

Content, Presentation and General

19. **Should there be additional (minor) modifications (AMs) to remove unnecessary narrative in Part 1 on the consultation, previous consultations and detail of other Docs e.g. LDS and SCS – other than briefly to include the essential points for compliance - in order to streamline the LP document?** The EB does not need to be repeated in the Plan.

Council response

The Councils aim in preparing the plan was to produce an easy to read, streamlined document which clearly articulated how the strategy and site allocations had been derived and how previous consultation responses were considered. The Council welcomes suggested further additional minor modifications to achieve this if it is felt that there is some unnecessary or repetitive narrative. At this stage and in relation to this question no further additional modifications are proposed.

20. Part 2 is repetitious of previous text in Part 1 and duplicative of later policy, e.g. the historic narrative in paras 2.1-11 and 2.26-28 could be confusing and Part 3 Policies 1-2 and their text repeat all of this information. **Is Part 2 necessary in its present form?**

Council response

The Council considers that Part 2 sets a useful context for all consultees during the Pre-Submission consultation and the examination by explaining how the strategy and site allocations had been derived but agree with the issue raised and acknowledge that Part 2 could be rationalised. The Council will consider additional modifications in Position Statements for the hearings or if appropriate through written representation to propose the deletion of repetitious or duplicative text or supplementing Part 3 with Part 2 text where necessary. At this stage and in relation to this question no further additional modifications are proposed.

21. **Do the strategic policies inappropriately incorporate Development Management matters?** – e.g. SP20 on Retail, SP24 on Design, SP25 on Historic Environment, SP28 on Low Carbon Energy Generation

Council response

The Council aimed to include a concise number of policies within the plan, providing both a strategic overview and sufficient guidance for development management with clear distinctiveness between strategic and detailed policies. We were also mindful not to repeat the National Planning Policy Framework. However there

were many discussions regarding what was considered to be a strategic matter or a development management matter and we recognise there could be further work to do in organising these. The Council will consider additional modifications in Position Statements for the hearings or if appropriate through written representations in order to move elements of the strategic policies which could be considered Development Management matters. At this stage and in relation to this question no further additional modifications are proposed.

22. The Plan document is difficult to 'navigate'. **Could there be AMs to provide a comprehensive table of contents by sub-heading, policy, site etc, bringing forward and incorporating the Index of Strategic Policies on page 73 which is in fact not an index but a list?**

Council response

Yes the Council consider it appropriate to propose AM's to provide a comprehensive table of contents for the policies in Parts 3 and 4 and this will be included in the table of proposed modifications.

23. Para 1.28 – **Does there need to be an update re the Spatial Plan for Recovery and Growth and does this have implications for the provisions of the Plan?**

Council response

The Spatial Plan for Recovery and Growth (SPRG) is not a statutory plan but a document prepared by the Greater Birmingham and Solihull Local Economic Partnership planning sub group. The purpose of the plan is set out on page 4 of Doc D31. It provides a context for Local Plans rather than supplanting them. It works alongside emerging plans and informs subsequent reviews.

The second draft of the Spatial Plan is expected to be consulted on in November 2014 and the final Spatial Plan published early 2015. The Council do not consider that this has implications for the provisions of the plan due to the timetable set out. In addition, please see response to question 44 in relation to housing work undertaken by the GBSLEP to support future SPRG revisions. It is not known at this time what if any further impact on the plan will result from the SPRG.

The Council propose an AM which sets out the timetable for the preparation of the SPRG and its purpose/relationship with the Local Plan.

24. Para 1.29 – **Does this need updating re the Duty to Co-operate statement now submitted?**

Council response

Yes, the Council will propose an AM to update this paragraph.

25. Para 1.42 – **is this necessary and are all the documents listed now referenced as Examination Documents?**

Council response

The Council do not consider the list, which is not exhaustive is necessary and will propose an AM for its deletion. For information, the following list shows the associated examination library reference for each document:

- *A high level Infrastructure Delivery Plan by Roger Tym & Partners 2012 (C16)*
- *Brownfield Site Assessment 2013 (C13)*
- *Burton upon Trent Public Realm Implementation Plan 2012 (D15)*
- *Conservation Area Appraisals (full documents not in library but C58 shows the matrix and links to each one)*
- *Design Guide SPD 2008 (D20)*
- *East Staffordshire Green Infrastructure Study 2013 (C25)*
- *East Staffs Biodiversity Opportunity Mapping 2013 (C22)*
- *Education Study 2013 (C70)*
- *Employment Land Review Report 2013 (C2 and C17)*
- *Extensive Urban Surveys 2013 (C59 – C65)*
- *FPM Strategic Assessment of New Sports Halls and Swimming Pools 2013 (C34 - 37)*
- *Strategic Green Gaps Topic Paper 2013 (B21)*
- *Gypsy and Traveller Accommodation Needs Assessment February 2013 (C5)*
- *Historic Landscape Characterisation Assessment 'Historic Environment Assessment 2013 (C66)*
- *Infrastructure Delivery Plan 2013 (C15)*
- *Strategic Housing Market Assessment 2013 (C1)*
- *Staffordshire Joint Strategic Needs Assessment 2012 (C41)*
- *East Staffordshire - Enhanced Joint Strategic Needs Assessment 2012 (C41)*
- *East Staffordshire Community Safety Strategic Assessment 2012 (B26)*
- *Open Space and Playing Pitch Strategy 2009 (C30)*
- *Retail and Leisure Study 2013 (C19)*
- *Settlement Hierarchy 2012 (B19)*
- *Strategic Housing Land Availability Assessment 2013 (C10 – C12)*

- *Staffordshire Planning for Landscape Change Supplementary Planning (D12)*
- *Guidance and Preferred areas for Woodland Initiatives 2001 (D12)*
- *Strategic Flood Risk Assessment - Level 1 and 2 2013 (C20)*
- *Town Centre Strategic Framework 2012 (D16)*
- *Viability Study 2013 (C14)*
- *Water Cycle Strategy 2013 (C21)*

26. Para ~~1.57~~ **160** - Is it definitive enough to say that the "Council would want to consider in some detail" the Brookhay Villages and Twin Rivers Park strategic project the - **will this project affect the strategy of the plan within the Plan period or not?**

Council response

The Borough of East Staffordshire already has an iconic sports centre within its boundaries at St Georges Park, located 5 miles from Burton upon Trent. The Council recognises the wider benefits that this scheme has brought to the Borough and the prestige attributed to it. The Council is therefore interested in another sports centre in the Borough and acknowledges that it would bring forward a different product to that at St Georges Park. That said, the water sports centre requires a significant quantum of development for it to be delivered, much of which is in Lichfield District and some of it generic in the form of employment warehousing/distribution in East Staffordshire Borough. The scale of the development presented by the Brookhay Villages and Twin Rivers Park (BVTRP) was not experienced at St Georges Park and the iconic and prestige water sports element of the proposal is almost ancillary to the development required to deliver it. The proposal raises significant planning issues for the Council in relation to the potential impacts of the proposed development and whether the benefits of the water facility outweigh the impacts of the development as a whole.

Whilst further sports development might be attractive to the Borough Council there is no current political support for the entire scheme. Our comment in paragraph 1.60 is the current position of the Council - it is keeping an open mind but is questioning the promoters of the scheme to justify the need for the proposals as well as setting out the deliverability and viability of the proposals.

The part of the BVTRP Strategic project that falls within East Staffordshire Borough cannot be delivered without the delivery of housing within Lichfield District. The promoters of the scheme have been very clear about this – it's an all or nothing proposal. Modification 8 of Doc. A.27 updates the position that Lichfield District Council have not included any housing allocations at Brookhay Village in their emerging Local Plan. Therefore, the Borough Council does not consider that there is a place for the scheme within the Local Plan because it cannot be delivered through the Local Plan process.

