

Telford & Wrekin Local Plan – Inspector Matters, Issues & Questions (MIQs)

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This paper provides the Council's response to the Inspector's MIQs -

Matter 5 – General Development Requirements & Specialist Housing

5.1 Are the Local Plan's detailed requirements for new development clearly expressed and adequately justified, with particular reference to viability? Specific comments are requested in respect of the following matters:

- housing mix and housing standards (policy HO4)
- affordable housing (policies HO5 and HO6)
- biodiversity and woodland enhancement (policies NE1, NE2 and ER12)
- open space provision (policy NE4)
- promoting alternatives to the private car (policy C1)
- renewable energy and reduction of carbon emissions (policy ER1)
- waste planning (policy ER8)
- water conservation and efficiency (policy ER10)
- parking standards (Appendix F).

In addition, do the requirements of policies HO4 and ER10 accord with the Written Ministerial Statement dated 25 March 2015?

- 5.1.1** The Council considers the policies listed to be clearly expressed and adequately justified with reference to the viability of each policy.
- 5.1.2** As a general comment the Council would like to make clear that where a policy places an 'expectation' on development this should be viewed as being distinct from a requirement. An expectation should be viewed as 'a developer having regard to the policy as it is likely to happen and if not provide a reasonable explanation as to why this will not be the case with a view to discussing suitable alternative courses of action with the Council'. As requested specific comments on each of the policies listed above are included below:

Policy HO4

- 5.1.3** Policy HO4 is set in the context of the Council's OAN¹ and SHMA² which identified need to meet a wider variety of housing needs in the future. The evidence provided in the SHMA and the OAN clearly demonstrates a

¹ C2a-i and C2a-ii

² C2b-I and C2b-ii

changing demography and in particular an increase in the 65+ age group cohort of the borough's population.³

5.1.4 The policy also supports changes in the delivery of local public services with, for example, the NHS increasingly delivering care in the community rather than hospitals and GP surgeries. Enabling residents to live in their own homes for longer through, for example designing to Lifetime Homes standards⁴, will have a positive impact on residents and enable the sustainable delivery of services such as healthcare.

5.1.5 The viability implications of the policy have been considered through:

-) Additional policy text⁵ which clarifies that the policy is not prescriptive and is subject to viability and therefore falls outside the scope of the relevant Written Ministerial Statement⁶
-) Viability modelling estimated costs of delivery to Lifetime Homes standards⁷ and residential units to national standards⁸ the result of which demonstrates that sites, in general, continue to return a surplus.

Policies HO5 and HO6

5.1.6 The affordable housing Policies HO5 and 6 are clearly expressed and reflect the evidence base provided by the OAN and SHMA.

5.1.7 The SHMA establishes the justification for affordable housing thresholds as set out in Policy HO5. The thresholds balance the relative need for affordable provision⁹ across both Telford, Newport and the rural area and have been subject to viability modelling¹⁰. Policy HO6 is based on a flexible approach that seeks to provide options for addressing viability through, for example, the provision of offsite contributions where onsite provision is not feasible or necessary¹¹.

³ On this basis, the PPG provides a justification for setting higher accessibility standards relative to Part M4 of the Building Regulations. Refer Paragraph: 007 Reference ID: 56-007-20150327

⁴ www.lifetimehomes.org.uk

⁵ A1, Page 73

⁶ Refer Written Ministerial Statement 25 March 2015 HCWS488

<http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm150325/wmstext/150325m0001.htm#15032586000004>

⁷ E2, Paragraph 2.28

⁸ E2, Page 9

⁹ C2b-I, Paragraph 7.11

¹⁰ E2, Pages 9 – 10

¹¹ Consistent with the NPPF paragraph 50 and government advice - refer paragraph 12 of "Section 106 affordable housing requirements", DCLG April 2013

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/192641/Section_106_affordable_housing_requirements_-_Review_and_appeal.pdf

Policies NE1, NE2 and ER12

- 5.1.8 Policies relating to biodiversity and woodland enhancement are clearly expressed and justified. The NPPF¹² states that the planning system should provide net gains in biodiversity and enhancements to the natural environment where possible and the policy does this. In response to representations regarding riparian planting policy ER12¹³ criterion (ix) allows for mitigation measures which will improve and enhance 'water quality and habitat of the aquatic environment'. This could include amongst other measures riparian planting where appropriate.
- 5.1.9 In general biodiversity and woodlands policies are not prescriptive and open to negotiation on a case by case basis. This is due to the variability in the scale and location of development, the type of development, the local context, the need for mitigation and the impact of development on the surrounding area.

