



The Planning
Inspectorate

Report to Telford & Wrekin Council

by **Paul Clark MA MRTPI MCI**

an Inspector appointed by the Secretary of State for Department of Communities and Local Government

10 January 2011

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO THE CENTRAL TELFORD AREA ACTION
PLAN**

DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 4 September 2009

Examination hearings held between 11 August and 24 September 2010

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ABBREVIATIONS USED IN THIS REPORT

AAP	Area Action Plan
CTAAP	Central Telford Area Action Plan
DPD	Development Plan Document
EA	Environment Agency
FoE	Friends of the Earth
GOWM	Government Office for the West Midlands
HCA	Homes and Communities Agency
LDS	Local Development Scheme
PPG	Planning Policy Guidance note
PPS	Planning Policy Statement
PSA	Primary Shopping Area
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SPD	Supplementary Planning Document

Non-Technical Summary

This report concludes that the Central Telford Area Action Plan Development Plan Document provides an appropriate basis for the planning of the Area over the next 6 years. The Council has sufficient evidence to support the action plan and can show that it has a reasonable chance of being delivered.

A number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Rationalise the objectives of the plan and reconcile their inconsistencies with the vision and the monitoring framework
- Distinguish character areas from policy areas and proposals sites
- Add detail appropriate to an Area Action Plan
- Refine concepts into detailed proposals
- Demonstrate integration with other corporate strategies and those of other bodies
- Address climate change
- Set targets for affordable housing and define dwelling size and type
- Profile household types requiring market housing
- Add policies to manage the night-time economy
- Add parking standards
- Identify key routes and priority measures for bus improvements
- Identify networks and locations where the needs of pedestrians and cyclists will be given priority and the measures that will be taken
- Set targets for the adoption of travel plans
- Propose measures to deal with unstable land and to safeguard coal resources
- Add site specific detail of drainage measures required
- Revise the allocation of land for retail expansion and redefine the proposed Primary Shopping Area

Most of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

Introduction

1. This report contains my assessment of the Central Telford Area Action Plan Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted Central Telford Area Action Plan (September 2009) which is the same as the document published for consultation in June 2009.
3. Following an initial appraisal of the plan, I advised the Council of my serious concerns that the plan as submitted was not consistent with national policy and would not be effective because of its vagueness and imprecision, with proposals still under development, lacking both corporate and landowners' buy-in. These matters were discussed at an exploratory meeting on 5th November 2009, following which the examination of the plan was suspended for the Council to carry out further work.
4. This the Council did, preparing extensive revisions to the plan which were the subject of sustainability appraisal and further public consultation prior to the Hearing sessions. I have taken the consultation responses into account in writing this report. The Council's proposed amendments were published in the form of a revised plan but have been transcribed into a schedule of amendments which is attached to this report (Schedule 1). The changes in this schedule are marked M (Minor) or S (Significant). The latter are those of the Council's suggested changes which I consider to be essential in the interests of soundness.
5. The former are those of the Council's changes which do not go to the question of soundness but which are consequential or improve the document in other ways. Because these do not affect the soundness of the plan, they are not specifically discussed in this report but their inclusion in the plan is endorsed. I am content for the Council to make further minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
6. The schedule also includes changes suggested by the Council during the Hearing sessions. These are distinguished by an annotation in red. Some of these propose further changes to those proposed during the suspension of the Examination. They were not the subject of further consultation or sustainability appraisal but are either deletions of references to Regional Spatial Strategy, clarifications of matters already in the plan, typographical corrections, resolutions of

inconsistencies or reversions to options previously the subject of consultation and sustainability appraisal so the absence of further specific consultation or sustainability appraisal does not invalidate their inclusion.

7. My report deals with the changes that are needed to make the DPD sound and they are identified in bold in the report. All but five of these changes are those proposed by the Council and presented in Schedule 1, marked S. The additional changes that I recommend are set out in Schedule 2. These changes either lie within a range of options previously subject to sustainability appraisal and participatory processes or are made for consistency with other parts of the plan so do not undermine the sustainability appraisal and participatory processes undertaken.

Legal Requirements

Compliance with Local Development Scheme

8. The Central Telford Area Action Plan DPD is contained within the Council's Local Development Scheme (LDS), the updated version being approved on 13 October 2009. There, it is shown as having a submission date of September 2009. There is therefore consistency between the date of the submitted plan and the current LDS.

Compliance with Statement of Community Involvement

9. The Council's Statement of Community Involvement (SCI) has been found sound by the Secretary of State and was formally adopted by the Council before the examination hearings took place. Although I consider in a later section whether the disaffection of a major landowner, which considers itself to have been excluded from participation at a key stage, would be prejudicial to the effectiveness and therefore soundness of the plan, it is evident from the documents submitted by the Council, including the Regulation 30(1)(d) and 30(1)(e) Statements, that the Council has met the requirements as set out in the Regulations.
10. The adequacy of consultation on The Greyhound Link, a significant transport proposal within the plan, was questioned by Friends of the Earth. Even though it may have been introduced into the Council's first Local Transport Plan without prior consultation, both the scheme itself (in three options) and the Council's justification for the scheme are adequately described in several places in the Council's second Local Transport Plan produced in March 2006. This was itself the subject of consultation before the Central Telford Area Action Plan was published in draft for public consultation between September and November 2007 and so the level of consultation complies with the requirements of the Statement of Community Involvement (SCI).

11. There is also criticism of the introduction into the submitted plan, after the conclusion of public consultation on the 2007 draft CTAAP, of a proposal to make a substantial extension to the Primary Shopping Area. Although there may not have been any opportunity for the public to comment on this proposal before its inclusion in the plan, there has been a period for making representations on the submitted plan and a further opportunity for public comment during the period of suspension of the examination. So, although it has not been possible to frontload discussion of this proposal into the process, I am satisfied that nobody has been prejudiced as a result.
12. The representations made to the submitted plan include a suggested amendment to the plan to delete the proposed extension to the Primary Shopping Area. The major landowner who made that representation argued that this should have been advertised to accord with paragraph 3.3.20 of the Council's Statement of Community Involvement. This provides that where developers or individuals submit representations on the submission version of the development plan document that promote alternative site specific proposals the Council must advertise these as soon as possible after the close of the period for representations and allow a further period for representations on the proposal made in the representation.
13. The procedure is one which derives from a now superseded provision of the Town and Country Planning (Local Development) (England) Regulations 2004 and so its omission would not be of great moment. In any event, the Council took the view that the representation comprised a suggestion to delete a policy, rather than to promote a site specific proposal and so did not follow the procedure. Because the proposed extension to the Primary Shopping Area (and also its deletion) would cover several sites, I concur that it represents a policy rather than a site specific proposal. Furthermore, its deletion would not add a proposal to the plan and so would not need further advertisement in any event.

Sustainability Appraisal (SA)

14. Alongside the preparation of the DPD it is evident that the Council has carried out a parallel process of sustainability appraisal. A number of participants in the examination questioned its adequacy in relation to the range of options appraised. In response to a specific written question (my Q82 in document CT002 (document 6.1 on the Council's CTAAP website)) the Council confirmed that in all cases where the SA appeared to consider only one option, "no plan" or "business as usual" were in fact considered as alternative options.
15. The number of options to be chosen for sustainability appraisal is a matter for local judgement. As became evident during Hearing discussions of the justification for an extended Primary Shopping Area, permutations can be numerous. Their omission from the Sustainability Appraisal carried out at various stages of the Plan's preparation has not prevented their consideration during the examination. The Council

took the view that where it had put forward an option which it found sustainable through appraisal there was no need to create other options. I have no reason to disagree with that view.

Appropriate Assessment

16. With regard to the Habitats Directive, there are neither Natura 2000 sites within Telford and Wrekin District nor any close enough to be significantly affected by the proposals within the plan. Natural England confirms that in its view the plan is legally compliant. I am therefore satisfied that there is no need for an Appropriate Assessment.

National Policy

17. As discussed below, I am satisfied that, provided it is changed in the ways specified, the DPD has regard to national policy.

Regional Policy

18. During the examination of the Plan, the Secretary of State for Communities and Local Government decided to revoke the West Midlands Regional Spatial Strategy in common with all other RSSs. In consequence there was no discussion of the plan's compliance with RSS during the hearing sessions. The Secretary of State's decision was subject to legal challenge, which was decided on 10 November 2010. His decision was quashed. He has decided not to appeal, so the West Midlands RSS remains in force.

19. All those with a right to be heard were invited to request a further hearing session to discuss the plan's compliance with the RSS. None made such a request. All who replied felt that no further hearing sessions were necessary. I have considered the issue of compliance with the RSS on the basis of the written representations previously made.