There have been some initial basic pre-application discussions but there is no timetable on when a planning application for this scheme will be submitted to the Borough Council, with many outstanding technical and delivery issues still to be resolved. The Borough Council does however expect an application in the near future regardless of the content and progress of the Local Plan.

It is currently unclear what the impact will be on the overall plan strategy within the plan period because the proposals continue to evolve, however we do recognise the proposal is a large quantum of development within and adjacent to the Borough.

The promoters of the site very much consider it to be a sustainable housing proposal whereby the development in Lichfield compliments the development in East Staffordshire and vice versa. A self contained proposal which supports itself and does not rely upon either the town of Burton upon Trent or the city of Lichfield to support it. The promoters have started to use the 'Garden City' concept to describe the proposals. In this respect the Local Plan strategy remains intact however the scale of the proposal does compromise some of the objectives of the plan in relation to for example environmental quality, archaeology, landscape and coalescence between Burton upon Trent and Lichfield.

Doc. C.94, the Memorandum of Understanding (MOU) and Statement of Common Ground (SoCG) with Lichfield District Council sets out the joint approach to this strategic project.

The Council proposes an AM to clarify that it will continue to work jointly with Lichfield District to understand proposals and consider any application submitted for these proposals.

27. **Para 1.72 - Could the HA trunk road review influence the Plan before adoption? How are the transport constraints of the road network taken into account in the strategy as per bullet 3 of the Key Challenges on page 32?**

Councils response

The HA trunk road review finalised in April 2014 with publication of the Route Based Strategies (RBS) (Docs. C.98 and C.99).

RBS represent a fresh approach to identifying investment needs on the Strategic Road Network. Through adopting the RBS approach, the Highways Agency aim to identify network needs relating to operations, maintenance and where appropriate, improvements to proactively facilitate economic growth.

RBS are being delivered in two stages. Stage 1 establishes the necessary evidence base to help identify performance issues on routes and anticipated future challenges, taking account of asset condition and operational requirements, whilst gaining a better understanding of the local growth priorities with the second stage taking forward a programme of work to identify possible solutions.

The North and East Midlands route links the major cities of Stoke-on-Trent, Derby, Nottingham, Leicester and Lincoln.

The strategy states that the A50 at Uttoxeter has junction capacity issues which are having an impact on the main carriageway. The planning application for part of the improvements to the A50 junction at Uttoxeter was submitted on the 11th June 2014. The scheme involves a new grade separated junction on the A50, including associated link roads to the A522, the demolition of an overbridge and associated landscaping.

The South Midlands RBS identifies certain key routes which will reach the end of their design life by 2021 including the A38 from Lichfield to Burton-upon-Trent. The Council recognises that the A38 and A50 corridors require investment and improvement to improve the carriageways, aid capacity, reduce/eliminate minor entrances/exits and to manage traffic flows. The Route Based Strategies are welcomed.

The review has been considered in the development of the plan with details set out in the Duty to Cooperate Statement (Doc. B.25). The Council does not consider the review could influence the plan before adoption.

The impact of the growth on local transport networks has been taken into account at each stage of plan preparation as set out in evidence base documents C44 – C54 and paragraphs 5.1 and 5.2 of the Integrated Transport Strategy Doc. C.43. The Strategy does not identify the constraints but signposts in the justification to

policy SP35 to the Integrated Transport Strategy which identifies constraints and a package of mitigation measures to reduce impacts on the road network.

28. Para 2.15 – **does 'the Borough' deserve an initial capital 'B' throughout?**

Council response

Yes, the Council considers the word Borough deserves an initial capital 'B' throughout.

29. Para 2.41 – **what precisely is meant by 'employment sectors'? Is there a superfluous word in line 4?**

Council response

The Employment sectors referred to in paragraph 2.41 are the towns of Burton upon Trent and Uttoxeter employment sectors. The Council propose to make this clear through an AM by removing the gap between paragraphs 2.40 and 2.41 and by removing the words employment sectors and replacing with the word 'towns'. The Council considers there is a superfluous word in line 4 and propose to change the word 'is' to 'to' through an AM.

30. Para 2.43 – **what is meant by 'Camps'?**

Council response

Camps are the former military camps at Bramshall, Fauld and Marchington which are now rural industrial and commercial estates. The term 'camps' is a locally recognised term however they are referred to as rural industrial estates in Strategic Policy 14 and on policies maps A18, A22 and A23. The Council will propose an AM to define camps in paragraph 2.43.

Policy Matters

31. Development Distribution generally

What precisely is meant by 'development allowance'? Is it anywhere defined?

Council response

Development allowance is "the number of dwellings expected to be delivered at Tier 1, Tier 2 and Tier 3 settlements. This could be achieved through windfall development within the settlement boundary of Tier 1 and 2 settlements or through allocations in Neighbourhood Development Plans, or through Exception Site

development under Strategic Policy 18". Whilst the expected delivery of the development allowance is set out in paragraph 3.31 of the plan, the term is not currently defined in the plan or topic papers. The Council accept that a definition would be useful and propose to include one as an AM to the glossary and written statement to Strategic Policy 4.

Is it sufficient to rely on windfalls to fulfil Tier 1-3 settlement requirements?

Council response

Doc. C8 sets out the justification for incorporating windfalls within the settlement requirements, demonstrating that historically brownfield windfall development has formed an important component of growth in the Borough. The Council expect this to continue to be a component of the development strategy. Paragraph 2.23 of the plan sets out an alternative option to relying on windfalls for settlements, which is the allocation of small sites or further amendments to the settlement boundary through the Neighbourhood Plan process, which will be community led. There are currently Neighbourhood Plans being developed for the following settlements:

- *Rolleston on Dove (Tier 1 settlement)*
- *Yoxall (Tier 2 settlement)*
- *Marchington (Tier 2 settlement)*
- *Denstone (Tier 2 settlement)*
- *Anslow (Tier 3 settlement)*
- *Tatenhill and Rangemore (Tier 3 settlements)*
- *Newborough (Tier 3 settlement)*

Tier 1 settlements – *The windfall allowance in Tier 1 settlements is in addition to the strategic allocations. Between 2002/2003 and 2011/12 there were 118 windfall completions at Tier 1 settlements. The Council undertook an assessment of settlement boundaries as set out in the settlement boundary topic paper (Doc.B.18). Following a review of the opportunities within each of the Tier 1 settlements, the Council considered that the quantum of housing required could be accommodated within the existing settlement boundary and therefore proposed no further amendments to settlement boundaries. Amendments were also proposed to take into account the strategic site allocations at Tier 1 settlements.*

In addition, the settlement boundary topic paper set out the following position regarding windfall planning permissions between

April 2012 and November 2013 for the Tier 1 settlement boundaries:

- ***Tutbury had planning permission for 8 of the 26 windfalls***
- ***Rolleston had planning permission for 23 of the 25 windfalls***
- ***Barton had planning permission for 8 of the 25 windfalls***
- ***Rocester had planning permission for 17 of the 25 windfalls***

Tier 2 settlements – Between 2002/2003 and 2011/12 there were 83 windfall completions for Tier 2 settlements. For Tier 2 settlements the Council undertook an assessment of settlement boundaries as set out in the settlement boundary topic paper Doc B18. The methodology was similar to that for Tier 1 settlements first looking at available sites within the settlement boundary. The Council also met with the relevant Parish Council who were provided with a constraints map for the relevant settlement and a summary of possible sites to be considered in order for them to make an informed decision on defining/revising the settlement boundary. The result was a preference in some settlements for revising the settlement boundary to include small site allocations, whereas in others there was capacity and a preference for infill development, whilst Yoxall, Marchington and Denstone are each progressing a Neighbourhood Plan which will identify sites for new housing.