Policy NE4

- 5.1.10 Policy NE4 is clearly expressed and justified as it is based on a robust evidence base which includes the identification of strategic projects¹⁴ and a recognition of the need to address site specific infrastructure needs at the point of application.
- 5.1.11 The viability of Policy NE4 was tested based on previous levels of contributions secured¹⁵. In addition to the above the Council has taken a flexible approach and recognised in the policy that onsite provision might not be feasible or viable in all cases. It should be noted that the requirement for and level of contributions will relate to the scale, location and individual characteristics of a development.

Policy C1

- 5.1.12 As a mixed urban/rural area with the built up area of Telford designed predominately for car use the borough has a challenge in promoting sustainable travel. In this general context Policy C1 is justified and locally distinctive as it seeks to rebalance the borough's transport networks - especially for cycling - and provide residents with a greater choice of travel options especially in Telford. The Council has recognised the need for additional clarification regarding Public Rights of Way and has included additional text to this effect within the submission version of the plan¹⁶.

¹² Paragraph 109

¹³ This is also addressed in Matter 7 – Q7.6

¹⁴ E3, Sections 3.2.4 and 3.3.1

¹⁵ E2, Page 11

¹⁶ A1, Paragraph 8.1.1.3 and A5, Minor Modification P40

5.1.13 In terms of viability it should be noted that mitigation of site specific impacts arising from development will be negotiated at the point of application. In the case of walking, cycling and bus routes, for example, the scale of contributions will depend on the size and location of the development, existing transportation links and proximity of services and facilities such as shops, schools, employment and open space.

Policy ER1

5.1.14 Wind turbines have been excluded from the renewable energy mix. The determining factor has been the timing of the government's abrupt change of policy¹⁷ during the Regulation 18 draft of the policy process. On balance it would have been extremely difficult to carry out technical assessments to identify areas suitable for wind farms and address public concerns to the point of securing support for this type of development.

5.1.15 It should be noted that the policy does not affect existing permitted development rights relating to domestic wind turbines covered under 'small and micro wind systems'. In addition to this, the supporting text to Policy ER1 clarifies that, in line with the Government's localism agenda, the Council will support proposals for wind turbines if sites are identified and supported within a Neighbourhood Plan¹⁸.

5.1.16 As with open market housing development, renewable energy projects are commercial in nature providing a return to willing developers. As such it is assumed that mitigation, reinstatement and restoration costs associated with projects are reasonable and should be met in order to provide for appropriate levels of environmental and community protection.

Policy ER8

5.1.17 Policy ER8 is clearly expressed as it relates to the Council's local requirements when planning for waste within residential developments. The policy helps to ensure that these issues are appropriately considered as part of the wider planning process.

5.1.18 The Council acknowledges that Site Waste Management Plans for larger construction projects are no longer required¹⁹. In support of the Council's approach to sustainable development at the application stage developers will be expected to demonstrate how they plan to deal with construction, demolition and excavation waste arisings.

¹⁷ Refer Ministerial Written Statement: HCWS42 (18 June 2015)
<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2015-06-18/HCWS42>

¹⁸ A1, Paragraph 10.1.5

¹⁹ The Environmental Noise, Site Waste Management Plans and Spreadable Fats etc. (Revocations and Amendments) Regulations 2013.

Policy ER10

5.1.19 Policy ER10 is clearly expressed and justified on the grounds that the policy does not prescribe targets and only requires developers to adopt measures that will help reduce consumption in general. Accordingly, the Council is confident that the policy falls outside the scope of the optional building regulations²⁰ as set out in the Written Ministerial Statement²¹. In addition to this the policy will aid efforts being made by the Environment Agency and Sever Trent Water to increase the resilience of local water supplies in the context of climate change pressures.

5.1.20 When considering the value of low cost measures such as a 'water butt', which have an approximate unit cost of £35, the policy is considered to be viable. The cost of installing water saving/recycling measures can be offset by the reduced cost of water bills for households or businesses.

Parking Standards – Annex F

5.1.21 The parking standards are based on robust, well researched evidence²² and broadly respect the Government's approach to ensure there is adequate parking both in new residential developments and in the borough's centres²³. In support of the development of parking standards the Council researched parking standards of other Local Planning Authorities (Milton Keynes, Warrington and Herefordshire) because they share similar characteristics to the borough. These characteristics include authorities with urban, rural and new town settings.

5.1.22 In the development of parking standards the Council has also considered the general composition of the borough which includes central Telford (Telford Town Centre), suburban areas and rural areas.

