the LGS designation should be deleted.

213. Site No 31 at Cheddleton appears to be used as a beer garden to the pub above it. The site lies within a Conservation Area and is crossed by a public footpath. The site is hemmed in by the canal and rising land to the south. It is not demonstrably special. Moreover, because of its characteristics, it would not seem to be vulnerable to built development.
214. The only justification for the designation of a small field at Waterhouses as LGS (Site No 39) is that it contributes to the character of the settlement as an attractive gap. This reason does not demonstrate that the site is special. The LGS designation should be deleted.
215. In terms of Bagnall there is justification for the village green (Site No 41) and pub garden (Site No 40) being included as LGS. However, the pub car park forming part of No 40 does not function as green space and would be protected by the conservation area designation that covers the historic part of the village. However, LGS designation would be warranted for the triangular village green on the opposite side of the road and to the east of the No 41 which has not been included.
216. I was unable to identify anything demonstrably special about the area of grassland adjacent to the stream in Blythe Bridge (Site No 50). Although SD 22.5 indicates that there is evidence of informal public access, I could not see any signs of this on site. The LGS designation is not justified and should be removed from this site.
217. **MM30** explains the reasons for the deletion of some of the LGS designations in the context of Policy DC4. **MM58** modifies Appendix 10 of the LP to remove those LGS designations that are not justified or consistent with national policy and adds the LGS designation at The Green, Bagnall. The changes to these designations will require corresponding revisions to the submitted Policies Map.
218. In my post hearing advice, I questioned whether the LGS designations at Dorset Drive West and East, Biddulph (Nos 13 and 14) and Ox Pasture West and East, Cheddleton (Nos 29 and 30) were justified. Following representations made by the local community in response to the MM consultation, including those made at the hearing in February 2020, and further site visits, I conclude that LGS designations are justified. They are in close proximity to the communities that they serve. The areas are local in character and not extensive tracts of land.
219. In terms of being demonstrably special and holding particular local significance, the open spaces at Dorset Drive, Biddulph are undulating linear belts of grassland and woodland which provide visual relief and informal recreation opportunities. Some of the open space straddles streams resulting in natural wildlife corridors. The open space at Dorset Drive West forms part of the setting to the well-used recreational route of the BVW.
220. The land at Ox Pasture allows residents and visitors using the footpaths that run along the sites' boundaries to enjoy extensive views out over the fields across the Churnet Valley to the hills of the Peak District beyond. Despite the presence of built development and the busy A520 nearby, the sites provide tranquil areas with a rural character and some biodiversity value close to the historic core of the village. In the case of Ox Pasture West in particular, the

site contributes to the rural setting of the Grade II* listed Church of St Edward the Confessor.

Sport and Recreation

221. Policy C2 promotes the provision of high quality recreational open space, including that linked to new housing development. The policy does not make it clear what forms of new housing would need to contribute and the quantity of open space that would be required. **MM32** rectifies this by making reference to residential developments of 10 dwellings or more and including a table within Policy C2 setting out the typology of open space and the amount that would be required per 1,000 population. As a result, the policy would be effective and consistent with national policy.
222. The policy also seeks to protect existing open space. However, the criteria that would be used to judge whether open space could be built on are not entirely consistent with paragraph 74 of the Framework. **MM32** would ensure that Policy C2 and the Framework are consistent.
223. Areas of open space and outdoor sports facilities identified in the 2017 Open Space and Playing Pitch Reports (SD 23.1 – 23.4) are shown on the Policies Map. However, further open space may be formed in connection with new developments or by other means and this should also be protected by Policy C2. This is made clear by **MM32** so that the policy is positively prepared and effective. One area of land at Friars Court, adjacent to Cheadle Park Wood, is shown on the submitted Policies Map as open space but is privately owned with no public access. To ensure that Policy C2 is justified and effective, the open space designation from the land should be removed from the Policies Map.
224. Schools may need to expand to accommodate growth from new development and this may result in the loss of school playing fields. Whilst such loss should be a last resort, the Plan needs to make it clear that the cost of any provision of replacement playing fields should normally be borne by the developer. This is explained by **MM32** so that the policy is positively prepared and effective.