In addition, the settlement boundary topic paper set out the following position regarding windfall planning permissions between April 2012 and November 2013 for the Tier 2 settlement boundaries:

- ***Abbots Bromley has planning permission for 4 of the 40 windfalls***
- ***Yoxall has planning permission for 4 of the 40 windfalls. Since the Pre-Submission Local Plan consultation an application for 40 dwellings has been received and approved subject to the signing of a s.106.***
- ***Draycott in the Clay has no planning permissions***
- ***Mayfield has planning permission for 5 of the 20 windfall allowance***
- ***Marchington has planning permission for 3 of the 20 windfall allowance.***
- ***Denstone has planning permission for 2 of the 20 windfall allowance.***

- ***Tier 3 settlements - Between 2002/2003 and 2011/12 there were 214 windfall completions in Tier 3 settlements. Housing development in Tier 3 settlements is expected to come from housing Exception Sites, conversion of rural buildings and infill development. Of the Tier 3 settlements Anslow, Tatenhill and Rangemore and Newborough are progressing Neighbourhood Plans.***

Is it right to cap development when the 'development allowance' is met?

Council response

The Council accepts that capping development when the development allowance is met could be considered to be in conflict with the NPPF, which does not seek to restrict development. Paragraph 15 of the NPPF states that "Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally." We also consider the use of a 'cap' for development does not meet the NPPF requirement to plan positively.

The response to the previous question demonstrates the number of planning permissions in Tiers 1, 2 and 3 settlements since the start of the plan period and therefore accepts that it would not be right to cap development when the development allowance is met. The following further modifications are proposed:

- ***Amend paragraph 3.32 'In relation to the development allowance permissions already granted since the start of the plan period, will form part of the extant permission supply, when the allowance has been delivered brownfield sites will continue to be considered no further development within settlements will be allowed.***
- ***Insert the following to the sentence in Strategic Policy 4 'Windfall/Development allowance assigned to settlements in the Local Plan to take place within settlement boundaries or on Exception Sites under Strategic Policy 18'. In Tier 1 and Tier 2 settlements brownfield sites will continue to be considered when the development allowance has been met. This modification would address concerns from communities that development without a cap could have a negative impact on the local environment.***

32. Housing Supply generally –

Does the part of the supply already committed need updating after April 2012?

Council response

The plan, in SP4 and policy justification sets out the supply at the start of the plan period. At October 2013, when the plan was at Pre-Submission stage several of the sites listed in Policy SP4 were approved or in the planning application process and it was felt that providing an update to these applications would cause confusion over the supply position at the start of the plan period and potentially double count some of those sites listed in the policy. The most up to date supply already committed after April 2012 is set out in the 5 year land supply position statement (Doc C.93). The Council will propose an AM before paragraph 3.34 to provide the supply already committed as at 31st March 2014. A further modification is proposed to the existing bullet point before paragraph 3.34 to correct the position as at April 2012 which incorrectly reads as 153214 rather than 1532.

Does the part of the supply already committed need updating with respect to the two residential permissions = 550 units, by way of a MM to Policy SP4?

Council response

Yes, the position regarding the two residential permissions as set out in the second bullet point before policy SP4 needs updating and the Council will propose an AM to reflect this and an MM to policy SP4.

Does the calculation of requirement/supply take into account PPG on student housing etc?

Council response

PPG states that all student accommodation can be included towards the housing requirement. Doc C.1 SHMA Figure 4.19 shows communal living in 2011 and indicates no identified student accommodation. The Council is not anticipating development of any student accommodation. Hence the housing requirement includes mainstream housing for any of the population that might be students.

PPG also states that housing provided for older people, including residential institutions in Use Class C2, should be counted against the housing requirement. The housing requirement includes self-contained housing for older people, including housing designed for older people, retirement housing and extra-care housing. The Council considers this accommodation to be Use Class C3 because it provides self-contained housing units each occupied by one household, which means it provides dwelling houses. However there is no consensus on this, with some developers of Extra-care housing arguing that their housing is C2, normally in order to avoid an affordable housing requirement. The housing requirement does not include accommodation for older people in communal establishments – care homes and nursing homes - because such population does not live in separate households and is not included in household projections. The Council considers that such accommodation is properly Use Class C2; that residential institutions equates to communal establishments. The Council does not know how such accommodation could be included in the housing requirement because it does not consist of dwellings. However the Council has identified how many additional bed spaces in communal establishments for older people are needed – Doc C.1 SHMA Paragraph 7.10 and page 111 of the Plan. Supply towards this need has been agreed on Branston Locks SUE and is being discussed in respect of Harehedge Lane SUE.

Doc B.16 conflates strategy and supply – **where is the main up to date supply evidence at a suitable cut-off date?**

Council response

Doc. C.93 added to the examination library on the 9th June sets out the up to date supply evidence as at 31st March 2014.

Doc B16 p19 – **what is the difference between Options 1 and 2?**

Council response

Option1 involved concentrating growth on two sites in Burton and some growth in Uttoxeter and the strategic villages and Option 2 involved concentrating most growth in the Outwoods and Stretton Areas of Burton and some development in Uttoxeter and the strategic villages. Pages 39 – 52 of Doc. B.3 illustrates the two options spatially and lists the sites presented for each option.

Strategic Policy [SP] 4 – **How do the sites named relate to the SHLAA sites by reference number?**

Council response

The following table lists the sites set out in SP4 alongside the SHLAA sites for that area:

<u>Strategic site</u>	<u>SHLAA site number/s</u>	<u>ESBC Comments as at June 2014</u>
College Fields, Rolleston	66	Strategic site covers all of SHLAA site
Efflinch Lane, Barton Under Needwood	None	Not covered – planning application P/2011/01359/CLF/PO received 29-11-2011 and determined 20-05-2013
Upper Outwoods, Burton	61, 68 & 78	Larger SHLAA site than strategic site for 61 and 68 and exactly the same for 78.
Guinevere Avenue, Burton	178	Larger than strategic site
Hazelwalls, Uttoxeter	53	All of SHLAA site
South of Tutbury	None	Planning application P/2011/00546/CEH/PO received 2/6/2011 and determined 10-05-2012
Bargates, Burton	361	All of SHLAA site
Land south of Branston, Burton	186 and 27	All of SHLAA site
Pirelli, Burton	86	All of SHLAA site
JCB, Uttoxeter	32	All of SHLAA site
Coors, Middle yard, Burton	29 and 378	All of 378 and part of 29
Derby Road, Burton	88, 343, 359, 360 & 381	All sites partially cover the strategic site
Branston Locks, Burton	44	SHLAA site larger than strategic site

Churnet Farm, Rocester	112	Smaller SHLAA site than strategic site
Coors High Street, Burton	383	All of SHLAA site
Brookside, Uttoxeter	33	Smaller SHLAA site than strategic site
Branston depot, Burton	21	Larger SHLAA site than strategic site
West of Uttoxeter	42, 48 and 55	All of SHLAA site for 55 and part of number 42 and 48.
Harehedge Lane, Burton	40, 41 and 376	All of the SHLAA sites
Derby Road, Uttoxeter	372	Smaller SHLAA site than the strategic site

Where is the rationale of site selection from the SHLAA set out and justified?

Council response

Page 19 of the Spatial Strategy Topic Paper (Doc. B16) sets out the broad approach to which SHLAA sites were selected. Page 30, paragraphs 3.16 – 3.18 of the Interim Sustainability Appraisal, Doc. B.7 sets out the rationale of site selection from the SHLAA and lists which sites were considered.

33. SP6 - **what is meant by a new DPD and how would it redress a shortfall?**

Council response

A new DPD means a Site Allocations Development Plan Document. If there is a shortfall in delivery because sites allocated in the ESLP are not developed in line with expectation, such a document would identify additional sites to provide additional capacity. However the Council feels that additional capacity to respond to revised evidence would be best addressed through a review of the Local Plan. The Council will propose an AM to make this clear by deleting the sentence ‘...or if a revised evidence base indicates that new development targets are required...’

34. SP7 – There seems to be a potentially confusing overlap between strategic allocations and SUEs.

Why is there no separate annotation on the Proposals and Inset Maps for SUEs?