5.1.23 Residential and non-residential parking standards can be justified on the grounds that they:

-) Have been established according to broad locations of housing density within the borough²⁴ and general levels of accessibility to alternative modes of travel.
-) Have been calculated using localised ONS data²⁵.

²⁰ Sanitation, hot water safety and water efficiency: Approved Document G (2016)

²¹ Written Ministerial Statement, 25 March 2015 HCWS488, in particular Column 136WS

²² C4b

²³ Written Ministerial Statement, 25 March 2015 HCWS488

²⁴ A1, Table 23, Page 177, Annex F Parking Standards

²⁵ C4b, Section 3

-) Recognise the need to consider the local parking environment especially in the context of traffic generating destinations, such as schools, and the potential for displaced parking issues.
-) Make an allowance for unallocated parking within a development. The onus is on the developer to consider the particular needs of their development and distribute parking accordingly; and .
-) Having regard to non-residential parking standards, have been benchmarked against the same group of authorities as residential standards.

5.1.24 The Council has recognised the need to plan for adequate levels of parking at source from experiences with previous developments such as the earlier phases of Lawley.

5.1.25 The parking standards are viable in that they are open to negotiation²⁶ and should be seen as a guide to the levels of parking a development should seek to deliver, as opposed to a prescribed requirement. In line with the NPPF²⁷ the Council has also set out factors which would help provide flexibility in the application of parking standards²⁸.

Conclusion

5.1.26 In conclusion the Council has prepared Local Plan policies that are clearly expressed, justified and supported by a robust evidence base. The Council has considered the viability implications of each of the policies and taken a flexible view as to the application of policies. The approach taken ensures that policies are not unduly restrictive and they contribute towards the timely delivery of development.

5.2 Are the criteria for specialist housing set out on policy HO7 adequately justified?

5.2.1 The Council's approach to planning for specialist housing needs is set out in the Technical Paper – Housing Mix and Tenure²⁹.

5.2.2 The Council considers Policy HO7 to be based on proportionate evidence, and is most appropriate when considered against reasonable alternatives. The consideration of reasonable alternatives or options was addressed through the sustainability appraisal (SA) process³⁰. In preparing Policy HO7, the Council considered a range of alternative approaches during the Strategy

²⁶ A1, Paragraph 20, Annex F Parking Standards

²⁷ NPPF, Paragraph 39

²⁸ Paragraph 19, Annex F Parking Standards LP

²⁹ B2d, paragraph 2.2 and 4.1-4.5

³⁰ A summary of the approach taken to assess the plan, including policy options, is set out in A3,(paragraph 2.16 and paragraphs 2.19-2.24)

and Options stage³¹. The three sub-options (a to c), as drafted, were informed by the available evidence which helped define the prevailing sustainability issues, problems and opportunities facing the borough, in particular those relating to reducing health inequalities by addressing the needs of the increasing elderly population³². Consequently, the appraisal process considered all the options as being appropriate, and these informed the preparation of the draft Plan (at Regulation 18 stage). In addition, an Equalities Impact Assessment³³ (EQIA) accompanying the SA also found the housing policies to be beneficial to all age groups and would have positive effects by delivering housing in accessible locations, especially for those who may be less mobile.

- 5.2.3 The Council proposed a number of amendments to the policy following the Regulation 18 (consultation) stage, in light of comments received³⁴. A screening exercise was carried out by consultants, Enfusion, on the amendments made to Policy HO7 and they concluded that the amendments were of a minor nature and did not significantly affect the earlier findings of the SA³⁵. Representations were also received at regulation 19 (pre-submission) stage³⁶, however no further amendments have been proposed in light of those comments.
- 5.2.4 The justification for the policy criteria is presented in the supporting text to the Policy HO7³⁷. The policy is positively framed and seeks to direct relevant schemes (either wholly, or as part of a larger development) into locations that would not result in residents being detached or isolated from existing communities, an issue identified through the EQIA process. However, the Council recognise that there may be cumulative impacts from locating a number of similar schemes in the same location. Suitable safeguards are therefore considered reasonable to tackle such issues if, and where, they arise.
- 5.2.5 Consequently, the Council consider criteria that focus on need, location, and design to be entirely appropriate and justified. Some representations question the necessity for a policy that seeks to address the needs of older and vulnerable people in Telford & Wrekin. The Council does not accept this. The Council is clearly of the view that a policy framework that supports specialist housing is justified, given the local evidence relating to the projected changes

³¹ A3, Table 4.9, (p84/183) , under Option 10

³² A3, Table 3.3, (p49/183), and paragraph 3.102

³³ A3a, Appendix VIII – Equalities Impact Assessment Screening Report, Appendix II Equality and Diversity Impact Assessment (EQIA) Matrix, (p10/13)

³⁴ A5a, paragraph 4.27

³⁵ Full details set out in A3a, Appendix XI: Screening of Local Plan Changes (Draft Local Plan (Reg 18) to Pre-submission Local Plan (Reg 19)), p5/27

³⁶ A5b, paragraph 4.33

³⁷ A1, Section 5.2.4 (p78)

in population within the borough up to 2031 and the likely demand this will put on the local housing market.

