

Hallam Land Limited  
Issue 1

**THE PLAN FOR STAFFORD BOROUGH PART 2 EXAMINATION  
INSPECTOR'S KEY ISSUES AND DISCUSSION NOTE**

**Issue 1 – Legal Requirements, Scope of Part 2 of the Local Plan and  
Duty to Co-operate**

**1.2 Scope of the Local Plan Part 2 (PSB2) :**

**(i) Is the scope of PSB2 in line with the role for the Plan as set out in paragraph 1.2 [second bullet point] of the submitted Plan?**

The Part 2 plan does meet these requirements in its own terms, and therefore it meets the scope identified within paragraph 1.2 second bullet point. However, in meeting this scope the Plan sets settlement boundaries that are designed to control the extent of development. For these boundaries to be justified the Plan must identify how the requirements for development are to be met within those boundaries, and allow sufficient flexibility for the Plan to be able to respond to the vicissitudes of delivery. In our response to Issue 3, we highlight the uncertainties in the Council's approach and therefore a need, in our view, to identify further safeguarded land/allocations beyond the current settlement limits at Stafford Town to respond to these uncertainties.

**(ii) Does the scope of the PSB2 accord with the recent Court of Appeal judgement of Oxted Residential Ltd v Tandridge District Council (EWCA Civ 414 29 April 2016)? The paragraphs that I would particularly like to draw attention to are 28, 31, 32 and 38. The third sentence of paragraph 38 states "An Inspector conducting an examination must establish the true scope of the development plan document he is dealing with and what it is setting out to do. Only then will he be able to properly judge "whether or not within the scope and within what it has set out to do, it is sound" (Section 20(5)(b) [of the 2004 Act]).**

As we state above, in determining whether the Part 2 Plan is sound or not requires consideration of whether the settlement boundaries it draws are sufficient to accommodate the development requirements. To establish this requires consideration of the Objectively Assessed Housing Need, the overall land supply proposed over the plan period, the 5-year housing land requirements over the plan period and any allowance for Neighbourhood Plans.

**(iii) Are there any valid Part 2 Issues which PSB2 has failed to address?**

The Part 2 Plan in our view lacks the necessary flexibility and should allow for extra capacity to respond to changes in circumstances as the plan moves forward, without requiring a wholesale review of the plan. Even with allowance for current commitments, which take the amount of housing over the Part 1

requirements, there is a need for greater flexibility and for non-strategic sites to be allocated or land safeguarded should it be required over the plan period. This is a prudent approach that better reflects the reality of uncertainty of housing delivery.