Council response

The Council illustrated all strategic allocations on the policies map. A modification has been proposed to identify those sites providing both employment and housing as illustrated in Docs. F.2, F.3 and F.4. However a further modification will be proposed to clearly show the Sustainable Urban Extensions on the policies maps.

How does the employment element of SUEs relate quantitatively to Policy SP5?

Council response

The employment element of the SUE's is expected to deliver the majority of the Borough's new employment land requirement. The Derby Road, Uttoxeter allocation, which is not an SUE, makes up the remainder of the new employment provision.

Where is Beamhill and is it the only SUE not listed in SP4-5?

Council response

Beamhill (called Beamhill/Outwoods in SP4) is to the north west of Burton upon Trent, post code DE13 9QW. No employment provision is expected to be delivered on this site, hence its absence from SP5, however it is still considered a Major SUE due to the other facilities and services, including a primary school and local centre are expected to be delivered, hence its inclusion in SP7. Land South of Branston is also a Major SUE and it does include employment provision, but it is not listed in SP5 because the employment land is already committed and accounted for, as explained in the footnote to SP7.

How do SUEs fit spatially and quantitatively with the overall spatial strategy of the Plan?

Council response

Six SUE's are allocated in the development strategy, four in Burton and 2 in Uttoxeter. Together they provide 30 hectares of the total employment land requirement of 40 hectares and 5,850 of the 11,648 dwelling requirement.

The scale of these extensions is seen to enable the delivery of high-quality new places, characterised by high levels of design and

green infrastructure, and which can deliver the required infrastructure to ensure a critical mass of activity and high degree of sustainability to create sustainable communities. Other strategic housing sites have also been identified to meet the identified housing requirements, and to ensure a diverse, and flexible portfolio of land supply.

Of the 4 Major SUE's, all have planning permission with reserved matters outstanding with details for all SUE's set out below.

Land South of Branston – this site has outline planning permission with pre-application discussion currently taking place on reserved matters.

Branston Locks – there is resolution to permit the outline planning application subject to a S106 agreement being signed.

Beamhill/Outwoods – outline planning permission was granted on this site on 6th August 2013.

West of Uttoxeter – there was resolution to permit the outline planning application on 17th March 2014. Pre application discussions on reserved matters are currently taking place.

Tutbury Road / Harehedge Lane – The application for this site was received on 13th January 2014 and is expected to be determined in September 2014.

Hazelwalls – pre-application discussions are currently taking place with an application for part of the site expected to be submitted shortly.

35. SP8 - the text reads like a policy itself but with criteria in different terms from the policy it supports, e.g. the text defines "appropriate development" but that term does not occur in the policy - **should the text and the policy be compressed into a single set of criteria of policy status with the text limited to explanation?**

Council response

The Council accept that the text and policy could be compressed into a single set of criteria of policy status with the text limited to explanation and this will be proposed as an AM.

36. SP9 – Infrastructure Delivery and Implementation

What is the interrelationship between the HDH LP and CIL Viability Study 2014 [C.14] and the Fordham Affordable Housing Viability Study of 2010 [C.6]?

Council response

The Fordham Affordable Housing Viability Study of 2010 (C6) has been superseded by the HDH LP and CIL Viability Study 2014 (C14) and is provided only as background to the latter evidence.

Should the Examination look first at the 2014 report on Affordable Housing viability and refer to the 2010 study to back the 25% “average” or 40% maximum contribution? [see also Q39 below]

Council response

The examination need only consider the 2014 report. The 2014 report is the basis for the 25% average and the 40% maximum. The ESLP is not based on the 2010 report because that report has been superseded.

What is the relevance of the CIL evidence and suggested CIL rates – are these merely putative rates to inform overall Plan viability?

Council response

The CIL evidence is not relevant to the Plan. The LP and CIL Viability Study assesses viability without CIL.

In Doc C.14, where are the details of abnormal costs referred to in paras 7.21 and 10.10d with cross-ref to Table 9.3? Table 9.3 does not show these, nor are they readily seen on any other table on site modelling.

Council response

Allowance for abnormal costs is detailed in the final column of Table 9.5. It should be noted that the table numbers changed before document publication and the reference in 10.10d should have been changed.

Where between Docs C.14 and C.15 is the overall cost of additional infrastructure calculated against funding sources to determine the funding gap acknowledged in C.14 para 13.36?

Council response

37. *The Overall cost of additional infrastructure is not provided in the Infrastructure Delivery Plan Doc. C.15.*

SP 10-15 – these are an unrelated series of qualitative provisions often repetitious of other sections of the Plan. **Should they be recast in a more logical sequence to incorporate all quantitative and**

qualitative development requirements for strategic allocations in a single section of the Plan in order to make it more readily comprehensible?

Council response

On reflection the Borough Council whilst happy with the ordering of its policies will consider re-ordering if it provides more clarity to the reader.

38. SP16 – Meeting Housing Needs - **should the policy incorporate the table from the text and should there be some stated tolerance or flexibility in meeting the percentage requirements? Would this policy be better placed nearer the overall housing requirement of SP4?**

Council response

Proposed modification number 72 (Document A.27 List of Modifications for Submission) removes the table from the Plan, intending that updated and extended information be provided in the Housing Choice SPD. An update of the table appears at Doc C.1 SHMA: Figure 9.22. The table has been revised to take account of the 'What Homes Where' methodology in response to representations and to reflect further work on the distribution of need for Housing for Older People.

Policies SP4-SP8 are grouped together because they all deal with the spatial distribution of development and placing Housing policies SP16-19 adjacent to SP4 would break that pattern. However the Council is not unprepared to change the arrangement of policies.

39. SP17 – Affordable Housing

Proposed Modification 78 avoids the question how the average 25% outturn is to be calculated and monitored. However, taking account of the *Blyth* and *Wakefield* cases, should a clear target percentage be stated in this Local Plan rather than in the Housing Choice SPD, still subject to negotiation where necessary, based on an up to date Affordable Housing Viability Study?

Council response

The Blyth Valley and Wakefield cases both pre-date NPPF. To the Council's reading NPPF does not require that a "clear percentage target" must be provided in the Plan. The final bullet point of NPPF paragraph 50 states that policies for meeting affordable housing need should be sufficiently flexible to take account of changing market conditions over time. The Council's understanding is that a

target (or targets) must be informed by viability evidence which is based on current market conditions. Hence providing a target or targets in the Plan, constrained by current viability, would not be "flexible to take account of changing market conditions over time". The Council's proposed approach is for the targets to be found in the SPD, since an SPD can be updated more easily to reflect changing market conditions. The LP and CIL Viability Study (Doc C.14) is the up to date evidence.

Does the wide variation in house price and between urban/rural areas and main towns justify consideration of area approach to Affordable Housing?

Council response

Yes it does. The SPD proposes separate requirements for three areas: Urban Brownfield land, Other Urban sites (Greenfield urban extensions), and Other sites (villages) [SPD section 5.5].

Is it intended to update the 2010 AHVS or is it in effect regarded as background to the more recent viability study?

Council response

As you suggest the 2010 AHVS is just background and has been superseded by the LP and CIL Viability Study [Doc C.14].

40. SP19 – Sites for Gypsies, Travellers and Travelling Showpeople - **Is there more up to date G&T evidence?**

Council response

East Staffordshire agreed in February 2013 to commission a new GTAA with Derbyshire authorities. Derbyshire County Council eventually commissioned consultants RRR in August 2013. Survey work commenced in October 2013. The consultants have not finished the GTAA report.

41. SP20 – Retail

How is the Overall Catchment Area defined?

Council response

The Overall Catchment Area (OCA) broadly follows the OCA defined by Roger Tym in the 2007 Retail and Leisure Report. In defining the original OCA the consultants took into account the findings from the household survey that was undertaken for the West Midlands Regional Centres Study in 2005. The consultants purposely decided

not to extend the OCA further towards Derby, given that the north eastern boundary of the OCA as drawn was approximately 10 miles from Burton town centre. The results from the 2005 household survey justified the approach. The OCA was divided into 9 zones, some of which cover parts of Derbyshire Dales, South Derbyshire and North West Leicestershire Districts, these areas having been included to accurately reflect the overall catchment of East Staffordshire's centres.

