

## **Revised draft Stage 2 Matters and Questions**

### **NB question 5 added to matter 12 on 16 January 2017**

#### **Introduction**

As set out previously, the examination is taking place in three stages.

Stage 1 hearings covering the legal and strategic issues addressed below, primarily concerning the duty to co-operate, objectively assessed needs for housing and employment land and strategic transport matters will take place on 16 January 2017. Following these hearings I will issue a note which will be posted on the Council's examination website. If I conclude that in relation to these issues the Plan is likely to be capable of being found legally compliant and sound (having regard to the potential for me to recommend modifications) Stage 2 will commence.

Stage 2 will consider general matters and the development management policies. The relevant matters and questions set out below could be subject to amendment following the stage 1 hearings. Following that the stage 3 hearings will focus on allocated sites; highway matters (those not dealt with at stage 1 and any if necessary highways matters arising out of stage 1 that require further testing); and delivery and monitoring. Matters and questions for those hearings will follow in due course.

#### **Matter 4 – General matters**

1. Is it clear from the Plan what supplementary planning documents are to be prepared? What are they, their status and purpose, and what is the programme for their preparation? Are important decisions that should be made in the Plan being delegated to these documents?
2. Where necessary, do policies make it clear that their geographic application is illustrated on the policies map?
3. Are there any policies in the Plan that do not accord with the National Planning Policy Framework (the Framework) or advice in Planning Practice Guidance?
4. Are there any gaps in policy coverage? Have other policies been considered and discounted?
5. Is the evidence base relating to such matters as housing, employment, retail, and flood risk up-to-date and relevant?
6. Does the Council have a programme for reviewing the key evidence base?

7. Overall, has the Plan being prepared with the objective of achieving sustainable development, including the presumption in favour of sustainable development set out in the Framework?

## **Matter 5 – Green Belt**

1. Do the exceptional circumstances, as required by paragraph 83 of the Framework, exist to justify the plan's proposed revision of the boundaries of the Green Belt.
2. Do the exceptional circumstances, as required by the Framework, to justify the plan's proposed revision of the boundaries of the Green Belt (both the removal of land from the Green Belt and inclusion of additional land in the Green Belt)? Are these sites and their boundaries clearly shown on a map?

## **Matter 6 – General housing policies**

1. Policies GD1 and SP8 both advise that the Council will implement the Governments optional Technical Standards (THS) and in the case of Policy GD1 reference is made to possible exceeding these standards. Planning Practice Guidance says 'Where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard' which is what is being done through these policies.

However the PPG goes on to say that '*where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:*

- *need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.*
- *viability – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.*
- *timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions'.*

Can you provide evidence of this having been done. Also can you please provide the justification for the requirement in Policy GD1(j) to 'where possible, exceed the nationally described space standards'.

2. In May 2016 some notes were added to the table in the THS. Do the Council intend to add them to appendix c?
3. Have the space standards been taken into account in the viability assessment?

4. Has the impact on affordable homes been considered? Policy HO11 seeks to ensure that at least 50% of all new dwellings are Category 2: wheelchair accessible and adaptable. National Planning Practice Guidance advises that Local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need. Has the Council carried out a needs assessment? If so please provide the evidence to support this? Has the cost of providing it been included in viability testing?
5. Is there a need to restrict houses in multiple occupation in the borough?
6. What evidence is there for the need for self-build plots on some allocated housing sites, as required by paragraph 159 of the National Planning Policy Framework? Does the evidence correlate with the quantum being required?

### **Matter 7 – Affordable housing**

1. Is it proposed that the Council will build affordable housing on some of the allocated sites, or different ones?
2. Is Policy HO8 sufficiently clear about whether units will be for social rent or affordable rent?
3. Has the Council considered having a Starter Homes exception site policy in the Plan, as set out in Planning Practice Guidance (Paragraph: 001 Reference ID: 55-001-20150318), as a way of addressing some of the affordability issues in the borough? If not why not?
4. There appears to be a discrepancy between the affordable housing targets in Policies SP7 and HO7, with SP7 seeking 40% affordable housing, but policy HO7 applying targets of 25% and 30% (depending on whether the site is previously developed). Can the Council please advise how this will be remedied.
5. How have these targets been arrived at and are they likely to affect viability?
6. Should the tenure mix be more prescriptive?
7. Policies SP7 and HO7 seek affordable housing as part of all residential development. The Court of Appeal judgement of 11 May 2016 (SS v W Berks DC and Reading BC) concerned national policy on thresholds for planning obligations for affordable housing and tariff style contributions. The effect of the judgement is that the policies in the Written Ministerial Statement of 28 Nov 2014 are once again national policy. The WMS states that affordable housing and tariff style contributions should not be sought for sites of 10 units or less (or 5 in designated rural areas). I note from the Council's response to my initial questions that they are seeking to retain this policy despite its divergence from national policy. Since this approach is a departure from national planning policy the Council will need to demonstrate the exceptional circumstances that exist in Stevenage to warrant this. This could be a combination of factors, but they must be clearly set out and

evidenced for me to be able to take them into account when deciding whether the Council's approach to affordable housing represents a soundness issue.