20. The former West Midlands Regional Assembly confirmed that, in its view, CTAAP was in general conformity both with the West Midlands RSS 2008 and with the emerging phase 2 options for its amendment. The Regional Assembly had some reservations concerning the phasing of development. Insofar as conformity with the RSS was an issue during the examination, it was the phasing of development (the "frontloading" of retail development and the "backloading" of housing) which was disputed but it was the substance of these proposals and their consequences rather than conformity as such which was of concern to most parties. I have considered the substance of these matters in later sections of this report.

21. During the examination of CTAAP the West Midlands RSS Phase 2 Revision Panel Report was published. The Council's February 2010 suggested amendments to CTAAP include a number which are made to bring the plan into line with the Panel's recommendations. Although the Panel's conclusions have not been carried through into formally adopted RSS, they and their evidence base have their own validity

which I respect and which is accepted by the Council. With these amendments (**20, 81, 267, 288, 315 and 335**) in place, I conclude that CTAAP conforms to RSS.

Sustainable Community Strategy

22.As discussed below, provided it is changed in the ways specified, I am satisfied that the DPD has had regard to the sustainable community strategy for the area.

Compliance with Regulations

23.I am satisfied that the DPD complies with the specific requirements of the 2004 Regulations (as amended) including the requirements in relation to publication of the prescribed documents; availability of them for inspection and local advertisement; notification of DPD bodies and provision of a list of superseded saved policies.

24.Accordingly, I am satisfied that the legal requirements have all been satisfied.

Assessment of Soundness

Main Issues

25.Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified twenty-eight main issues upon which the soundness of the plan depends. I consider them under three general headings of consistency with national policy, effectiveness and justification

Issue 1 – Consistency with National Policy

26.The following points derive from a comparison of the plan submitted in 2009 with statements of government policy. In most cases, where national policy requires development plans to include criteria based policies for development control purposes I have presumed that these will appear in the Development Control Policies DPD and that their absence from the CTAAP is not an indication of unsoundness.

27.Para 22 of PPS1 looks for Development Plan policies to minimise the need to consume new resources by making more efficient use or re-use of existing resources. It lists a number of measures which the plan should promote. This is elaborated in paragraphs 26 and 33 of the December 2007 supplement to PPS1. It might be thought that the degree of renovation/regeneration of the town centre core envisaged in the plan would afford an opportunity to apply this policy.

28.The Council's response to my question (6) confirms that the opportunity had not been considered in the submitted plan and that in

this respect CTAAP would not have complied with national policy. The Government Office for the West Midlands (GOWM) made representations to this effect. Suggested amendments **61, 64, 337 and 380** address this issue. GOWM confirms that their comments have been taken into account by these amendments. I concur that they are necessary to make the plan sound.

29. Paragraph 30 of PPS1 advises that spatial plans should go beyond traditional land use planning and integrate with other programmes. As originally submitted CTAAP's provisions appeared to be exclusively directed at traditional land-use planning matters. Although it would be inappropriate for CTAAP to set policies and proposals which are properly authorised through other processes it did not even list actions to be taken under other programmes which would underpin the vision and objectives of the plan. Proposed amendments **17, 18, 21, 36, 37, 43, 51, 62, 64, 87, 92-96, 127, 232, 248, 296, 306, 318, 375, 376, 395, 399, 411, 423, 426, 432-8, 440, 441, 447-9, 451, 453, 454, 457-60, 463, 466 and 467** address this issue and are necessary to make the plan sound.
30. As submitted the CTAAP was not consistent with those parts of PPS3 paragraphs 22 and 29 which require a plan to set out (i) the overall target for the proportion of affordable housing, (ii) a profile of the household types requiring market housing, e.g. multi-person, families with children, single people, elderly couples etc and (iii) the size and type of affordable housing. Proposed amendments **15, 38, 315 and 417** address this issue and are necessary to make the plan sound.
31. Policy EC4.2 of PPS4 *Planning for Sustainable Economic Growth* says that local planning authorities should manage the evening and night time economy in centres. It is an aspiration of CTAAP to develop a night-time economy and there are proposals to do so but as submitted there were no policies or proposals for its management to avoid the well-known downsides of such activities. Suggested amendments **26, 259, 322 and 335** address this issue and are necessary to make the plan sound.
32. As submitted, CTAAP's most significant deviation from national policy was in relation to PPG13.
- a) Paragraph 51 requires development plans to produce parking strategies. As originally submitted, CTAAP did not have one. Proposed amendments **57, 336 (paragraphs 4.169 to 4.184 and policies CT10 and CT11) and 437, 438, 440, 441 and 447** address this issue and are necessary for soundness.
- b) Paragraph 74 requires development plans to identify key routes for bus improvements and priority measures and to specify the measures that will be taken. As originally submitted CTAAP had none. Paragraphs 4.152, 4.185-4.197 and policies CT8 (in part) and CT12 of proposed amendment **336** and amendments

425 and 426 address this issue. They are necessary for soundness.

c) Paragraph 76 requires the identification of a network of routes and locations where the needs and safety of pedestrians will be given priority and the measures that will be taken. Para 81 requires the plan to set out its requirements in sufficient detail to provide a transparent basis for the use of planning conditions if appropriate. The Council considers analysis of existing pedestrian flows to be of limited value. The intention is to promote new flows based on a network of routes to link new developments and public spaces but that network was not identified within CTAAP as submitted.

d) Paragraph 79 requires the same for cyclists. Proposed amendments **23, 24, 55, 81 (in part), 85, 98, 102, 110, 111, 115 (in part), 124, 135, 149, 167 (in part), 177, 178, 190, 218 (in part), 224, 326, 336 (paragraphs 4.152 (in part), 4.164, 4.201-4.214, table 3 and policies CT8 (in part) and CT13), 425, 426, 447, 451, 452, 497 (in part) and 498 (in part)** address the requirements of both paragraphs 76 and 79 of PPG13. These are all necessary to make the plan sound. (Amendment **498** is further amended in schedule 2).

e) Paragraph 87 expects local authorities to consider setting targets for the adoption of travel plans. It is not clear to me that this had been done in the submitted plan. Paragraph 4.168 and policy CT9 of proposed amendment **336** address this requirement, which is required for soundness.

33. From the representations made by the Coal Authority, I deduce that much of Telford may lie on unstable land and so the advice of PPG14 should apply. Suggested amendment **80** addresses this issue but raised further representations which are considered further below (paragraphs 165-6).

34. In addition to the above, a number of representations raised concerns based on compliance with aspects of PPS4. These are concerned with the justification for certain of the policies and proposals of the plan and so are discussed further below. Subject to what I have written there, I conclude that the amendments to the plan set out in Schedules 1 and 2 would make it compliant with national policy.

35. Suggestions are also made that the process of preparing the plan did not follow the precepts of PPS12 in fully engaging key stakeholders. As I have noted above, the process followed statutory requirements. Whether it also followed national policy or not is now of academic interest; what is clear, both from the representations made and from the participation during the Hearing sessions, is that a major landowner, on whom the implementation of much of the plan substantially depends, remains disaffected. As this would have

consequences for the effectiveness of the plan, I consider it further below (paragraphs 46, 52 and 83-120).

Effectiveness

Issue 2 -Vagueness and imprecision

- 36.Paragraph 4.7 of PPS12 refers to masterplanning either using an Area Action Plan (AAP) (if required) or through a Supplementary Planning Document (SPD). Therefore, an AAP should contain details equivalent to a masterplan; they should only be in an SPD where there is no AAP. Contrast this with the originally submitted CTAAP where such development studies as exist are outside the AAP, not within it and for much of the central core comprise those prepared by potential developers.
- 37.Paragraph 5.6 of PPS12 states that in areas of change, an AAP should identify the distribution of uses and their interrelationships, including specific site allocations and set out as far as possible the timetable for the implementation of the proposal. Contrast the originally submitted CTAAP where the distribution of uses, in terms of what quantity goes where and is specifically allocated to a site, is noticeably lacking.
- 38.Paragraph 5.2(1) of PPS12 advises that Development Plan Documents should not just repeat national policy. Yet, in respect of flood risk, paragraph 3.7 of the submitted plan, reiterated in many of the site allocations and policies, requires no more than that development should take it into account. This would add nothing to the requirements of PPS25 which apply in any event. To be effective, the Action Plan needs to add site specific detail.
- 39.A large number of the representations made to the originally submitted plan, including those from the Council's own estates department, Transforming Telford, Southwater Event Group, Housing and Communities Agency, Highways Agency, GOWM, Harris Lamb and the Telford Trustees all make the same point that the submitted plan is insufficiently detailed to be sound. The absence of actions to translate the vision into reality means that the originally submitted plan would have been ineffective for lack of detail.
- 40.As originally submitted, the key objectives set out on pages 14-20 do not correspond with the objectives as listed in Appendix 1. The overarching Town Centre objectives set out in paragraph 3.17 are different from those on page 14. The key strategic development objectives for Old Park set out in paragraph 3.57, for Central Park in paragraph 3.87, for Malinslee in paragraph 3.114, for Hollinswood in paragraph 3.128 stand on their own and do not relate to the vision (on pages 14-20) or to the monitoring framework. The transport objectives set out in paragraph 4.75 relate neither to the vision nor to the monitoring framework in Appendix 1. The link between the objectives, policies and targets set out in Appendix 1 is not always

clear. These inconsistencies would detract from the effectiveness of the plan.