Section 4.1 in the Peter Brett 2013 study (Doc. C.19) describes the OCA in the new study. The Borough Council wanted the new study to be comparable to the original 2007 study. Volume 2 – Appendices to the main report set out 18 minute drive times to the key East Staffordshire centres of Burton and Uttoxeter which broadly align to the zones and OCA identified confirming that they are still relevant as a basis for undertaking household surveys. The Borough Council also made a further change to the boundaries in relation to the basis upon which the OCA and zones are defined, using post code rather than ward boundaries. This was felt to be a more relevant way of looking at the data which compares to recent retail assessments prepared to support retail applications.

The Council propose an AM to include OCA in glossary.

How does SP20 establish the aim of adequate additional floorspace to meet identified need?

Council response

Looking again at the format of this policy it would be useful to set out at the beginning the Overall Catchment Area floorspace requirements for comparison and convenience goods. It would then be useful on further inspection to provide the floorspace requirements relevant to the Borough against Burton, Uttoxeter and the Rural Centres – demonstrating that we know exactly what needs to be provided by the East Staffordshire Local Plan.

Convenience:

Floorspace requirements in East Staffordshire are based upon a retention rate of 70% of the OCA requirement to East Staffordshire, with the remainder going to other locations within the OCA but outside the Borough. This split reflects the market shares achieved by existing foodstores outside East Staffordshire but within the study area.

The convenience requirement of 5,750 sq m is applied across the OCA. Paragraph 9.8.11 – 9.8.13 of Doc. C.18 clarifies this. Only 70% of this requirement arises within the Borough or 4,025 sq m. The scope for additional convenience floorspace both within East Staffordshire and the OCA as a whole is extremely limited and the evidence suggests that it would be difficult to divide this up between different centres. Instead, it was recommended that the Council carefully weighs up the merits of any convenience retail proposal that come forward.

Comparison:

The total comparison floorspace requirement is 21,100 sqm for the overall catchment area. 70% of the OCA requirements is directed to Burton, 20% to Uttoxeter and the remaining 10% is split 50/50 between the rest of the Borough and locations outside the Borough, paragraph 9.8.5 – 9.8.10 clarify the position in Doc. C.19. Policy SP20 sets out this position. The reason why 2,100 sqm of comparison goods identified which accords with the 10% quantum is not further refined, is because the consultants felt that when dealing with such small figures they were more comfortable amalgamating this figure rather than splitting it down any further. To be consistent with the modifications suggested for the convenience retail floorspace it would be better to set out that for Rural Centres 1,050 sqm of comparison goods is identified. This the quantum that East Staffs should be seeking as a minimum through the delivery of SP20.

The Council Proposes:

- *An MM is required to clarify that the convenience requirement for the Borough is 4025 sqm and not 5750 sq m.*
- *An AM to set out the OCA requirement at the start of the policy for both convenience and comparison and below the requirement for the Borough and remove OCA reference in the sub table.*
- *An MM is required to clarify that the Rural Centres comparison goods is 1050 sqm floorspace.*

Is it intended to be limited or capped with respect to retail impact [apart from out of centre proposals]?

Council response

The figures set out in Policy SP20 for comparison and convenience retail floorspace are guideline amounts and do not represent maximum limits on the quantum of retail floorspace that can be

developed in the period to 2031 – Paragraphs 9.4.5 and 9.8.2 Retail and Leisure Study (C19) Volume 1 – Main Report. It goes on to set out that the study does not set a prescriptive ‘cap’.

Paragraph 9.8.2 suggests that proposals that meet qualitative needs, or that delivers wider benefits to the town even where there is little or no quantitative capacity, can still be approved provided there are no overriding negative impacts that would outweigh the benefits of doing so.

The evidence base also suggests that further retail evidence is carried out over the lifetime of the plan given that there will be changes to population, spending patterns, employment generation etc-. Two applications outside of the emerging spatial strategy have already been approved (Forest Road – 300 units and Red House Farm – 250 units.

An AM to policy SP20 is proposed which clarifies that the figures represent minima figures and an AM is also proposed to clarify the supporting text.

Where are the allocations to make it effective – is definition of Town Centre Boundaries sufficient to induce retail development to come forward?

Council response

The Submission Local Plan continues in the same vein as the adopted Local Plan which is to have a robust town centre boundary, within which the principal of bringing forward retail development is appropriate, subject to meeting other policy requirements. Policy SP21 reinforces the sequential test which directs development to the town centre in the first instance.

Burton upon Trent:

The town centre boundary has a clear boundary owing to its geography, with the river on one side, key roads, brewery and residential land situated around it. The Council propose to amend the town centre boundary with the inclusion of land off the High Street, Policy SP11 applies.

In Burton upon Trent the main opportunities to meet retail need are underpinned by the redevelopment of the existing shopping centres as these form the heart of the town centre and the primary shopping areas. Any expansion of these shopping centres will have to extend onto existing car parking areas. Previously consented development has lapsed or has been withdrawn.

Coopers Square (biggest shopping centre) was sold by Grosvenor Fund Management in 2012 and bought by F&C Reit who are looking for new 'aspirations'. Existing plans to expand this shopping centre which included the redevelopment of properties on Station Street and substantial building on the Coopers Square car park, were shelved in 2013 owing to the change in ownership.

News that the Octagon shopping centre (second largest centre) has new owners has just been made public. New owners Vixcroft, who have a strong retail track record, intend to invest in the shopping centre.

Discussions on substantial redevelopment of either shopping centres have yet to be entered in to but the change in ownership demonstrates confidence in Burton upon Trent. Usefully the new owners of Coopers Square are the existing owners of Middleway and there has always been an aspiration to link the Middleway retail area to the town centre more successfully.

The town centre has always been high on the Borough Council's agenda. A Burton Town Centre DPD started to be prepared in 2006/7 and reached the Issues and Options stage. This work was shelved in preference of getting a Core Strategy (now Local Plan) in place quicker. In the absence of a town centre strategy and with key consented retail permissions stalling the Borough Council prepared in 2012 the Burton Strategic Framework (Doc D.16) which provides an overview of the town centre strengths and weakness, current permissions, opportunities for development and a set of objectives for the type of town centre Burton aspires to be. This is an embryonic town centre strategy which sits alongside the Local Plan focusing specifically on identifying the strategic need for growth and criteria against which applications can be judged. Coupled with this is the Public Realm Improvements Plan (Doc D.15) which seeks to improve the experience of being in the town centre. Further work is programmed by the Borough Council to look again at the Burton Strategic Framework this year and to start to pull together a comprehensive review of the town centre in terms of its future and the way in which the public areas of the town function in terms of car parking, CCTV, hotspots of certain town centre users and their associated behaviour. Work has also been ongoing over the past 12 months with the refurbishment of the market hall.

Of particular importance to the Borough Council is the idea that town centre's are not just about retail provision but seen as a hub for community life including education, leisure and business

development. Having flexibility in the town centre was felt to more appropriately relate to the changing environment of the high street and responding instead to the opportunities that arise.

Now is a good time to focus efforts on Burton Town centre. It took the previous owners of Coopers Square 5 years to bring forward the planning application which was subsequently withdrawn. The new owners of Coopers Square and the Octagon need time to develop proposals and work with the Borough Council to deliver their visions. It would be difficult to bring forward town centre allocations at this time when it feels as though the town centre is in a period of transition. The Council are uncertain whether allocating retail sites would bring forward investment any quicker. However we provide a series of actions which could assist with delivery of the policy.