5.3 Does the Local Plan's approach to traveller sites accord with national policy in the Planning Policy for Traveller Sites (PPTS)? Specifically:

(a) Has the need for Gypsy and Traveller pitches been robustly assessed in line with the PPTS?

- 5.3.1 The Council's GTAA has been undertaken in accordance with the relevant policy and advice in paragraph 7 of the PPTS. It has been undertaken by a recognised consultancy employing standard methodologies in addition to specific questionnaires with individual members of the G&T community³⁸.

(b) Has an adequate supply of sites been identified in accordance with the PPTS? (Council has already responded through F2a)

- 5.3.2 The GTAA³⁹ identifies an additional requirement for the period 2014 to 2031 of 32 residential pitches and 11 transit pitches. The Council has demonstrated a sound approach to meeting future requirements for gypsy and traveller accommodation by delivering extensions to existing Council owned sites in recent years and enabling development of a private site. The extensions of the Council owned sites at Lodge Road for 22 additional pitches including 11 transit pitches and Ketley CRC Extension for 14 additional pitches will provide 25 additional residential pitches and 11 transit. When the additional four pitches from the private site previously under construction (known as Whytes Site) are added to this supply 29 residential pitches are proposed to deliver the identified requirement of 32 residential pitches, whilst the transit requirement of 11 pitches is met through the re-development of Lodge Road.
- 5.3.3 The Lodge Road site was rebuilt and extended in 2014-15 to provide the additional pitches but also to enable use as a transit facility to replace the existing transit site at Symmonds Yard. Whytes site is a private site developed and occupied since late 2015. The Ketley CRC extension was granted planning permission in May 2016. Section 106 funding will be used to fund the extension once the ongoing wind down and closure of the recycling facility is completed.
- 5.3.4 The shortfall of three pitches will therefore be delivered through the development control process by the action of Policy HO9 which seeks to balance the requirements of the gypsy and traveller community with those of the settled community.

³⁸ B2e, paragraph 3.2

³⁹ Document C2f

- 5.3.5 An analysis of other authorities' GTAA requirements and proposed solutions shows that in the West Midlands Stafford Borough, Bromsgrove, Coventry, Tamworth and North Warwickshire authorities all have a similar level of requirements in excess of planned or known provision to that demonstrated in Telford & Wrekin. These authorities all rely on windfall sites to meet requirement using a criteria based policy to ensure appropriate sites delivered. Telford and Wrekin would fall in line with this approach and would not expect to allocate a site to meet such a low level of residual requirement.
- 5.3.6 Other authorities in the West Midlands have much higher requirements identified from their GTAA generally this is at least 20 pitches rising to over 40 in some cases. The levels of pitch delivery implied by these requirements have resulted in most authorities committing to further site allocation documents or such as Solihull to specific Gypsy and Traveller DPDs. Elsewhere in England authorities with similar requirements have adopted these approaches with occasional innovations such as policy led provision as part of major urban extensions. However no authorities have been identified that have sought to allocate sites for the low level of remaining requirement identified for Telford & Wrekin.
- 5.3.7 When combined with the robust nature of the GTAA and its positive approach to identifying requirements the approach adopted by the Council is justified, effective, positively prepared and consistent with national policy. To seek to find the Plan unsound on the basis of a lack of identified provision for three pitches would be a disproportionate response and delay the delivery of other housing, infrastructure and economic growth across the borough.

(c) Do policy HO9's criteria for traveller sites accord with the PPTS?

- 5.3.8 Criteria (a) to (h) of the PPTS are largely reflected in the ten criteria in Policy HO9. The one possible exception to this is the specific reference to flooding and floodplains in criterion (g) of the PPTS; this could be remedied if necessary with a specific addition to criterion (x) of Policy HO9 as a proposed minor modification e.g.:

Policy HO9

x. The site would be located ***away from areas at high risk of flooding and*** in safe and secure locations with ***suitable*** access ~~to~~ ***for*** the emergency services.