41. In the submitted plan, a number of policies such as CT4, CT5A, CT13 and CT15 suggested that their application would vary in different character areas within Central Telford. However, information is lacking to identify what would be the appropriately differentiated approach to affordable housing, tenure mix, density and height in each character area and so these policies lack sufficient detail to be effective.
42. As submitted, designations TC1, TC1a, TC2 etc within chapter 3 refer both to a description of a character area as well as to a particular policy. For example TC1 is the code for a character area described in paragraphs 3.21 to 3.25, yet it is also the code for a policy, set out following those paragraphs. Sometimes policies or allocations are co-terminous with a character area sharing the same code, but sometimes not. For example, TC1, TC1a, TC1b, TC1c, TC2, TC3, TC4, TC5, TC6, TC7 appear co-terminous but OP1, OP3, CP1, CP2, CP6 are not. It is also not clear whether these are policies (in the event of development coming forward) or site allocations (a proposal that a development should come forward). These uncertainties led me to form the view that the plan as submitted would be ineffective because of its lack of clarity.

Issue 3 - Proposals still under development

43. In the originally submitted plan much work fundamental to the plan was still in progress, with details promised at a later date. An example is the way the Plan applied and developed Core Strategy Policy CS4. This has 6 bullet points, one of which is to reduce dependence on the car. There is very little in the way of specific proposals in the originally submitted CTAAP that would help to achieve this objective. Another example is the policy on affordable housing. This led me to the conclusion that the plan would not be effective for lack of detail.

Issue 4 - Corporate buy-in

44. As originally submitted the plan had a number of characteristics which threw doubt on the degree to which it had corporate support, both from within and without the Council:
- Although the Council is legally a single entity, one element of the Council had submitted the plan whilst another had made representations that it was unsound.
 - The plan includes an aspiration to develop a night-time economy in the Town Centre. This appeared to lack back-up from strong licensing and cleansing policies and liaison with the Police.

- Proposals to upgrade and improve open spaces would require action by the Council's parks/open spaces teams. This appeared to be absent from the plan.
- The plan refers to a desire to change travel modes, but there is no reference for example to travel planning, buy-in from the bus and rail operators or real-time public transport information.

45. Without such corporate buy-in and support the plan risked being ineffective

Issue 5 - Landowners' buy-in

46. A number of major landowners within the Town Centre would be an important part of the delivery of the plan. However, it is clear from their representations that they are not all on board and some regard the plan unsound as submitted. Without these major landowners' buy-in, the plan as submitted would be ineffective.

Proposed amendments

47. Many of the amendments put forward by the Council after the suspension of the examination simultaneously address several of these concerns about its effectiveness in addition to addressing concerns about compliance with national policy.

48. Amendments **22, 25, 26, 31, 32, 39-41, 45, 46, 49, 50, 54, 63, 66-73, 75-81, 83, 84, 86, 90, 92-96, 100, 108, 112, 115, 116, 118-121, 123, 125, 126, 128-130, 132, 134-139, 141, 142, 144, 146, 148, 150, 151, 157, 159, 161-165, 167-169, 173, 175, 176, 179-186, 188, 189, 191-199, 201-207, 209, 211-220, 222-226, 230-233, 235-240, 242-247, 249-255, 284, 330, 339, 340, 347, 355, 358, 372, 373, 388, 394, 398, 401, 406, 409-412, 417, 420, 454-463, 474, 477-488 and 498** address the vagueness and imprecision of the plan and are necessary for the plan to be found sound. (Amendment **498** is further amended in Schedule 2).

49. Although some participants in the Hearing session on Transport matters felt that there should be greater detail of the pedestrian links and improvements sought, there is now sufficient specification in proposed Table 3 for any developer to understand what is sought from them. With the proposed amendments in place the plan would be sufficiently precise to be effective.

50. Amendments **15, 23, 24, 26, 34, 35, 38, 42, 52, 53, 55-59, 81 (in part), 85, 98, 102, 110, 111, 115 (in part), 124, 134-136, 149, 167, 177, 178, 190, 218, 224, 259, 315, 322, 323, 325, 326, 335, 336, 362, 417, 423-453, 464-467, 470, 497 and 498** revise and complete policies and proposals previously under development. With these amendments in place I am satisfied that the plan would be

sufficiently complete to be effective. (Amendment **498** is further amended in Schedule 2).

51. Amendments **17, 18, 21, 36, 37, 43, 51, 62, 64, 127, 232, 248, 296, 306, 318, 375, 376, 380, 395, 399, 411 and 423-467** address the issue of corporate buy-in. West Mercia Police confirm that the amendments would satisfy their infrastructure needs. With these amendments in place the plan would enjoy sufficient corporate support for it to be effective.
52. Most of the affected landowners confirmed that amendments responded to their concerns but one major landowner still had issues despite the amendments put forward. Whilst recognising that it is unrealistic to please all parties in every detail, these concerns go to the heart of the justification for certain policies and proposals in the plan and so command attention. They are considered further below (paragraphs 83-120). The further amendments **499, 500, 501 and 503** which I now recommend as a result of that discussion ought to bring that landowner on board and so I conclude that with the amendments in place the plan would be effective.

Justified

Issue 6 - The quantity of retail development

53. In the submitted plan, policy CT2 allows for up to 70,000 sq m (gross) of comparison retail development by 2016 within the Town Centre Core. No allowance is stated for convenience retail floorspace. No allocation of any quantity to any individual site is made.
54. In the council's proposed amendments of February 2010, policy CT2 would allow for up to 65,000 sq m (gross) of comparison retail development by 2016 within the Town Centre Core (amendment **287**). No allowance is stated for convenience retail floorspace. The quantity of comparison retail floorspace would be allocated to two sites, SA1 and SA2.
55. No specific comparison retail floorspace target is set within the Council's Core Strategy; its policy CS4 simply requires Central Telford to be the focus for major retail development serving the needs of the Borough and the sub-region by creating more shops. The supporting statement refers to a significant increase in demand for retail outlets and floorspace without setting a figure.
56. The technical justification for the figure within CTAAP derives from work done for the Council by White Young Green (WYG). Those who felt that reliance should not be placed upon it referred to work carried out by Roger Tym and Partners for the West Midlands Regional Spatial Strategy. The differences between the figures arrived at in these two pieces of work can be explained by their different approaches to baseline expenditure figures, expenditure growth rates, sales density

figures, the absorption of retail park expenditure and population and housing growth.

57. Having listened to explanations by White Young Green of their reasons for using the particular figures for these elements of their calculations, and their explanation of the sensitivity of their figures to the effects of the current recession, I concur with the view expressed in the West Midlands RSS Phase 2 Revision Panel Report paragraph 5.44; "For our part, we agree that different assumptions could validly be made in the forecasting of the provision requirements and the localised adjustments suggested by White Young Green do not appear unreasonable." It is therefore sound to base policies and proposals on their technical work which identifies a need for an additional 35,980 sq m gross comparison retail floorspace by 2016 increasing to 65,720 sq m by 2021.

Issue 7 - The frontloading of retail development

58. For its task, the Panel went on to say that it would not be valid in statistical terms to apply different parameters for individual centres as compared to those applied generally across the remainder of the region. Nevertheless, it recommended that the figures for Telford should be 60,000 sq m gross for 2006-21 with a flexibility allowance of 10,000 sq m, commenting that the flexibility recommended ought still to enable development of the scale being contemplated by the Council to be considered.

59. In this light, a locally adjusted figure of 65,000 sq m by 2016, to include the flexibility allowance, is reasonable, particularly as the Panel report makes clear (in paragraph 5.40) that its allocations for 2006-21 are an aggregation which could be implemented at any time during that period and not necessarily in an even, linear progression. The February 2010 amendments to the plan put forward by the Council are intended to reflect the verdict of the Panel report.

60. The White Young Green figures only justify a comparison retail floorspace growth of 35,980 sq m by 2016 based on quantitative analysis. Their higher figure of 65,720 sq m would only be justified by 2021. The figure of 65,000 sq m put forward in the February 2010 amendments to the plan therefore represents front-loading development by a period of five years. A number of qualitative factors are advanced by the Council to justify this figure and its frontloading into an earlier timescale. Although described by some as "spongy" arguments, policy EC1.4 of the government's Planning Policy Statement 4 (PPS4) advises that local planning authorities should take account of both the quantitative and qualitative need for additional floorspace, so the approach is acceptable.