Uttoxeter:

Uttoxeter is a much smaller settlement with the town centre focused on the medieval heart of the town. The town centre boundary has changed since the adopted plan to better reflect what is felt to be the retail core. The redevelopment of the Cattlemarket has had a long gestation with consented retail development since 2005. The development is completed with retail units being fitted out now. Some units including ASDA are already open with the majority of the units let. Further convenience retail provision is consented in the allocated JCB, Pinfold Road site, Policy SP4. Pre-app discussions with a convenience store operator are at an advanced stage and the Borough Council expects the submission of reserved matters shortly.

Are Primary and Secondary Shopping Frontages defined in sufficient detail on the Inset Maps – ie by individual unit?

Council response

There is not sufficient detail. We have produced a map for both towns (Doc F.12 and Doc F.13) which sets out in more detail which units are covered specifically by the primary and secondary frontages.

Does SP20 inappropriately mix strategic and development management matters?

Council response

Policy SP20 aims to set out need across the settlement hierarchy in the Borough. It is not intended to provide development management advice.

42. SP27 - Flood Risk

How does Policy SP27 and its text apply the Sequential and Exception Tests of the NPPF paras 100-104 and the flood risk guidance of the PPG to allocations in areas of flood risk or make provision for their application to future proposals? If they have been considered, where is this expressly demonstrated in the Plan of Evidence Base?

Council Response

The Strategic Flood Risk Assessment Level 1 and Level 2 were published in February and August 2008 respectively. The Level 1 Assessment was undertaken to provide a robust assessment of the extent and nature of the risk of flooding and its implications for land use planning. In addition, the SFRA sets the criteria for the submission of planning applications in the future and for guiding subsequent development control decisions. The key objectives of the study were to:

- Provide a reference and policy document to inform preparation of the Local Development Framework (LDF) for the Borough;***
- Ensure that the Council meets its obligations under the Department of Communities and Local Government's (DCLG's) Planning Policy Statement 25 "Development and Flood Risk"; and***
- Provide a reference and policy document to advise and inform private and commercial developers of their obligations under PPS25.***

The SFRA Level 1 provided an assessment of Fluvial Flood Risk to Proposed Development Areas. The proposed development areas consisted 45 brownfield sites for Burton and Uttoxeter and 25 greenfield locations for Burton, Uttoxeter, Tutbury, Rolleston, Barton under Needwood, Rocester, Marchington, Hanbury Woodend and Hoar Cross.

The assessment identified that a number of the sites are within Flood Zones 3a.

The SFRA Level 2 considered the detailed nature of the flood hazard by taking into account the presence of flood risk

management measures. The SFRA Level 2 was undertaken with a principle purpose of facilitating application of the Exception Test. The key objectives of the study were to:

- Review the Flood Zones presented in the Level 1 SFRA, in particularly the Functional Floodplain (Flood Zone 3b);**
- Review flood defence infrastructure, including its present condition, maintenance and upgrading, consequences of overtopping or failure and the response to climate change;**
- Model flood risk across the Flood Zones, including the identification of rapid inundation zones, risk to people behind defences and the effect of increased runoff from developments on flood risk; and**
- Analyse site specific flood risk.**

The Council commissioned WSP UK Ltd to update the Level 1 and Level 2 assessments, taking into account the latest guidance, particularly the NPPF and its Technical Guidance, policies, as well as the recent flooding events in 2012. The Level 1 and Level 2 documents were combined into one document as part of this update to simplify the assessment of flood risk across the borough.

The strategic sites were the main focus of the assessment, however all sites were considered in the previous SFRA Level 1 and 2 which supplement the 2013 report.

Chapter 7, 8 and 9 of Doc. C.20 shows the flood risk associated with the allocated sites. The majority of the sites have a low percentage of their site area within Flood Zone 3. Provided the developments are designed so that the areas of floodplain are avoided, particularly for the higher vulnerability uses, then these sites satisfy the NPPF criteria for residential or mixed use developments.

A number of the sites are shown to be entirely within Flood Zone 2. However, these areas are generally protected by flood defences and therefore are Areas Benefitting from Defences. The only site that doesn't have protection is SUE Land South of Branston.

Appendix I, page 246, of the Revised Sustainability Appraisal Appendices (Doc. A.7) draws on evidence set out in the SFRA and other sources such as planning applications to describe the flood risk associated with the development strategy.

Pre-Submission Local Plan Representation LP484 (Environment Agency) states:

"In regards to SP27, we welcome the elements of the policy that protect specific flood risk interests from the effects of development, and also the detail on requirements of FRAs in areas located behind defences. This policy reflects the locally distinctive characteristics of flood risk management in this area and should help steer both applicants and decision makers to address the potential consequences of inappropriate development in the floodplain.

This local policy should be read in conjunction with sections of the NPPF that require that the Sequential and Exception Tests should be applied when considering the location of development.

We support the inclusion of the reference to the Water Framework Directive (WFD) and associated River Basin Management Plan (RBMP). We feel that in conjunction with the specific references to watercourses easements and deculverting / renaturalisation these elements of the policy will ensure that development supports the meeting of European requirements for local waterbodies in time for the deadline of 2026.

We feel these aspects of the policy have been effectively translated into Detailed Policies 10-9 and 12.

The section of the policy relating to water quality and quantity will also support the implementation of the RBMP as it will protect against pollution of the water environment and ensure there is sufficient water resources available to not only support growth but to support the life in our rivers. This will help to improve the range of ecology within our watercourses which is one of the measurements of WFD compliance. This policy is adequately supported by Policy DP7.

There are 24 waterbodies identified by the RBMP as flowing through some part of your district. Only 4 of these are currently at Good Status. It is essential that everything is done to ensure these watercourses do not deteriorate and that the others improve in quality to meet Good Status (or Good Potential) by 2026."

The Duty to Cooperate Statement (Doc. B.25) paragraph 9.6 sets out the involvement of the Environment Agency in the preparation of the evidence base documents. In addition there was close liaison with the Environment Agency on the structure and wording of Policy SP27.

The SFRA update assesses the allocated sites but does not seem to apply the sequential and exception tests to their selection. **Are the full**

Appendices A-G to the SFRA Doc C.20 comprised in new documents C.75-92?

Council response

Yes, the appendices A-G to the SFRA Doc C.20 comprise the documents C.75 – 92.

Where are earlier Level 1 and 2 SFRA's referred to in Doc C.20?

Council response

Earlier Level 1 and 2 SFRA's are only referred to in the introduction of Doc C.20. Much of the information from previous SFRA's is duplicated in Doc C.20, particularly catchment description, causes of flooding and data collection for Level 1 and flood risk information and flood defence infrastructure for Level 2. The 2013 SFRA updates previous reports to take account of updated data, changes to national policy and guidance and detailed modelling and amendments to flood zones. Whilst the previous SFRA documents have been available since publication in 2008 on the Council's website as part of the evidence base it acknowledges that they are not listed on the examination library. The Council therefore proposed to include these two reports to the examination library for completeness.

43. SP34 – Health and SP35 Transportation – **should infrastructure requirements noted on Doc C.15 be specifically identified at policy level?**

Council response

The Council is comfortable that specific infrastructure is not individually listed in policy. Firstly because the number and type of infrastructure schemes associated with for example the health infrastructure e.g. doctors surgeries or dentists, health care facilities or other infrastructure associated with health such as open spaces and green infrastructure are too numerous to put into a policy. Secondly infrastructure requirements will change over time, for example the Council is mindful that certain types of data such as lists of doctor's surgeries may date quickly. Having the information sitting alongside in the IDP, which is a document capable of timely review, will keep the information more relevant and up to date. The third reason is that the Council would like to keep the policies as clear and succinct as possible.

Policy SP9 adequately signposts the reader to Doc C.15. The same references are not set out in Policies 34 and 35. The Council is

mindful to suggest minor modifications to Policies 34 and 35 to make reference to the IDP and policy SP9. These modifications will assist in signposting the reader to Doc C15 and will add clarity to the deliverability of these policies.

The Council also propose an AM to Policy SP9 which sets out that the IDP will be reviewed every 5 years to ensure that it remains up to date and relevant.