Green Infrastructure

225. Policy C3 seeks to develop an integrated network of Green Infrastructure [GI] in partnership with a range of bodies. The policy is supported by a GI Strategy (SD 22.10) which includes both a District wide strategic network and settlement networks. Policy C3, along with Policy NE1, will together form a sound basis for identifying and protecting GI.

Conclusions on Issue 7

226. I conclude that, subject to the MMs proposed, the policies of the Plan relating to LGS, Sport and Recreation and GI are positively prepared, justified, effective and consistent with national policy.

Issue 8 - Whether other policies of the Plan are positively prepared, justified, effective, consistent with national policy and clear to the decision-maker

227. Policy SD5 makes reference to dealing with surface water and the need for proposals that involve discharge to the public sewer to be supported by clear evidence as to why alternative options are not available. However, the policy should be explicit in indicating that discharge to a public sewer should be seen as a last resort. This change would be achieved by **MM16** so that Policy SD5 is positively prepared and consistent with national policy.
228. Policy DC1 sets out a number of considerations which should be taken into account to encourage well-designed places which reinforce local distinctiveness. The requirement to produce a design and access statement should be consistent with national regulations in relating to major development or designated areas. The consideration that addresses living conditions should be expressed more neutrally by referring to 'visual impact' rather than 'overbearing impact'. These changes, achieved by **MM27**, would ensure that Policy DC1 is positively prepared and consistent with national policy.
229. The explanation to Policy DC2 refers to buildings at risk and the policy itself promotes the reuse of such buildings. However, the policy does not go far enough in emphasising that the Council should be proactive in tackling assets at risk and that heritage assets extends beyond buildings. **MM28** would ensure that Policy DC2 is positively prepared and consistent with national policy.
230. Policy DC3 seeks to protect local landscape and the landscape setting of settlements. Some of the wording lacks clarity. The criterion relating to the PDNP goes beyond the scope of the LP in referring to landscape within the national park itself rather than just the setting. One of the criteria refers to flood management measures which is not relevant to the policy. **MM29** would ensure that Policy DC3 is consistent with national policy and clear to the decision maker.
231. The protection and enhancement of community facilities is dealt with by Policy C1. The explanation to the policy refers to proposals that involve the loss of community facilities being considered on their own merits which would not be as robust a test as set out in paragraph 70 of the Framework or Policy C1 itself. Policy C1 emphasises that loss of a community facility should only be contemplated where an alternative is available that is of the same type. But the quality of the replacement is also important. In considering options for continued use of community facilities, the possibility of shared use of buildings e.g. pub and shop, should also be highlighted by the policy. Parts 6, 7 and 8 of the policy relating to high-quality design, modes of travel and electric powered vehicles are addressed by Policies DC1, T1 and T2 of the Plan and therefore should be deleted from the policy. **MM31** would modify Policy C1 in the above respects to ensure that it is positively prepared, consistent with national policy and clear to the decision maker.
232. As part of the evidence base to support potential development sites across the District, the Council published Phase 1 Ecological Studies (SD 14.1 – 14.9).

The explanation to Policy NE1 refers to these studies but the policy itself does not. **MM33** would ensure that development schemes coming forward on allocations have regard to this evidence base and also include measures to protect and enhance biodiversity and geodiversity. As a result, Policy NE1 would be positively prepared and consistent with paragraphs 118 and 174 of the Framework.

233. Policies T1 and T2 deal respectively with development and sustainable transport generally and other sustainable transport measures. The latter does not include any reference to facilities for charging low emission vehicles. This would be rectified by **MM34** to ensure consistency with paragraph 35 of the Framework.