61. The qualitative arguments are variously described as regeneration, "catch-up" "mixed use", "connectedness" and "lumpiness". Each has various strands to it. Paragraph EC1.4b of PPS4 advises that regeneration and employment benefits should not be taken into

account when assessing the need for retail and leisure development but, from the evidence submitted and from the way in which the Council tended to use the first three terms interchangeably, it appears that the regeneration benefits advanced by the Council are not to do with employment but with the quality of offer made by the town centre to its potential customers, so I do not exclude its relevance.

62. The character of the existing town centre is described in paragraph 9.27 of the Core Strategy. In less flattering light it is also described as a retailing monoculture. Policy CS4 of the Core Strategy makes it clear that the task of CTAAP is to transform the town centre from a retailing monoculture into an area with a more traditional mix of uses. Yet there is presently no established market for town centre housing nor much for other uses so, to a degree, mixed use regeneration, to allow the centre to "catch up" with the range of activities offered by rival centres, would have to be retailing-led.
63. Expressed retailer demand in August 2010 is shown to amount to only 17,600 sq m, the second lowest of any equivalent centre within the West Midlands. However, the analysis contained in the paper prepared by the Martin Robeson Planning Practice, in response to my request for evidence of retailer demand, shows the qualitative weaknesses of the type of retail unit presently on offer, presenting an image which is said to depress demand.
64. Furthermore, the point made with reference to Evidence Document 53 (the Goad report) in paragraph 7 of the position statement made jointly by the Council's Property and Design Team and the Southwater Event Group dated 21 September 2010 also indicates qualitative deficiencies which need to be remedied, either by additional floorspace in itself or by releasing existing retail floorspace for adaptation.
65. A further point made by the Southwater Event Group is that the town centre has an active conference and events function. Their own activities were said to generate 300,000 business visitors per year. Their potential retail expenditure is thought to be lost because conference and events venues are physically disconnected from the retail centre.
66. Finally, White Young Green, on behalf of the Council make the point that development does not occur at a smooth annual rate but in large lumps with construction possibly extending over several years, sometimes in advance of demand, sometimes in pursuit of it. Paragraph 1.12 of the plan embraces this concept. Convincing examples are given by White Young Green in support of this argument.
67. By definition, none of these "soft" qualitative arguments can be precisely or directly translated into quantities of development. That does not make them unsound, nor does it necessarily mean that any judgement as to quantity based on them would be unsound. But the effects of the quantity proposed can be examined to give an indication of soundness. It is to that which I now turn.

Issue 8 - The effects of retail development on other towns

68. Wolverhampton City Council on behalf of the four Black Country Local Authorities is concerned that the major short-term growth in Telford represented by front-loading the quantity of retail growth proposed could undermine the vitality and viability of those towns and, in particular, the delivery of the "Summer Row" retail core expansion in Wolverhampton.
69. The risk that bringing forward the 2006-2021 aggregation of retail growth recommended by the West Midlands RSS Phase 2 Revision Panel might cause the retail network of the region to be distorted was specifically considered in paragraph 5.40 of the Panel's report. The Panel agreed that as provision at strategic centres almost always occurs in substantial increments, there will be inevitable shifts in relative size of centres over time as first one, then another, secures significant redevelopments and that this is the reality of the market. I have no reason to disagree with that conclusion.
70. Evidence is produced by White Young Green in support of the February 2010 amendments to CTAAP. Although questioned (by Drivers Jonas Deloitte on behalf of the Telford Trustees), it was not controverted. Even front loading the delivery of comparison retail growth in Telford would only elevate its position within the ranking of equivalent centres in the regional hierarchy above Burton, Hereford and Leamington Spa but still behind Shrewsbury, Walsall, Worcester and Solihull. It would not threaten the hierarchy which places Wolverhampton and Brierley Hill in a different league.
71. Although there is no dispute that the expansion of Telford will cause some trade draw from Wolverhampton, the evidence suggests that this would accord with the natural jostling of relative positions described in the West Midlands RSS Panel report. In particular, I am informed that the "Summer Row" expansion in Wolverhampton is under construction and is on target to open some time in 2011, well in advance of any retail development in Telford and therefore unlikely to be prejudiced by the latter.
72. George Evans, on behalf of the Wellington Civic Society, is concerned that the expansion of Telford shopping centre will adversely affect the development of the Borough Towns of Wellington, Oakengates, Dawley and Madeley. These centres are of a different order to Telford. They barely figure in terms of provision of comparison goods retailing on which the expansion of Telford town centre would concentrate. Their strength lies in the provision of local services and convenience goods retailing. Although the potential for some expansion of the latter in Telford town centre is recognised in the background evidence, the plan itself makes no specific allocation for it. Because the role and function of the Borough Towns are quite different from that of Telford town centre, they would not be threatened by the quantity of comparison retail expansion proposed in the February 2010 amendments to CTAAP.

73. I conclude that consideration of its effect on other centres in the hierarchy does not suggest that the quantity of retail development proposed in the February 2010 amendments to CTAAP is unsound. There remains consideration of its effect on the existing retail provision in the town centre, to which I now turn.

Issue 9 - Alternative quantities of retail development

74. Concern about the impact of CTAAP on the existing shopping provision derives from its proposals both as to the quantity of retail development and also as to its distribution which would be done both through site allocations and also through the definition of a Primary Shopping Area within which retailing development would be permitted. I discuss the Primary Shopping Area question later. In this section of my report I deal only with the quantity proposed.

75. In the submitted plan, this is 70,000 sq m. As noted above, the Council accepts that this figure is not justified by reference to the West Midlands RSS Review Phase 2 Panel Report and so is unsound. The Council proposes amendment **287** to limit the quantity of additional comparison retail floorspace to 65,000 sq m.

76. Wolverhampton City Council suggests that the quantity of additional comparison retail floorspace envisaged in CTAAP should be limited to 45,000 sq m. Drivers Jonas Deloitte, on behalf of the Telford Trustees, proposes that the policies should relate to the White Young Green evidence base, i.e. 35,980 sq m to 2016. A substantial part of the argument for the latter figure is based on the anticipated impact of a higher figure on the existing shopping provision within Telford.

77. The existing shopping centre lies within site SA1. It is said to comprise 92,937 sq m gross floorspace (Council's response to my Q38) though some is convenience rather than comparison floorspace. But the Council argues that the floorspace (and the expenditure) which takes place at the edge of town retail parks should also be included in the calculations. These represent an additional 49,346 sq m.

78. If the lowest of the figures for additional floorspace, that suggested by Drivers Jonas Deloitte, were adopted, then retail provision in the town centre would be allowed to expand to 128,917 sq m by 2016, or to 178,263 sq m including the retail parks. If the highest figure, that of the Council, were chosen, the figure would be 157,937 sq m or 207,283 sq m respectively. The difference is 29,020 sq m. This represents 18% of the higher figure for the town centre alone or 14% if spread over the retail parks as well. If this were all translated into vacant floorspace and confined to the existing town centre it would indeed be significant.

79. On the other hand, the figure suggested by Drivers Jonas includes no allowance for any of the "soft" factors adduced by the council. These would undoubtedly have some effect, so it follows that the lowest figures suggested by Drivers Jonas Deloitte would be unrealistic.

80. A different way of looking at the figures is to compare the suggested growth in floorspace with the anticipated growth in expenditure, which is expected to be 40% by 2016 (Council's response to my Q38). The Drivers Jonas figure represents floorspace growth of 38.7% of the town centre alone but only 25% if the retail parks are included, in both cases below expenditure growth. The Council's figure represents 70% and 47% respectively, excesses of 30% and 7% respectively.
81. The idea that all growth in comparison retail floorspace will be located in the town centre is itself contentious. I consider this further below (paragraphs 121-2). For the reasons explained there, I conclude that it would be sound. I therefore accept the Council's reasoning that floorspace and expenditure figures should be calculated for the town centre and the retail parks together and so I find the second of the alternative figures in each case discussed above to be the more compelling.
82. With this in mind, the excess floorspace growth to accommodate the Council's "soft" factors, over and above what can be justified by a purely quantitative assessment, would not be unreasonable. I therefore conclude that the Council's amended figure for comparison retail floorspace growth is sound (amendment **287**) and necessary.