Evidence Base Documents

44. Doc B.25 – Duty to Co-operate Statement

para 1.6 - ref to PPG = Planning *Practice* Guidance [not Policy]

Agreed and noted.

para 6.3 – **How does the LEP housing study relate to the HMAs or influence the evidence supporting this Plan?**

Council response

The GBSLEP area is not a strategic housing market area (HMA). However the GBSLEP decided to carry out a study to collate housing requirements and capacity. The starting point for this study is the work commissioned by CLG on strategic HMAs, producing the “best fit” map at Doc C.104.

The GBSLEP study tests this mapping of HMAs by looking at the key components of change. Migration flows are key to this, specifically cross boundary moves from one LEP authority to another, and moves into and out of the LEP. Based upon migration information collected for the study, East Staffordshire is shown as having very little housing market relationship with the rest of the GBSLEP area. The study therefore confirms that East Staffordshire is not part of the Birmingham HMA. Unfortunately we can’t release information to show this as the report has yet to be published.

As a background to the study:

Stage 1: referred to as a stocktake and desktop review of current and emerging housing targets, SHMAs and SHLAAs. A report has been written but is not publicly available.

Stage 2: expanded geography to include the Black Country. Looks at demand and need in more detail including arriving at a set of strategic options to test.

Stage 3: is intended to assign growth to the various local authorities.

Currently local authorities are only signed up to the completion of Stage 2. The quantum has been assessed, but the distribution of growth has yet to be arrived at, and options for growth have yet to be tested through an SA. Therefore it is unknown the impact of the GBSLEP housing study on either the Birmingham HMA or LEP area. However, given the weak relationship between the rest of the LEP and East Staffordshire, East Staffordshire does not expect to have to accommodate any growth from elsewhere in the LEP area.

para 7.6 – **has the need for leisure development been quantified?**

Council response

Yes. Paragraph 7.1.32 of document C.19 - Retail and Leisure Study Volume 1 – seeks to quantify the level of leisure services expenditure and predicts how this will grow over the plan period. Paragraphs 7.1.33 – 7.1.36 sets out potential quantitative needs for restaurants/cafes, cinemas, bingo hall, family entertainment and gyms. Para 7.1.36 explains that the quantitative needs are an indicative guide only. In an operator led market it is difficult to absolutely set out a precise quantum of leisure growth required or a location given that it will depend on the operator and the type of facility that could be delivered at any point in time.

para 12.3 – **Can the Council provide specific references expressly demonstrating how the six cross-boundary issues identified in the DTC statement are addressed in the Plan?**

Council response

Issue 1: A38 (and to a lesser extent A50) corridor capacity issue

The transport evidence base has been prepared in partnership with the Highways Agency and the Local Highway Authority. Paragraph 1.75 of Doc F1 makes an explicit reference to the issue. There are currently plans in the public domain to improve the A50 at Uttoxeter. SWOT analysis page 51 refers to increasing traffic congestion.

Issue 2: Possible railfreight terminal at A38/A50 junction

No reference in the plan but suggest that a reference could be inserted at paragraph at 1.75 given the recent promotion of a site, although proposals are still unknown, see background for assistance.

As background: An application to build five industrial units with a possible freight link in December 2007 was made to South Derbyshire District Council at the north eastern quadrant of the A38/A50 junction (the Toyota island) which was dubbed "Burnaston Cross" by the promoters. The application was rejected by the council and in 2010 an appeal was dismissed by the Planning Inspectorate.

Severn Trent Water undertook some work to investigate the possibility of bringing forward its land on the south-eastern quadrant of the junction as a rail/road terminal with possible links to the Toyota factory on the north western quadrant. The Council was invited to a meeting held at South Derbyshire DC offices with STW, Highways Agency, Network Rail and other officers in attendance. After this, progress appeared to stall (probably due to the economic downturn), a fact that was confirmed at SDDC Duty to Co-operate meetings. (Meeting 24th Oct 2012 Anna Miller and Steve Harley with Ian Bowen (SDDC) " Strategic Freight Terminal, Burnaston - seems to have gone quiet" – quote from D2C Summary Matrix)

At the point of preparing the Pre-submission Local Plan the Borough Council was made aware, again at an SDDC D2C meeting that there was potential for this site to come forward again. (Meeting 27/6/13 Glenn Jones (ESBC), Nicola Sworowski and David Hackforth (SDDC), David Brown (Derby City) "Main concern is Burnaston strategic rail/road logistics site (more likely to come forward than another planned for Castle Donington area) which has implications for A38." – quote from D2C Summary Matrix)

The issue was raised during ongoing discussions with South Derbyshire (e.g. Meeting 13/11/13 GJ with Nicola Sworowski – "The A38 and A50 corridors together with the Trent river crossing/Drakelow link remained the main joint concerns of the two authorities.") and the decision was taken to meet with the Highways Agency – both East and West Midlands – to discuss transport matters more fully. (Meeting 25/9/13 BW/Glenn Jones (ESBC), Richard Groves (SDDC) Ominder Bharj, Kamaljit Khokhar Graham Broome Sue Chambers (HA))

During plan preparation the issue was one to be monitored and was felt to be ongoing. There were no plans submitted for consideration. Whilst it is therefore an issue that East Staffordshire is alive to, it is not one that we have been able to respond to in any way other than to continue with useful and

productive Duty to Cooperate meetings with neighbours and statutory agencies.

The Borough Council received an invitation to a consultation event which was held on the 24th June 2014, part of the pre-application procedure under the Planning Act 2008 for a Nationally Strategic Infrastructure Project (NSIP) for an East Midlands Intermodal Park at the A38/A50 roundabout.

Issue 3: Need for new and expanded schools in Burton upon Trent

Strategic Policy 10 and its supporting text 3.72 – 3.81. Key Challenges for the Local Plan box located after paragraph 1.104. (Doc F1)

Issue 4: New transportation infrastructure to support growth proposals (coordinating with County Council and Highways Agency)

Strategic Objective SO3 refers to access and transport infrastructure. Strategic Policy 35 relates to Accessibility and Sustainable transport including the supporting text. The Infrastructure Delivery and Implementation Plan sets out in detail the key infrastructure projects – its sits outside but alongside the Local Plan to enable it to be updated on a regular basis. Strategic Policy 9 and its supporting text refers.

Issue 5: Cannock Chase SAC

Detailed Policy 11 and the supporting text. (Doc F.1) Paragraph 1.49.

Issue 6: Brookhay Village/Twin Rivers Park proposals

Paragraph 1.58 responds to the Duty to Cooperate issue. The site is also assessed in chapter 7 of the Revised Sustainability Appraisal (Doc. A.6).

page 21 – How is the ongoing EB work with Staffs CC related to, and does it affect, the IDP [C.15] and/or allocations of the submitted Plan?

Council response

Work in relation to school provision is still ongoing. Consultants Amec have been appointed by the County Council and a report has been received. The purpose of the report is to identify potential locations for school infrastructure in Burton but all options identified fall outside of the current emerging Local Plan strategy.

The Borough Council is unsure at this stage if the report will be published owing to the sensitivity of its contents. There are still high level discussions in relation to the report. The need for a new secondary school is referenced in the Borough Council's IDP (Doc. C.15) and in emerging policy SP10. If land needs to be safeguarded for secondary school provision the Borough Council is keen to address this through a site allocations DPD, if necessary as it may not be possible to resolve this difficult issue prior to the examination hearings, The Inspector can be updated through hearing papers on progress made nearer the examination.

Staffordshire County Council commissioned consultants in 2013 to undertake a Landscape Character Assessment. It has not been possible for the Assessment to complete a full Landscape Character review and develop policy guidelines at this stage. To date there has been a review of the Landscape Typology which has resulted in some proposed revisions to Landscape Character Type (LCT) boundaries; some minor but others more significant. There now needs to be a detailed assessment of current landscape condition which Staffordshire County Council are currently investigating ways to effectively achieve. The objective of the assessment is to clearly set out landscape quality and sensitivity for Staffordshire County Council and for local planning authorities to then use to develop guidance.

