

**EAST STAFFORDSHIRE LOCAL PLAN  
EXAMINATION**

**Hearing Session – Day 1**

Tuesday 28 October 2014

The Town Hall, Burton upon Trent 10.00am

Issue 1 - Duty to Co-operate

Issue 2 – Legal compliance

Issue 3 – Relationship with Supplementary and Neighbourhood Plans

Issue 4 – Overall Spatial Strategy

Issue 5 – Food Risk and Climate Change

**Agenda**

**General Notes**

- i This agenda is provisional and flexible.*
- ii **Item 4 – Issue 4 - will not be commenced before 1.00 pm.***
- iii It is not intended to repeat introductory matters covered in the Guidance Note [E.7], the PHM [E.16] and in other published guidance but to proceed as quickly as possible to the substance of Issue 1.*
- iv Participants including ESBC named in [italic square brackets] may be invited to open the item concerned but this is optional.*
- v Those with an interest in promoting, or opposing, allocated or alternative ('omission') sites are reminded that **no site-specific matters will be discussed unless they relate to the overall soundness of the Plan** in terms of the issues listed below; and that allocations now subject to an issued planning permission will not be discussed except as part of the housing land supply.*

**Opening**

- a.** Welcome and Introductions
- b.** Opening Remarks by the Inspector  
*[see separate transcript]*
- c.** Any questions on procedure

**1. Issue 1 - Duty to Co-operate**

Does the Plan and its preparation comply with the statutory Duty to Co-operate with prescribed bodies regarding cross-boundary strategic matters, including housing requirements in particular?

- a. Have all relevant prescribed bodies been included discussion on identified cross-boundary issues?
- b. Has that discussion extended beyond mere consultation and resulted in co-operation or binding commitment on such issues, in particular definition of, and interaction between Housing Market Areas (including South Derbyshire, Birmingham, Lichfield, Stafford)? *[Morgan et al - JVH]*

*Note - Detailed discussion on Objectively Assessed Need for housing and for education facilities are for Issues 6 and 9a respectively.*

**2. Issue 2 - Legal Compliance**

Is the Plan [otherwise] legally compliant including with respect to the:

- public consultation process and the Statement of Community Involvement,
- Revised Sustainability Appraisal/Strategic Environmental Assessment/Appropriate Assessment,

- Local Development Scheme, and
  - relevant Act and Regulations?
- a. Was the quality and extent of public consultation adequate?  
*[White et al - Male]*
  - b. Did the SA process inform each stage of Plan preparation?  
*[BDW - jam]*
  - c. In particular, does the SA properly assess the increase in housing requirement over earlier proposals?  
*[Barwood - Alliance]*
  - d. What is the extent and practical implication of the revisions to the SA following submission of the Plan? *[ESBC]*
  - e. Does the late submission of the Revised SA (or other documentation) result in a breach of regulation or statute?
  - f. Does the SA consider reasonable alternatives to the strategy proposed in the submitted Plan and should that include a higher housing requirement? *[BDW - jam]*  
*Note - Detailed discussion on housing requirement is for Issue 6*
  - g. Does this Examination provide a sufficient opportunity to ensure compliance with all legal requirements?
  - h. If not, what is the remedy?

### **3. Issue 3 - Relationship of the Local Plan to Development and Supplementary Planning Documents (DPDs and SPDs) and Neighbourhood Plans**

Is the ESLP effective in relying upon, or deferring to, other plans or policy documents, in particular:

- a potential future site allocation Development Plan Document,
  - Neighbourhood Plans, and
  - Supplementary Planning Document on Housing Choice,
- taking into account the progress of their preparation and the level and nature of objection being encountered.
- a. Having regard to the proportion of sites allocated by the Submission ESLP now subject to issued planning permissions, does SP6 including MM19 provide appropriately and sufficiently for a practical shortfall to be resolved by way of a future Sites DPD? *[ESBC]*
  - b. Noting the progress and level of conformity of made and emerging NPs, does the Submission ESLP relate appropriately to Neighbourhood Plans including the extent to which it relies upon them to deliver the housing or other requirements of the ESLP, including with respect to 'windfalls'? *[Gladman]*
  - c. With proposed MM17, does the ESLP unduly restrict or 'cap' development that a NP could legitimately allocate?  
*[Davis]*
  - d. To what extent should a NP influence the provisions of the ESLP? *[ESBC]*  
*Note - There is conflict between at least one NP and the Submission LP but 'Tier status', related development allowances, site allocations, settlement boundaries and other relevant matters within individual villages settlements will be reviewed afresh, respectively under Items 4 and 15.*
  - e. Does the Submission ESLP inappropriately defer policy on Affordable Housing to the Housing Choice SPD?

*Note – Only general points will be taken on this question which has been overtaken by the publication of proposed MMs and the effective merging of representations on the HCSPD with those on the ESLP itself. Detailed discussion on Affordable Housing requirements is for Issue 8, including viability, policy formulation and the partial integration of the provisions of the HCSPD within the ESLP.*

<b>Participants Issues 1-3</b>	<b>Speaker(s)</b>	<b>Agent</b>
Barton under Needwood Parish Council	Roger Bell	
Barwood Strategic Land II LLP and Mr and Mrs G Skipper	Keith Fenwick	Alliance Planning
BDW Trading Ltd	Jane Mulcahey, Stephen Stoney, Richard Pettitt	Jam Consult Ltd , Wardell Armstrong, Infrastructure Planning and Design
Burton and South Derbyshire College	Peter Diffey	Peter Diffey and Associates
David Wilson Homes (Mercia)	Cameron Austin-Fell	RPS Planning and Development
Gladman Developments	Diana Richardson	
Gleeson Strategic Land Ltd	John Acres	Turley Associates
Home Builders Federation	Sue Green	
Marchington Parish Council	Clive Keble	Clive Keble Consulting Ltd
Margaret Sanderson, Alan White, Lawrence Witton (Abbots Bromley Residents)	Peter Male	
Outwood Parish Council	Josephine Samuels	BPUD Ltd
St Modwen	Christopher Timothy	CT Planning
Staffordshire County Council	Mark Parkinson	
The Duchy of Lancaster	Rob Wells	Savills
Tatenhill Parish Council	Robert Phillips	BPUD Ltd
William Davis Ltd	John Coleman	
Mr B Morgan Walton Homes Bridge Farm Partnership MJ Barratt A and S Enterprises Mr C Davies	Tom Beavin	JVH Town Planning Consultants