Issue 10 - The distribution of retail development

83. As submitted, policy TC1 defines an extensive Town Centre Core within which development proposals must bring forward a mixture of uses to include retail. Policy CT2 provides that the majority should come forward within the defined Primary Shopping Area and that a subsidiary amount should come forward within the defined Primary Shopping Area Extension at Southwater. As noted above, the vagueness of these provisions and the lack of specific site allocations do not comply with paragraph 5.6 of PPS12.
84. In response the Council proposes amendment **81**, itself further amended in September 2010 and supplemented at that time by amendment **288**. Policy TC1 would continue to define a Town Centre Core and to require developments therein to be for mixed uses but without specifically requiring a retail element. There would be two site allocations. SA1 would require development proposals in the defined existing Primary Shopping Area to bring forward approximately 50,000 sq m of comparison retail floorspace. SA2 would require development to include approximately 15,000 sq m of comparison retail floorspace in west and central Southwater. Both site allocations are also identified for an unspecified quantity of convenience retailing floorspace. Representations are made questioning both the boundary of the defined Town Centre Core and the allocations of comparison retail floorspace.
85. Policy OP5 of the submitted plan is that future expansion of the Forge or Telford Bridge retail parks will not be supported. No amendment is proposed to this policy. Representations are made to the effect that

this policy would be inconsistent with policies EC2 to EC5 of the government's Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4). These are discussed in paragraphs 121-2 below.

Issue 11 - Site allocations for retail uses

86. In addition to the 65,000 sq m of comparison retail floorspace, the plan needs to provide for an amount of convenience retail floorspace. This is not allocated by any policy within the plan. Supporting text gives indicative figures of 7875 sq m (gross) by 2016, rising to 10,740 sq m (gross) by 2021. Representations suggest that these figures may be exaggerated and should possibly be halved but there is nevertheless an element of convenience floorspace to be accommodated.
87. Policy EC5.2 of PPS4 advises that sites for main town centre uses should be identified through a sequential approach to site selection, giving first preference to locations in existing centres where sites or buildings are, or are likely to become, available within the plan period. No party has challenged the definition of the existing Primary Shopping Area (PSA) within CTAAP but the boundary passes along the centre of the road known as Coach Central and so excludes part of the existing enclosed shopping centre which bridges the road as well as two detached retail units which stand in the Southwater area but are contiguous to and would, if both were occupied, clearly function as part of, the PSA.
88. On the other hand, the defined PSA boundary includes extensive areas of open car parks which are adjacent to, and associated with the shopping centre but have no retail function in themselves. Yet other areas of open car parking, which are equally associated with the shopping centre but separated from it by one or other arm of the town centre Box Road, are not included within the PSA as defined. The boundary shown follows the alignment of a prominent transport feature but appears to have little relationship with the boundaries of retail activity. Other than cartographic convenience, it has no merit as a definition of the Primary Shopping Area. Insofar as it defines an area capable of development, its description as existing Primary Shopping Area in the submitted plan and the February 2010 amendments is misleading. In its September 2010 amendments the Council proposes its substitution by the phrase "existing shopping area" where appropriate throughout the plan. This designation is much less confusing and these changes are helpful (Amendments 69, 97, 98, 102, 111, 256, 258, 269, 270, 275, 277, 278, 292, 320, 324 and 331) though I do not insist on them as essential for soundness.
89. From observation, the boundaries of primary shopping activity are coterminous with the boundaries of the enclosed shopping centre, except where activity extends beyond its south entrance to encompass the two detached retail units previously mentioned. That should be the definition of the existing Primary Shopping Area. Only sites or

buildings for conversion within that area would fall within category (a) of PPS4 policy EC5.2.

90. It follows that, in terms of PPS4, any site which adjoins that area of observed primary shopping activity would be an edge of centre location (category (b)). This would include those within the existing Box Road which are designated as site SA1 and given the (misleading) title of existing Primary Shopping Area in the submitted plan and the February 2010 amendments. As proposed in the September 2010 amendments, the site would be known as existing shopping area. Other sites outside the Box Road could equally be regarded as category (b) sites within the terms of PPS4, including parts of site allocation SA2.
91. PPS4 advises that preference should be given to those sites that are, or will be, well-connected to the area of primary shopping activity. The recommendation, 7.5 in the Council's Sustainability Appraisal of the Preferred Options Report, to encourage development on surface car parks where possible, is made in connection with site SA1 but is as valid for those outside the Box Road as within it, so gives no priority to the selection of those sites for new development.
92. Several studies of the development capacity of potential development sites have been made. White Young Green made a capacity study in 2008, updating the exercise in 2009 to allow for the incorporation of a greater degree of mixed use. The Telford Trustees commissioned Benoy Architects to prepare a master plan, which was produced in 2008. Further studies have indicated how the capacity demonstrated by that study might be increased. Studies of the potential of the Telford Trustees' land to the south of the Box Road were presented to the Hearing. In addition, several sites have been the subject of planning permissions (albeit one subject to legal challenge) which also inform an understanding of the capacity of the development sites available.
93. Although the Telford Trustees do not dispute White Young Green's estimates for the capacity which would result from the redevelopment of the existing shopping centre and the bus station, White Young Green themselves take the view that these would not be developed until after much else has first been developed. The Benoy masterplan does not contemplate the redevelopment of these two sites at all.
94. The bus station delivers a considerable proportion of the retail centre's customers, so it is unlikely that the owners of the retail centre would redevelop it without replacement, yet none is proposed. Its availability for redevelopment is therefore implausible within the timescale of the plan. The redevelopment of the existing shopping centre would cause considerable disruption and would lead to a temporary reduction in floorspace whilst it was carried out, so its redevelopment is implausible before an equivalent quantity of floorspace is first provided elsewhere to allow for redevelopment to follow. I therefore exclude these two sites which would be within category (a) of PPS4 policy EC5.2 from consideration of the rival calculations.

95. White Young Green's adjusted study then identifies a capacity of 39,750 sq m on the Red Oak, Ash Grey and Lawn Central sites within SA1. In this light, the allocation of 50,000 sq m of comparison retail floorspace to land within the Box Road appears unjustified but the original Benoy masterplan indicates a capacity of 55,000 sq m gross comparison retail floorspace within the Box Road. The further Benoy study (presented to the Examination under cover of a letter from Drivers Jonas Deloitte of 17 August 2010) claims a capacity of 74,348 sq m comparison floorspace and 14,567 sq m convenience retail floorspace within the same area.
96. Of the two rival approaches, the Benoy masterplan and its subsequent refinements are based on block plans which give a greater sense of plausibility than the calculations of White Young Green. However, in turn these block plans show that the capacity forecast in the later study would depend upon multi-level trading where there is little or no track record of that form of retailing in Telford. A direct comparison between the planning application for a foodstore of 7,950 sq m floorspace on part of the Red Oak Car park and the 14,567 sq m of convenience retail floorspace in block LCC1 on part of the Red Oak car park in the later Benoy study illustrates that the later Benoy studies may be overoptimistic.
97. Two-storey trading may be achievable; it already exists in part of the retail centre but it would be unsound to rely on the unproven achievability of a greater number of floors of retailing activity. Discounting those additional upper floors and allowing for the fact that the Benoy studies allow for an element of convenience floorspace, the allocation of 50,000 sq m of comparison retailing floorspace to sites within the Box Road is realistic and sound. It follows that the allocation of the residual 15,000 sq m to such land within SA2 as also falls into category (b) of PPS4 policy EC5.2 is also sound. To that extent, amendments **81** and **288** are sound.

Issue 12 - The proposed Town Centre Core and Primary Shopping Area

98. The plan, both as originally submitted and as proposed to be amended in February 2010, would include all of SA1 and most of SA2 within a defined Town Centre Core. This term is used interchangeably with the phrase Primary Shopping Area and PSA extension to mean the area within which future retail development would be regarded as appropriate in accordance with the definitions at annex B of PPS4 and policy EC3c of PPS4.
99. The extent of site SA1 is relatively constrained in relation to the quantity of retail floorspace allocated to it, so that any retail development could hardly fail to have a close connection to the existing shopping centre and so accord with criterion (b) of PPS4 policy EC5.2. The same cannot be said of site SA2.