### **Matter 8 – Gypsies and travellers**

1. Planning Policy for Traveller Sites says at paragraph 24 that '*local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites... that they should determine applications for sites from any travellers and not just those with local connections*'. However criterion 'a' of Policy HO13 requires applicants seeking gypsy and traveller accommodation on unallocated sites in the borough to demonstrate a local need for accommodation. As such the policy does not accord with National Planning Policy. In this context, is the Council likely to want to amend the Plan?

NB discussion about the gypsy and traveller site allocated in the Plan will take place at the stage 3 hearings.

### **Matter 9 – Retail and town centre issues**

1. Does the approach to retail planning in the Plan accord with the principles set out in the Framework in relation to the vitality of town centres?
2. Is the town centre boundary accurately defined?
3. Should it be extended as suggested by some representors?
4. Have the primary and secondary frontages in policy TC8 been properly defined?
5. What is the justification for a total ban of A5 uses in policy TC10?
6. What evidence is there to support the new convenience retail provision set out in policy TC11? Have the traffic impacts being modelled?
7. Policy TC13 sets floorspace thresholds, above which an impact assessment will be required for main town centre uses outside the town centre. How were these thresholds arrived at and are they justified?
8. Why is a floorspace threshold set for town centre uses in the town centre (policy TC13 a.)?
9. Should the policies relating to the Major Opportunity Areas be more prescriptive in terms of the amount of floorspace that will be permitted for some use classes, such as A1, A3 and A4?
10. Has the potential effect of the retail policies in the Plan on Welwyn Garden City town centre been considered? If, so what were the findings?

### **Matter 10 – Employment**

1. Paragraph 2.55 of the Employment Technical Paper (CD TP1) says that at least one further iteration of the East of England Forecasting Modelling is anticipated prior to the Plan's examination. Has this been published and if so what were the key findings in relation to Stevenage and this Plan? Are there any serious implications for this Plan?
2. Would any employment land be lost to other uses as a result of any policies in the Plan? If so what is the justification for this?
3. Are the proposed employment and mixed use site allocations appropriate and justified in the light of potential constraints, infrastructure requirements and adverse impacts?
4. What are the implications of the identified employment land needs not being met within the Borough's boundaries?
5. What are the implications of Welwyn Garden City refusing to assist with providing employment land to meet some of the unmet demand from Stevenage Borough?
6. Does this have implications for Central Bedfordshire and North Hertfordshire who have agreed to assist in this regard?
7. Do they now need to contribute more than previously agreed and if so has this been discussed?
8. Does this need to be reflected in the Plan?

### **Matter 11 – Community facilities**

1. What consideration has been given to the increase in demand for medical facilities as a result of the increase in population during the Plan period?
2. What new facilities are proposed and what is the justification for them?
3. How will they be funded and is any of the funding in doubt or subject to viability testing?
4. Is there a need for any additional faith/spiritual facilities?
5. Is the relocation of the Arts and Leisure centre justified?
6. What consideration has been given to the increase in demand for educational provision as a result in the increase in new homes and increased population during the Plan period and what increase in places is planned?
7. Is the proposed provision justified and based on a sound evidence base?
8. Should the Plan make provision for a hospice as suggested by some representors?

## **Matter 12 – The natural and historic environment**

1. Has the Plan had regard to heritage assets, including the statutory test set out in S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990?
2. Are the policies in accordance with the advice in the Framework in relation to historic environment?
3. Should the Areas of Archaeological significance in Policy NH9 include Norton Green?
4. There is a significant amount of local objection to the development of land referred to locally as 'Forster Country'. Has an assessment of the impact of development promoted through the Plan on the landscape character in this part of the Borough been considered? If so what were the findings?
5. Are the policies in the Plan relating to Green Infrastructure justified and effective?

## **Matter 13 - Drainage/wastewater, flooding and pollution**

1. What are the implications on housing delivery of capacity issues at Rye Mead Sewerage Treatment Works?
2. Is there a long term strategy for dealing with this matter so that it does not stall development?
3. Is there a water supply issue that could restrict the scale of new development in the borough?
4. Should the Plan make reference to the need for developers to contribute towards Water Framework Directive actions on sites adjacent to watercourses and improve the quality of water that enters groundwater aquifers across the borough?
5. What were the key findings of the Flood Risk Assessment (FRA) carried out to inform the Plan?
6. Does the Plan accord with the recommendations in the FRA?
7. Are any of the allocated sites located within flood zones 2 or 3?
8. Is the threshold for providing SUDS set at the correct level?
9. Should policy FP7 include reference to water pollution?

10. Has adequate account been taken of existing and future air quality in preparing the Plan and its policies?

#### **Matter 14 – Neighbourhood Plans**

1. Are there any adopted or emerging Neighbourhood Plans? If so are they in accordance with the strategy and policies in this Plan?