45. Doc C.1 – SHMA update

What is the relationship of Doc C.1 to the 2012 SHMA [C.3] - **should the Examination refer primarily to C.1?**

Council response

The Examination should refer only to Doc C.1 as the SHMA. Document C.3 is provided as background to show an early update of some SHMA contents which informed consultation on the Local Plan Preferred Option.

Para 2.1 – previous guidance is replaced by PPG pp356-374 – **is any change of emphasis to be noted?**

Council response

PPG has less emphasis on current housing stock (dwelling profile and stock condition) and more emphasis on a wider range of market signals, adding land price premiums for designated uses and rate of development. Land prices are considered in Chapter 6 of the LP and CIL Viability Study [Doc C.14] and rate of development is considered in Chapter 4 of the SHMA [Doc c.1].

Para 2.8 – it is not clear whether it was impossible to do a joint SHMA or merely difficult. The reasons are noted but **was the result tested against neighbouring SHMAs in any way?**

Council response

The Council liaised with neighbouring LAs in accordance with the Duty to Co-operate statement. Because the strongest housing market relationship is with South Derbyshire, the Council recognised a specific need to ensure synergy with the Derby HMA SHMA. Accordingly, when appointing GVA to update the housing requirement element of the SHMA in 2013, it also appointed GL Hearn, who carried out the Derby HMA SHMA Update, to test the assumptions used and the results of that work. GL Hearn provided advice which was incorporated by GVA into their work, in order to ensure appropriate consistency between the two SHMAs. The Derby HMA SHMA Update records this fact and the broad consistency of approach between the two (Paragraph 12.9). As noted below, the SHMA refers to the South Derbyshire housing requirement outcomes of the Derby HMA SHMA Update (paragraph 6.104).

Fig 3.8, paras 3.26, 3.32 refer to 2012 data and the 2001 Census – **is any update necessary?**

Council response

Figures 3.8 and 3.9 contain DCLG data. DCLG published data up to 2013 Q2 in April 2014. This does not show significantly different relationships. Paragraph 3.32 refers to the 2010 analysis as background. Paragraph 3.35 explains that this work has been supplemented by further analysis, using the most recently available data, which did not include Census 2011 data. It is expected that the housing markets will not have greatly changed and hence that using updated data Census data when available would not produce a different conclusion.

Para 3.65 – **would it be possible to redefine a HMA into which E Staffs would properly fit, leaving aside the practicalities of concluding an assessment and the reasons given for not doing so?**

Council response

Figures 3.23 to 3.27 provide evidence. The majority of the Borough's population lives in the east of the Borough. In Figure 3.24 this area belongs to a Leicester HMA which extends through South Derbyshire. However South Derbyshire is recognised as being part of the Derby HMA rather than the Leicester HMA, in

accordance with Figure 3.25. Figure 3.27 shows this geography within the Borough. Hence the best fit would be with an extended Derby HMA. However the west of the Borough would properly belong in an extended Stoke HMA.

Para 3.67 – **which recent Examinations specifically are referred to here?**

The Borough Council can't remember.

Paras 6.67-71 – **which are the years to which the 5 yearly results refer?**

Council response

At paragraph 6.68 the SHMA refers to the assumption of constant unemployment rates over the projection period, based on a five-year average unemployment rate of 4.4%.

This five-year average unemployment rate is obtained from the Annual Population Survey (sourced via Nomisweb), and relates to the period 2007 – 2011 inclusive. The unemployment rates recorded over this period were:

- **2007: 5.05%**
- **2008: 2.71%**
- **2009: 7.28%**
- **2010: 5.2%**
- **2011: 1.8%**

Fig 6.3 - **Where are the activity rate/labour force : jobs ratio/population projections of Fig 6.3 justified?**

Council response

As with the unemployment rates, the economic activity rates for East Staffordshire assumed within the projections have been calculated using five-year estimates from the Annual Population Survey for the period 2007 – 2011 inclusive.

During this period economic activity rates have been obtained for the population aged 16-64 years, and 65 years and above, as detailed below.

16-64 years:

- **2007: 29.6%**
- **2008: 79.3%**
- **2009: 82.8%**
- **2010: 77.6%**

- **2011: 78.8%**

65 years and above:

- **2007: 7.5%**
- **2008: 5.3%**
- **2009: 6.1%**
- **2010: 13.7%**
- **2011: 9.5%**

As stated within the SHMA at paragraph 6.68, the only variation to the forward projection of these activity rates relates to the need to reflect likely changes to pension ages over the long-term. As a result, and as stated at the bullet point at paragraph 6.68 of the SHMA, within the 50-64 and 65-74 years age groups, economic activity rates within these age cohorts have been incrementally increased by 10% between 2011 and 2030.

The Council intend to publish an addendum to the Strategic Housing Market Assessment to take into account the latest population projections brought to the Councils attention in Doc. E.2. The Addendum will include a full assumptions note and the detailed breakdown of the data underpinning the calculations undertaken. The addendum will be available prior to the examination hearings, from August onwards.

Page 142 - **Where/how are Scenarios 1 and 2 calculated?**

Council response

This calculation is not set out in detail within the document but is contained in spreadsheets which underpin the study. Two spreadsheets have been included in the document library (Doc C.105 Population estimates/forecasts SNPP 2010 and Doc C.106 Population estimates/forecasts Employment-led Experian scenario). The two scenarios are calculated using the widely accepted PopGroup technology. Population projections delivered using POPGROUP use a standard cohort component methodology (the methodology used by the UK statistical agencies). The household projections use a standard household headship rate as employed by CLG for its household projection statistics. A more detailed description of the population and household projection methodologies is available from the User Guide and Reference Manual on the POPGROUP website (CCSR (2013), Manuals www.ccsr.ac.uk/popgroup/about/manuals.html).

It should be noted that the reason why the figures do not deliver the resident labour force is that 1 job does not equal 1 person. The

analysis / process applies a series of assumptions around unemployment, economic activity rates, commuting etc. For the ELR scenario, the jobs have been treated as the starting point, but recognising you do not need 1 additional working age person to meet each job forecast.

The Addendum will include a full assumptions note and the detailed breakdown of the data underpinning the SHLAA .The addendum will be available prior to the examination hearings, from August onwards.

Para 6.95 – is further evidence to the Examination anticipated from new ONS 2014 data releases?

Council response

The Council intend to publish an addendum to the Strategic Housing Market Assessment to take into account the latest population projections brought to the Councils attention in Doc. E.2. The Addendum will include a full assumptions note and the detailed breakdown of the data underpinning the SHLAA. The addendum is timetabled to be available in August.

Paras 6.106 and 6.109 – how does it necessarily follow that there is no serious risk that the requirement for Burton-Swadlincote has been under-estimated? What if similar growth applies elsewhere especially in South Derbyshire where requirement is less than economic predictions might indicate?

Council response

It follows from the fact that the South Derbyshire economic-led projection is lower than the population-led projection, whereas the East Staffordshire economic-led projection is higher. Hence derived OAN exceeds both the population-led and economic-led projection totals as follows:

	<i>East Staffordshire</i>	<i>South Derbyshire</i>	<i>Combined</i>
<i>Population-led</i>	<i>586</i>	<i>551</i>	<i>1,137</i>
<i>Economic-led</i>	<i>613</i>	<i>388</i>	<i>1,018</i>
<i>OAN</i>	<i>613</i>	<i>539</i>	<i>1,152</i>

The difference between the South Derbyshire population and economic led projections fits with commuting patterns – with the significant net in-flow of workers from South Derbyshire into East Staffordshire (Figure 3.29).

The Council is aware that the Derby HMA are reassessing their OAN following Inspector's comments. If the Derby HMA's OAN increases the member LAs have undertaken to increase their housing requirements accordingly to meet the need.