100. The existing shopping centre and bus station has a site area of 9.7ha and supports a retail floorspace of 92,937 sq m, a ratio of 9581 sq m per ha. Site SA1 would have an area of 17 ha and, including an element of convenience floorspace growth, would support about 150,000 sq m, a ratio of about 8824 sq m per ha. The difference is explained by the introduction of some non-retail uses within the development of the former car parks.
101. The extension to the Primary Shopping Area within Site SA2 is stated to be 12.75 ha in the Council's statement to the supplementary hearing session of 24 September 2010. It would accommodate the existing retail units in Southwater (approximately 1875 sq m), an additional 15,000 sq m of comparison retail floorspace and an undefined amount of convenience retail floorspace which I will estimate to be about 8,000 sq m (based on a permission already granted). The resulting ratio would be about 1950 sq m per ha.
102. The SA2 designation is therefore extensive in relation to the quantity of retail floorspace it would be expected to support. It would be about four times as large as would be necessary to achieve an intensity of retail development similar to that in the existing PSA or that proposed for site SA1. Not all is, or could be, well connected to the existing Primary Shopping Area which can only be accessed by its southern entrance on to Southwater Square, through the bus station, or by an entrance into House of Fraser or Marks and Spencer on Woodhouse Central.
103. The Council argues that the extension in SA2 would result in a Primary Shopping Area little larger than the shopping area proposed in the Wrekin Local Plan. I understand the current CTAAP to represent a departure from the approach of the Wrekin Local Plan in seeking to produce a more traditional, compact town centre than that previously envisaged. Accordingly, I am not convinced by this comparison.
104. The Council also argues that the extended PSA has to accommodate considerably more than just retail uses. As noted above, it uses the terms Town Centre Core and Primary Shopping Area interchangeably. Annex B of PPS4 defines Town Centre as including the primary shopping area but also including areas of predominantly non-retail uses such as leisure, business and other main town centre uses.
105. PPS4 defines the Primary Shopping Area as an area where retail development is concentrated. It notes that in smaller centres, there may not be areas of predominantly leisure, business or other uses. In those places the town centre and the primary shopping area may be coterminous. But that is not the case in Telford which has, and is proposed to have, extensive areas of leisure, business and other non-retail town centre uses in its Town Centre Core.
106. The conflation of a Town Centre Core and Primary Shopping Area within CTAAP results in such an extensive area for a limited quantity of retail development that the retail development would not necessarily

be sufficiently concentrated to act as part of a Primary Shopping Area in the way defined in PPS4. The potentially unrestricted location of retailing development anywhere within the extensive SA2 site could result in disconnection from the existing shopping centre, contrary to policy EC5.2b of PPS4.

107. Furthermore, although the allocation of new retail development would be limited to 15,000 sq m of comparison floorspace, there would be extensive quantities of development for other uses also within the area. Once built, their conversion to additional comparison retail floorspace would need planning permission but would accord both with the policies of the plan and with those of PPS4. Permission might reasonably be expected which would undermine the policies in the plan designed to limit the growth of retail floorspace to that consistent with the continued health of the existing town centre.
108. There is some suggestion (in papers presented to the West Midlands RSS Review Phase 2 Panel, and in paragraph 6.06 of White Young Green's Telford Town Centre Retail Strategy Paper of February 2010 (evidence document 25)) that the area for retail expansion should be extended so as to break the monopoly of a single landowner. It is argued that a landowner who has an inherent interest in protecting an existing investment would have no incentive to expand without there being a threat to the existing investment from the development of land not in their control.
109. However, there are other, more appropriate, powers to compel a reluctant landowner to permit development to proceed than to distort a proper definition of the Primary Shopping Area for the purpose.
110. For all these reasons, the conflated definition of the Town Centre Core and Primary Shopping Area within policy TC1 and the extent of Primary Shopping Area proposed in amended site allocation SA2 is unsound. Without prejudice to its view that the amendments proposed in February 2010 are sound, the Council submitted to the supplementary Hearing session on 24 September 2010 further suggested amendments which would introduce distinctions between a Town centre core (policy TC1), a Primary Shopping Area (CT2) and a site allocation (SA2).
111. In these amendments, the proposed extension to the PSA outside the Box Road would be reduced by about 3.9 ha to about 8.85 ha. The resulting ratio of retail floorspace to site area would be about 2810 sq m per ha. Although the introduction of a distinction between Town Centre Core and Primary Shopping Area would accord with PPS4, the extent of the latter would still be too dilute to be sound.
112. There are three components to the extent of the PSA extension suggested in the September 2010 amendments. One is an area currently the subject of a planning permission for an ASDA supermarket (the ASDA site). The second is an area owned by the Telford Trustees to the west of the southern bridge entrance to the

existing shopping centre and containing some existing retail units. The third is an area to the east of the southern bridge entrance to the existing shopping centre and which is subject of a more extensive outline planning permission which indicates an element of retail development on this land. I consider the claims of each site in turn.

113. At the Hearing the argument was put forward that, once built, it would not make sense to exclude the ASDA site from the PSA because it would be so contiguous to it. As proposed to be laid out in the permission now given, the store would be pushed to the western end of the site by an extensive surface level car park.
114. The entrance to the ASDA store would be approximately 200m from the western entrance to the existing shopping centre on Woodhouse Central, approximately 170m from its entrance at the bus station and approximately 130 m from the nearer of the two existing retail units on the Telford Trustees land at Southwater. For comparison, I note that the distance from the western entrance to the existing shopping centre to the out of centre retail parks is about 300m.
115. Of the three component parts to the candidate area for extending the PSA, the ASDA site is the least directly connected to the existing PSA. Whatever the arguments for permitting retail use on this site (which are not before me), the argument for including the site within an extended Primary Shopping Area is weak.
116. The Telford Trustees land extends directly from the southern entrance to the existing shopping centre at the bridge over Coach Central. It contains two existing retail units. The further developable area would extend directly from their position. It clearly complies with the selection criteria of PPS4 policy EC5.2b. The Telford Trustees put forward a suggested amendment to the extension of the Primary Shopping Area within SA2 which would limit it to this area. It is about 2.6 ha in extent so, by itself would result in a ratio of retail to site area of about 9567 sq m per ha, as intense as the "retail monoculture" of the existing PSA, so probably not sufficiently extensive to allow for the inclusion of other mixed uses intended for the extended area.
117. The third component of the candidate PSA extension comprises zones 1, 2 and 5 of a much larger development site of 12 zones with outline planning permission for a mixed use development. Zones 1, 2 and 5 are indicated for 3,600 sq m of uses falling within classes A1 to A4 of the Use Classes Order. Like the Telford Trustees land, it is also immediately adjacent to the southern entrance of the existing shopping centre at the bridge over Coach Central and so would also comply with the selection criteria of PPS4.
118. It would also provide a link to the Telford International Centre and so help to capture for the PSA some of the retail expenditure of that facility's clients, in the desired way described earlier (paragraph 65). Like the Trustees land, it would be too small on its own to accommodate the quantity of comparison and convenience retail

floorspace envisaged. Both together are necessary to accommodate the quantities sought.

119. I conclude that the amendments put forward by the Council in September 2010 but further amended by the exclusion of the ASDA site would make the plan sound in respect of the definition of the Town Centre Core and the extended Primary Shopping Area. I set out these amendments (**499, 500, 501 and 503**) in Schedule 2.
120. Telford Trustees argue for a further amendment which would give priority to development of the sites within the existing Box Road, citing points made in the Sustainability Appraisal in favour of developing existing car parks. Although development of surface car parks would have advantages, that point equally applies to open car parks outside the Box Road. As noted above, the description of the car park sites within the Box Road as "existing PSA" is misleading and should not be taken to give them any priority.
121. The existing retail parks provide accommodation for town-centre type comparison retail floorspace. They supplement what is on offer in the existing Primary Shopping Area. Although linked to each other and to the PSA by a continuous pedestrian route, they are separated from the existing PSA at its nearest point (the entrance to House of Fraser and to Marks and Spencer on Woodhouse Central) by about 300m of other, non-retail uses and a considerable difference in level.
122. Because the plan identifies sufficient land for retail development in sites immediately adjacent to the existing PSA and so complying with PPS4 policy EC5.2b it is not necessary to seek further for land to accommodate comparison retail expenditure growth. It follows that policy OP5 is sound in directing retail growth away from the retail parks. There is no need for the plan to repeat the Development Management policies (EC15-17) of PPS4 for the consideration of proposals in out of town centre locations.

Issue 13 - The quantities of office floorspace and its distribution

123. Castle Farm Telford LLP, whilst not objecting to the quantity of office floorspace proposed or the sites allocated for its development, are concerned that master planning exercises fail to demonstrate that the sites can deliver the quantum proposed. They are also concerned that geotechnical constraints to do with the area's mining legacy and its consequent drainage difficulties might delay the delivery of allocated sites. In consequence, they seek an amendment to the plan to countenance the provision of office development in out of centre locations.
124. The Government Office for the West Midlands (GOWM) points out that many of the sites allocated for office development are out of centre and seeks justification for them.
125. From the development studies submitted in evidence and the drainage studies submitted in February 2010 it is clear that the office

site allocations are well considered in terms of their feasibility. The Council is also able to point to pedestrian and cycle way improvements which would more closely link some more peripheral sites to the town centre and so justify their selection. Amendment **172**, which I endorse, makes this clear.

126. Although the rate of delivery of development can never be certain and will fluctuate with economic conditions, I am not convinced that such variation would make a justifiable case for designation of additional sites over and above the identified need. The thrust of PPS4 policy EC2.1 is that Development Plans should not allocate more land than can be justified. The Development Management policies of PPS4 apply where economic development proposals are pursued other than in accordance with a development plan, so do not need to be repeated within CTAAP.
127. I therefore conclude that the office quantity and location policies within CTAAP, amended by the February 2010 amendments, are sound.