Conclusions on Issue 8

234. I conclude that, subject to the MMs proposed, other policies of the Plan are positively prepared, justified, effective, consistent with national policy and clear to the decision-maker.

Issue 9 - Whether necessary infrastructure is likely to be delivered alongside development

235. Policy SS12 provides the framework for securing contributions towards infrastructure through planning obligations. Such obligations will need to meet the legal and policy tests which would be made clear by **MM14** so that Policy SS12 is positively prepared and consistent with national policy. The Developer Contributions Supplementary Planning Document is to be updated to support Policy SS12 and provide detailed guidance on how contributions will be calculated.

236. The Infrastructure Delivery Plan, which is referred to in Policy SS12, provides clarity on what infrastructure will be needed to support the Plan's proposals and sources of funding. The Infrastructure Delivery Plan includes a table setting out what infrastructure will be required, whether it is essential or desirable and how it will be delivered and funded. During the examination the Council has clarified whether certain projects are essential or desirable.

237. Infrastructure such as access roads, surface water mitigation and flood risk alleviation directly linked to, and necessary for, the new development to come forward would be provided as part of development or funded by developer contributions. Some of this infrastructure is contained in the specific allocation policies addressed under Issue 4.

238. In terms of other infrastructure to support development in Leek, additional school provision would be brought forward as part of the allocations. Expansion of doctors' surgeries is likely to be required towards the end of the Plan period, but specific requirements have not yet been formulated. Cornhill Link Road referred to under Issue 4 is considered to be desirable, not essential.

239. In Biddulph the expansion of existing schools would be predominantly funded by developer contributions. The position with doctors' surgeries is as Leek. No other essential infrastructure projects have been identified for Biddulph in the Infrastructure Delivery Plan.

240. A new primary school would be brought forward as part of the allocation at Cheadle North. Traffic congestion in Cheadle Town Centre would be alleviated to an extent by converting the mini roundabout at the junction of Tape Street with Ashbourne Road into a priority T-junction. An indicative scheme and other mitigation measures are set out within the Transport Study Report Cheadle Town Centre Phase 2 (SD 31.7). Signing for Alton Towers is being updated to avoid congestion hotspots, including Cheadle. These measures would not resolve queuing and delays in the town centre. But the evidence indicates that the residual cumulative impacts of development proposed in the Plan would not be severe. In respect of mitigating traffic congestion in Cheadle as a whole, the link road referred to under Issue 4 is currently considered to be desirable, not essential.
241. In respect of the rural areas, school expansion in Blythe Bridge and some of the other schools serving the larger villages is likely to be necessary and would be predominantly funded by developer contributions. There may be a need to improve the A50/A521 junction in connection with Blythe Vale, but the specific requirements will be formulated in connection with planning applications. Increased capacity is required at Froghall sewage treatment works but that would be funded by the wastewater company. Other projects, such as the Alton Towers Long Term Plan which identifies a package of transport measures for the resort and district wide superfast broadband, are outside the scope of the Plan.

Conclusions on Issue 9

242. I conclude that necessary infrastructure is likely to be delivered alongside development.

Issue 10 - Whether the monitoring and implementation provisions of the Plan will be effective

243. The submitted Plan includes two separate tables setting out how policies would be implemented and how policies would be monitored. This approach lacks clarity. The two tables should be combined with an emphasis on monitoring indicators and targets. The single table needs to reflect the modified policies. **MM53, MM54 and MM56** would secure these changes so that Plan monitoring is effective.
244. The Plan and its housing trajectory rely on the delivery of some challenging allocated sites and a significant number of windfalls to ensure that a 5-year housing supply is maintained, the housing requirement over the Plan period is largely met and affordable housing is delivered. Modifications are required to Policies SS4 and H1, the Implementation and Monitoring section of the Plan, and the monitoring table, to ensure that housing delivery, including windfalls, is closely monitored. In relation to the monitoring table, indicators that are critical to potentially triggering a LP review need to be highlighted. **MM9, MM21, MM55 and MM56** would ensure that the Plan is effective in this respect. Following consultation, I have made some further amendments to MM9 and MM55 relating to the delivery of allocations and windfall sites and the requirement for a review no later than 5 years from adoption.
245. Monitoring the delivery of employment sites is also important in ensuring that employment land is provided. **MM55 and MM56** are needed to emphasise

this monitoring, including the contribution of windfalls, so that the Plan is effective.