#### **4. Issue 4 - Overall Spatial Strategy**

***Not to be commenced before 1.00 pm unless all participants are present and agree otherwise***

- a. Is the overall Spatial Strategy of the Plan sound with respect to the Options considered and the adequacy of the SA process? *[BDW - jam]*
- b. Is the Settlement Hierarchy and the broad location and distribution of development appropriate in relation to:
  - i. Is the relative status of Burton upon Trent and Uttoxeter *[ESBC<sup>1</sup>]*
  - ii. The settlement boundary of Uttoxeter with respect to the JCB development. *[Lightbrook - NLP]*
  - iii. The methodology for determining Tier 1-3 hierarchy? *[Edwards]*
  - iv. The overall amount of development allowances for Tier 1 and 2 villages with reference to evidence of need? *[White et al - Male]*

<sup>1</sup> In response to PS-18 treated as written representation

*Note – There will be further opportunity to discuss individual village development allowances under Issue 15b if required.*

- v. Rolleston on Dove - as a Tier 1 settlement?  
*[Rolleston- o-D PC]*
- vi. Marchington - with respect to the amount of the development allowance and the number and location of dwellings to meet it within the settlement boundary, having regard to its employment potential? *[Davis]*
- vii. Yoxall *[Morgan et al - JVH]*
- viii. Abbots Bromley *[Providence – H Sharp]*
- c. With proposed MMs 58-60, are the terms 'Strategic Sites' and 'Strategic Urban Extensions':
  - i. sufficiently distinct with regard to purpose and function?
  - ii. are the SUEs necessary?  
*[Barton-u-Needwood PC]*
  - iii. should any additional SUE be designated (eg east of Aviation Lane Burton upon Trent) *[ESBC<sup>2</sup>]*
- d. Are the Green Gaps
  - i. necessary? *[Providence – H Sharp]*
  - ii. appropriately defined at:
    1. Rolleston-Burton? *[Edwards]*
    2. Tatenhill *[Tatenhill PC]*
- e. Are the settlement boundaries appropriately defined for:
  - i. Abbots Bromley *[White et al - Male]*
  - ii. Barton under Needwood *[Providence – H Sharp]*
  - iii. Denstone,
  - iv. Draycott,
  - v. Marchington,
  - vi. Yoxall
- f. Is the degree of constraint upon development or redevelopment outside settlements appropriate, including with reference to proposed MM20 on re-use of rural buildings? *[Gladman]*

## **5. Issue 5 - Flood Risk and Climate Change**

Does the Plan and its Evidence Base robustly make appropriate provision for:

- flood risk and the application of the sequential and exception tests of national policy and guidance,
- Sustainable Urban Drainage Systems, and
- any other aspects of climate change?

*Note – based on the PS of ESBC and the EA the Inspector does not consider further discussion on this topic to be necessary and will rely on original written submissions apart from:*

- a. Should there be additional policy provision in the ESlP to encourage the harvesting of rainwater? *[Tutbury PC]*
- b. *any other point Representors may wish to raise.*

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<sup>2</sup> In response to PS-18 treated as a written representation

<b>Participants Issues 4-5</b>	<b>Speaker(s)</b>	<b>Agent</b>
Barry J Edwards		
Barton under Needwood Parish Council	Roger Bell	
Barwood Strategic Land II LLP and Mr and Mrs G Skipper	Keith Fenwick	Alliance Planning
BDW Trading Ltd	Jane Mulcahey, Stephen Stoney, Richard Pettitt	Jam Consult Ltd , Wardell Armstrong, Infrastructure Planning and Design
Burton and South Derbyshire College	Peter Diffey	Peter Diffey and Associates
David Wilson Mercia	Cameron Austin-Fell	RPS Planning and Development
Gladman Developments	Diana Richardson	
Gleeson Strategic Land Ltd	John Acres	Turley Associates
Home Builders Federation	Sue Green	
Lightbrook Ltd	Ciaran Gunne-Jones	Nathaniel Lichfield & Partners (NLP)
Marchington Parish Council	Clive Keble	Clive Keble Consulting Ltd
Margaret Sanderson, Alan White, Lawrence Witton (Abbots Bromley Residents)	Peter Male	
Marston's Inns & Taverns	Rebecca Harper	Savills
Outwood Parish Council	Josephine Samuels	BPUD Ltd
Providence Land Limited	Dr Robert Wickham	Howard Sharp & Partners LLP
Rolleston on Dove Parish Council	Cllr Barnfield Cllr Adams	
St Modwen	Christopher Timothy	CT Planning
Staffordshire County Council	Mark Parkinson	
Tatenhill Parish Council	Robert Phillips	BPUD Ltd
Tutbury Parish Council	Stephen Powell Cllr William Crossley	
William Davis Ltd	John Coleman	
Mr B Morgan Walton Homes Bridge Farm Partnership MJ Barratt A and S Enterprises Mr C Davies	Tom Beavin	JVH Town Planning Consultants
Mr Campbell, Mr Renshaw and Alderman Snow	John Wren	JMW Planning Ltd