Issue 14 - Provision for leisure facilities

128. In response to the submitted plan, the Southwater Event Group (SEG) argued that the plan was unsound because it did not demonstrate how facilities such as the Library, Meeting Point House, Ice Rink, Bowling Alley and Bingo Hall would be replaced within the Southwater site. The Rank group argued that there was no need to demolish the Bingo Hall.
129. The February 2010 amendments (amendment **81**) suggested by the Council provide greater detail of what is required for the parts of site SA2 known as Central and East Southwater and the Events Quarter. Outline permission has been given for a development which provides evidence, by way of illustrative drawings, to demonstrate how facilities such as the Library and Meeting Point House would be replaced and the Ice Rink, Bowling Alley and Bingo Hall would be retained within the overall development.
130. The changes promoted by the Council and the outline planning permission appear consistent with each other and satisfy the points made in representations. I conclude that no further amendment in respect of this element of the plan is needed to make it sound.

Issue 15 - The night time economy

131. In response to matters raised at the Exploratory Meeting, the Council proposes amendments **26, 259, 322 and 335** to bring the provisions of the plan into line with best practice set out in PPS4 and its ancillary documents. I concur that these are necessary for the soundness of the plan. Rank Group remained concerned that the partnership arrangements proposed needed a manager but this is a matter best dealt with through the workings of the partnership itself. West Mercia police sought a further amendment to policy CT6c, which

the Council is happy to accept and I am happy to endorse (amendment **335** in part). I also endorse the further amendment to revised paragraph 4.118 put forward in clarification by the Council (part of amendment **335**). No further amendment in respect of this element of the plan is needed for me to regard it as sound.

Issue 16 - Housing quantities, types and density

132. The housing section of the plan was completely rewritten during the suspension of the examination as a result of points made at the Exploratory Meeting (amendment **315**). This satisfied all my questions and most representations made to the originally submitted plan. This section of my report deals with further submissions made on the revisions submitted in February 2010. None question the soundness of the amendments in relation to housing types and density.
133. The Core Strategy sets no target for housing delivery in CTAAP. The approach taken is a "bottom up" rather than "top down" approach in which the number of units specified in Policy CT4 is derived from development studies of a number of sites, together with Telford Trustee's Benoy master plan for site SA1, informed by planning applications made for parts of site SA2 and adjusted for expected rates of development. This appears to be a reasonable approach.
134. Representations from the Telford Trustees who would be expected to deliver a considerable proportion of the housing target on their land confirm that they support the housing allocations made. In general terms, so does the Homes and Communities Agency, another major landowner. This tends to support the view that the provisions of the plan in relation to housing quantities are sound.
135. Redrow Homes doubts that the numbers proposed would be delivered because of ground conditions on each site. However, the development studies of each site and the surface water drainage studies produced during the suspension of the examination make it clear that ground conditions have been taken into account in assessing the capacity of each site. I conclude that in general terms, the approach to defining housing numbers in CTAAP is sound, although an adjustment is made in the September 2010 amendments to rewritten policy CT4 (part of amendment **315**) as a result of further consideration of housing site allocations, see below, which I endorse.

Issue 17 - Housing phasing

136. Differences in phasing between CTAAP and the Council's Strategic Housing Land Availability Assessment (SHLAA) are explained both by the difference in timing between permissions and completions and by the constant adjustment of SHLAA to reflect changing circumstances. A number of parties point out that there is no existing market for town centre housing, particularly flats, in Telford.
137. This, together with current economic circumstances, makes the phasing of the delivery of housing proposed in the plan uncertain.

However, no more certain phasing based on more reliable methods is put forward. Whilst recognising that phasing is problematic in these circumstances and is inherently unpredictable, I have no evidence to suggest that an amendment to the phasing set out in the plan would improve matters or that the plan is unsound as a result.

Issue 18 - Housing allocations

138. Residents of the Old Park area made a considerable number of representations touching the soundness of individual site proposals in their area. Redrow Homes and the Homes and Communities Agency (HCA) made a number of representations about ground conditions at various sites. A lesser number of participants made representations about individual sites in select parts of the plan area. Many of these were addressed in the February 2010 amendments (**115-142, 144-146 and 148-253**). Others would be for consideration should a planning application be made. One concerned a desire to acquire a piece of land which does not fall within my remit.
139. Some amendments, such as the new table 7, introduced inconsistencies with some site allocations in Old Park. These are corrected, together with some further clarifications, in additional amendments **143, 147, 148 and 149** put forward by the Council in September 2010. In consequence, an adjustment to the quantity of housing allowed for in rewritten policy CT4 of the plan is made (part of amendment **315**). I am happy to endorse these amendments, both those which address the soundness of the plan as well as those which provide clarification of certain details.
140. The Homes and Communities Agency questioned the inclusion of a sports facility within Housing site allocation SA4. From the oral evidence given at the hearing by Alan Hussey as well as the documentary evidence provided by the Council it is clear that this facility is fully justified and its inclusion in the plan is sound.

Issue 19 - Affordable Housing

141. The rewritten part of the plan dealing with affordable housing is based on work by the Three Dragons Consultancy, which has a high reputation in this field. Nobody has questioned the soundness of the amendments proposed in February 2010 in relation to this subject. They appear to satisfy all earlier representations. The Homes and Communities Agency suggests a further amendment to amended paragraph 4.80 and revised policy CT5a which reflects more accurately the Council's actual practice. The Council indicates its acceptance of this suggestion in its September 2010 amendments (amendment **315**), which I am happy to endorse.

Issue 20 - Transport issues

142. Amendments put forward in February 2010 (amendment **336**) would rewrite this section of the plan. In the process, they address most of the issues raised on the originally submitted plan. Residual

issues concern the nature and timing of the changes proposed to the Box Road, the justification for the Greyhound Link and the parking standards proposed.

Issue 21 - Changes to the Box Road

143. The transformation of the Box Road is a fundamental element of CTAAP. The assertion is frequently made, in a variety of documents, that the Box Road is a barrier to pedestrian and cycle movement. Its nature suggests that it would be. Yet no evidence is presented to demonstrate that in practice it prevents desired pedestrian access.
144. The Council considers analysis of existing pedestrian flows to be of limited value (response to my Q18). None is presented in evidence, nor any to show the potential demand for additional routes. My own observations suggest that it is the limited points of pedestrian entry to the existing shopping centre (and the fact of its closure at night) which provide the constraints to pedestrian and cycle movement, rather than the Box Road as such.
145. Amendments put forward in September 2010 now provide sufficient detail of what is proposed to satisfy the requirements of PPG13. The February 2010 amendments to the plan remove any suggestion that the alterations to the Box Road would be a pre-requisite for development in the town centre. Indeed, oral evidence was given at the Hearing to the effect that a considerable proportion of the development proposed in CTAAP could take place without any change at all to the highway network.
146. Nevertheless, it remains a common cry of all participants in the Examination that the Box Road must be altered so as to be more friendly towards pedestrians and cyclists. I therefore conclude that the Box Road proposals are sound, in the sense that an axiom is sound; it cannot be proven but all parties accept its truth. It is clearly what local people want to happen.

Issue 22 - The Greyhound Link

147. Consequences follow from the desire to make the Box Road less dominated by traffic flow and more friendly towards pedestrians. Displaced traffic must be accommodated in other ways. The plan provides for a continuation of previous initiatives to offer bus priorities and travel planning in the hope of securing a modest modal shift. There is no evidence to demonstrate a quantifiable effect of each initiative on the transfer of traffic from car to bus but this lack does not make the plan unsound; evidence was provided to show that the road network proposed would be robust enough to function adequately even if measures to reduce reliance on the car were unsuccessful.
148. Since the Exploratory Meeting considerable work has been done, which was presented at the Hearing, to demonstrate the need for the Greyhound Link and other associated increases in road capacity, such as at Rampart Way and Hall Park Way. It appears to satisfy the

concerns of the Highways Agency. This greater detail is introduced into the plan through Map 11 of the September 2010 amendments, (part of amendment **336**) which I endorse.

149. Notwithstanding the concerns of Friends of the Earth over the consultation involved in the genesis of the Greyhound Link concept, which I have considered above, the evidence presented during the Examination indicates that the proposal itself is sound in principle. It would supplement, and so relieve, the Hollinswood interchange in providing access to the town centre from the north of Telford. It would thus ensure that there is adequate capacity in the road network to deal with additional traffic arising from the growth of the town.
150. It remains somewhat conceptual, capable of being realised in a variety of forms and in several stages, proportionate to the progress of development. Evidence of the validity of a number of scenarios was presented to the Hearing. The latest amendments propose to represent it diagrammatically on the drawings forming part of the plan. This is a sound response to inevitable uncertainties.