Conclusions on Issue 10

246.I conclude that, subject to the MMs proposed, the monitoring and implementation provisions of the Plan will be effective.

Assessment of Legal Compliance

247.My examination of the legal compliance of the Plan is summarised below.

248.The Plan has been prepared broadly in accordance with the Council's Local Development Scheme updated in February 2018 (SD 12.1). Adoption of the Plan is likely to be in Spring/Summer 2020 rather than in the Spring of 2019, but the difference is due to the length of the examination which could not have been predicted when the Local Development Scheme was last updated.

249.The Council produced a Statement of Community Involvement in 2016 (SD.12.3) and Consultation Statements (SD.5.1-5.4). The Consultation Statements indicate that the Council has given local communities and key stakeholders the opportunity to be involved, and to make representations, at various stages of the LP preparation process in accordance with the Statement of Community Involvement.

250.There has been some criticism of the Council's approach to consultation, including a failure to undertake effective engagement. The preparation of the Plan has been a long process starting with early engagement between 2011-2015 and then three rounds of consultation before that undertaken on the submission version of the LP. However, although a long and complex process, consultation has occurred at every stage.

251.Although the use of digital means of communication and consultation have been the default, hard copies of the Plan and evidence documents were made available at key public buildings around the District. Public events, press releases, promotional material and leaflets have supplemented the use of the Council's website and social media. Flyers have been sent to all households. Paper consultation forms were provided on request and representations in writing have been accepted.

252.Some suggest that people have not been listened to. However, it appears that the Council has considered views expressed. Moreover, positive preparation of a plan does not mean that all will be satisfied with the outcome. There is a balance to be struck between the requirements of national policy, the development needs of the area and environmental constraints.

253.Consultation on the Plan and the MMs was carried out in compliance with the Statement of Community Involvement. The Council has exceeded the consultation requirements in the LP regulations.

254.SA has been carried out and is adequate. The SA has been integrated within the LP process and considered reasonable alternatives that were sufficiently distinct. The MMs have been subject to SA.

255. The Habitats Regulations Assessment [HRA] of February 2018 included an Appropriate Assessment of the effects of the Plan on the Peak District Moors Special Protection Area and the South Pennine Moors and Peak District Dales Special Areas of Conservation. The HRA concluded that, with the mitigation that was recommended in earlier iterations of the HRA, the Submission Local Plan would not result in adverse effects on European sites, either alone, or in combination with other plans and projects. Natural England agree with the conclusions of the HRA. The mitigation relating to the wording of Policies SS8, SS9 and NE1 is included in the submitted Plan. The MMs do not affect the relevant wording or otherwise have any implications for European sites. The approach of the HRA, and the Appropriate Assessment forming part of it, is in line with the People over Wind judgement².
256. The Local Plan includes policies designed to ensure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. The Plan's strategy seeks to ensure that more development goes towards the towns rather than the rural area, so people do not have to travel far to access services. Policies SD1 to SD3 of the Plan seek to secure the sustainable use of resources; promote renewable and low-carbon energy; and support sustainable construction measures as part of developments.
257. The Local Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
258. I have had due regard to the aims expressed in Section 149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including Policy H1 dealing with accessible and adaptable housing and Policy H4 relating to traveller sites.

Overall Conclusion and Recommendation

259. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
260. The Council has requested that I recommend MMs 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 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.

Mark Dakeyne

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.

² People over Wind, Peter Sweetman v Coillte Teoranta [2018] EUECJ C-323/17