Issue 23 - Parking standards

151. Friends of the Earth are concerned that the parking standards proposed would do little to engineer a reduction in reliance on the private car for transport in Telford. Documents produced as evidence, such as the Local Transport Plan 2006-11 (March 2006) and the Public Transport and Town Centre Transport Strategy (May 2005) (Evidence documents 6 & 7) make it clear that at one time it was intended to remove all car parking from within the Box Road and to resite it in up to 8 remote locations, connected to the town centre either by pedestrian routes or by transit links. This was proposed because substantial volumes of traffic would continue to use the Box Road if readily available parking remained close to the shopping centre and so would frustrate the intention to make it more pedestrian-friendly. That is no longer proposed in the submitted CTAAP so it is fair to say that the aspirations of the plan have changed over time. But that does not make it unsound.
152. What is now proposed, in the amendments to the plan put forward in February 2010, is that the quantity of car parking existing within the Box Road will be maintained but replaced by multi-storey car parks located at entry points to the town centre (paragraph 4.170 of the February 2010 amended plan (amendment **336**)) and added to by further multi-storey car parking in proportion to the quantity of new development (proposed policy CT10).
153. For non-retail development, these are expressed as maxima for cars and minima for cycles. That means that any quantity of car parking up to the maximum would be permitted but no less than the minimum of cycle parking. Since zero is less than the maximum, it follows that a development proposing no additional car parking would comply with the policy.

154. Furthermore, the maxima allowable in accordance with the policy are 10% less than the maxima envisaged in PPG13. Those are themselves restraint-based. So, even if a developer chose to supply the maximum allowed by the policy, the overall supply of car parking in relation to the quantity of floorspace would be less generous than now. This restriction would exercise a persuasive influence on people's choice of travel mode and so would tend to engineer a reduction in reliance on the private car for transport in Telford.
155. The injunction, formerly contained in paragraph 17 of the government's Planning Policy Guidance Note 13 *Transport* (PPG13), that parking policies for housing should not be expressed as minimum standards, was cancelled by PPS3. In recognition of research which demonstrates that reductions in the provision of residential car parking spaces do not by themselves necessarily influence car ownership or use, PPS3 advises that proposed housing development should take a design-led approach to the provision of car-parking space.
156. Policy CT10 (as proposed in the February 2010 amendments) would require not less than a prescribed minimum of parking to be provided for dwellings, but with reductions to acknowledge accessibility to public transport and to local services. Furthermore, paragraph 4.175 of the plan (as proposed to be amended) recognises that residential parking in mixed-use schemes can be shared with non-residential provision. These additional provisions reflect the "design-led" approach of PPS3 and so the policy proposed is sound. For clarity, the September 2010 amendments propose the insertion of words "at least" in paragraphs 4.179 and 4.181 of the plan, which I endorse.
157. The Council's aspirations have changed since 2005/6. CTAAP's proposals would now be more modest. Some would say they are more realistic. Policy CS4 of the Core Strategy does not require a transformation in the way the residents of Telford travel. It requires no more than making the Central Telford area an easier, safer and more pleasant place in which to walk by reducing the need for and impact of car use and providing more public transport links. CTAAP's transport provisions, as proposed to be amended in February 2010, align with that requirement and with government policy, are technically justified and are therefore sound.

Issue 24 - Bridleways

158. The British Driving Society and the Telford Bridleways Association regarded the plan as unsound because it does not provide for a north-south bridleway through the area of the town centre. Whilst accepting the fact that there is no bridleway link across Central Telford I note that many people ride horses for their health and pleasure so it is not clear to me why such a route is necessary for that purpose. I recognise that a comprehensive network of routes makes such a leisure pursuit easier to follow but there is no evidence that its lack would make CTAAP unsound.

Issue 25 - Drainage, water and Code for Sustainable Homes

159. In response to the originally submitted plan, the Environment Agency (EA) sought amendments to show optimum land drainage solutions on a site by site basis. The February 2010 amendments would do that (amendments **79, 80, 81(map 3), 86, 115, 130, 137, 144, 150, 151, 156, 159, 164, 165, 167,173, 181, 183, 186, 193, 194, 199, 203, 209, 216, 220, 225, 233, 237, 238, 240, 243 and 245**). The EA confirms that the amendments proposed would satisfy its concerns.
160. The EA remained concerned about sewerage capacity in the absence of a water cycle study. Information from Severn Trent Water Ltd confirms that its Coalport sewage works has capacity within its existing discharge consents to serve a further 4470 properties. This is in excess of the number of additional dwellings proposed in CTAAP and so I conclude that the plan is not unsound through any lack of sewerage capacity.
161. Although there is an acceptable Water Resource Management Plan agreed with Severn Trent Water which would be adequate to support CTAAP, it relies on groundwater abstraction which is not fully sustainable in the long term. The EA is therefore looking for ways to cut water demand. As a contribution to this, it seeks an accelerated compliance with higher levels of the Code for Sustainable Homes in respect of water supply. Friends of the Earth (FoE) argued for accelerated application of all aspects of the Code for Sustainable Homes.
162. The Council accepted that the additional costs of doing this would not be substantial. In due course, they will be borne by all housing as changes to the Building Regulations take effect. Nevertheless, in the short term they would place the housing market in Telford at a competitive disadvantage. Bearing in mind the evidence (document 26) from the Three Dragons Consultancy that the housing market in Central Telford is presently non-existent and only marginally viable, it would not be sound to jeopardise the achievement of the housing elements of the plan by extra costs not borne by competitors. I therefore conclude that the plan is sound without the change sought by the EA and FoE, although I endorse the clarification to paragraph 4.64 put forward by the Council in its September 2010 amendments.

Issue 26 - Green infrastructure

163. Several representations questioned the relationship between map 29 in the originally submitted plan (map 11 in the February 2010 amendments) and certain of the site allocations. The Council's explanation is that the plan is illustrative of a factor to be taken into account, not a prescription. Paragraph 4.118 of the plan is proposed to be amended to reflect this explanation. However, policy CT16 (renumbered as CT19) remains prescriptive. For consistency and

therefore soundness, in schedule 2 (amendment **502**) I amend the word "must" to "should" in that policy.

Issue 27 - Coal

164. In response to representations from the Coal Authority and to comply with PPG14 (Development on Unstable Land) and Minerals Policy Statement 1 (Planning and Minerals) the Council's February 2010 amendments put forward an additional paragraph (amendment **80**) advising that developments should pay due regard to land stability and surface hazards resulting from past mining operations and requiring consideration to be given to the extraction of any remnant shallow coal prior to development taking place. The amendment made particular reference to the Old Park and Malinslee character areas.
165. It provoked further representations from local residents, of Old Park in particular, to the effect that opencast coal extraction was incompatible with nearby residential land uses. The suggested amendment to the plan requires no more than that consideration be given to these matters at the appropriate time. There is no presumption that, having given consideration, the coal should be extracted, or that it should be extracted without regard to the living conditions of local residents; extraction would merely be one of several ways in which unstable ground conditions could be remediated.
166. I have no reason to disbelieve the Council's assessment that, at the present time, any such consideration would conclude that extraction would be unviable or undesirable or both. Nevertheless, it must be recognised that coal can only be extracted where it is found; that it is an energy source; that energy sources are finite; that the balance of advantage may change over time; and that the resource should be protected. The only way to give absolute assurance to local residents would be to state that the coal does not exist but to state that would be untrue and so not sound. In its September 2010 amendments the Council proposes to remove the specific reference to Old Park and Malinslee from amendment **80**, whilst retaining the general principle, which I endorse as a sound approach.

Issue 28 - Funding

167. In response to the original submission of the plan various participants expressed concerns about the funding of proposals. Drivers Jonas, whilst not opposing the pooling of s106 contributions to fund infrastructure improvements, is concerned to ensure that such payments ameliorate direct impacts. They are also concerned lest development does not come forward to fund projects. The HCA is concerned that developer contributions would be inadequate as a way of funding projects. The Highways Agency objected to the inclusion of the Greyhound Link proposal before it is funded.
168. Oral evidence demonstrates that projects would be needed and implemented hand in hand as development progresses, so there would

be no question of the need for project implementation to run ahead of developer contributions. The Council is able to demonstrate a track record of collecting funding contributions from developers. It would be dependent on developers' contributions for only about one third of capital expenditure. Regional Funding Allocation provides a significant proportion of total infrastructure funding. Telford remains a Growth Point. A partnership has been formed with the Homes and Communities Agency. At the Hearing the Highways Agency expressed its confidence in the funding strategy now in place. These considerations lead me to conclude that funding issues do not make the plan unsound.

Overall Conclusion and Recommendation

169. I conclude that with the changes proposed by the Council, set out in Schedule 1, marked S and the changes that I recommend, set out in Schedule 2, the Central Telford Area Action Plan DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly. And for the avoidance of doubt, I endorse the Council's proposed minor changes, set out in Schedule 1, and marked M.

P. W. Clark

INSPECTOR

This report is accompanied by:

Schedule 1 Council's Changes

Schedule 2 Inspector's Changes