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October 28, 2016

Mr D Owen,
Senior Development Control Officer,
Telford and Wrekin Council,
Development Management,
PO Box 457,
Wellington Civic Offices,
Telford,
TF2 2FH.

Dear Mr Owen,

Planning Applications TWC/2016/0096 and TWC/2016/0097

Introduction

We write in connection with the above two Planning Applications.

We have a number of concerns with these applications, including:

1. We suggest that the two applications, together, are of sufficient scale so as to represent a strategic urban extension (SUE) and that such development really ought to be considered at the forthcoming Examination into the emerging Telford and Wrekin Draft Local Plan (TLP). Any permissions for the SUE in advance of the Local Plan can only be contemplated in the context of the NPPF's objective to "*boost significantly the supply of housing*" (paragraph 47)
2. The determination of the abovementioned applications ahead of a forthcoming EiP and following submission of the Published Draft Local Plan to the SoS would constitute Prematurity, and:
3. We are concerned that the assessments of impact upon the landscape and other technical matters are incomplete and need to be more thoroughly considered.

As a consequence, we suggest that the applications should be deferred from consideration until

- a) additional information is procured by the applicants and supplied to LPA and a further consultation exercise undertaken and
- b) Following modifications and the Inspector's report on the TLP is published.

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Prematurity

It is clear that the approval of these two planning applications presently by the Council would be premature as confirmed at (http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/#paragraph_14)

“arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies of the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively to be limited to situations where both:

- a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging local plan; and*
- b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination”

Propriety

It is common knowledge that Telford and Wrekin Council (TWC) have land ownership and interests in the above two planning applications and given its position as landowner and also as the LPA responsible for determining these applications, we suggest that TWC has an extra special duty to ensure that these two applications are rigorously tested with sound evidence and are considered by TWC in an objective, fair minded and transparent manner. Any decisions the LPA takes must be based upon principles and policies that can be applied consistently across the Borough and there must be no hint or suggestion that TWC is prepared to treat its own application(s)/interests differently to those of others.

The LPA has recently sought to resist proposed housing developments around the periphery of the Town, perhaps with the notable exception of the SUE at Priorslee. This site was submitted and resolved to approve despite the fact that the LPA claimed to have a 5 year supply of housing land and despite the fact that the site was proposed as an SUE in the TLP, thereby preventing any opportunity for public debate at an EiP. It would seem that the consent was granted because the LPA is keen to boost the supply of housing land and because the proposal was broadly in accordance with the emerging TLP which has now been submitted to the Secretary of State with EiP in some four weeks.

In the event TWC does consider that there is a strong case for granting these permissions, then it must also determine other applications for residential development on the periphery of Telford in a consistent manner.

Sustainability

We acknowledge that Muxton is a highly sustainable general location that is capable of accommodating a significant amount of new development, that it is attractive to developers and future occupants and offers good accessibility to employment areas within Telford (notably Hortonwood and the T54 site as well as providing good road links to the M54 corridor and sites such as i54 on the northern edge of Wolverhampton.

Environmental and Technical Constraints and Delivery

There are, however, landscape, visual and technical constraints associated with these two sites, particularly the larger northern site, which militate against their early delivery. Additionally, TWC's own Landscape Sensitivity Study (2014) [TLSS], which forms part of the evidence base for the emerging TLP, quite rightly considers the broad location along New Trench Road '*open and exposed*', stating that development in these locations may be more appropriate in the medium/long term, in order to allow advance tree screening to mature, so as to reduce the impact on the landscape, particularly when seen from the approaches along New Trench Road. Additionally, the proposals together are of such a large scale that the provision of essential infrastructure will inevitably delay the delivery of new homes in the short term (i.e. the next 5 years) therefore making no meaningful contribution to the 5 year housing supply.

The applications are in clear conflict with TWC's own evidence base.

Landscape and Visual Impact

The Landscape and Visual Impact Assessments submitted in support of the above applications do not take account of, nor reflect important evidence presented within TWC's own TLSS.

Having regard to the planning application for the southern site, the TLSS justification for area TWMu1-72 concludes "*The site's value is in its association with the wider landscapeit is susceptible to development due to its openness and any development would significantly extend the settlement boundary into an open landscape along the A444 [presumably meaning the New Trench Road]. Development therefore may be **more suitable in the medium to long term** to allow advance tree screening on the two northern boundaries to reduce impact on the landscape to the north and on users of the A444*". (emphasis added) Quite clearly these comments are equally if not more applicable to the northern site which is far more visually exposed.

The above concerns are also reinforced in relation to the southern site where the TLSS justification for area TWMu2-72 concludes "*Developing the site would **significantly affect the amenity** of the adjacent caravan park. **Significant advance planting** between the site and any development would be a minimum requirement". (emphasis added).*

The open and visually intrusive nature of development on both of these sites prior to the necessary screen planting proposed within the TLSS is clearly evidenced in TWC's Strategic Landscape Study (2015) at photograph 24 (p37) where the northern application site, in particular, is clearly the most prominent parcel of open land in the landscape outside of the Telford Urban boundary in views towards Donnington.

The LVIA documents produced to inform the above two applications make limited reference to the open nature and visibility of the sites from the New Trench Road and the important and valid issues raised in the TLSS (referred to above). Furthermore the applications and supporting LVIA's do not appear to acknowledge the proposition within the TLSS that the sites should be medium to long term, to allow the required screen planting to take place and reach maturity and nor do they provide a sound evidential basis for departing from that view.

Of particular concern, the visual conclusions reached in the LVIA's provided for both sites simplistically focus on receptors located on a PROW to the east of the sites (suggesting they are the most important receptors) whilst at the same time diminishing the report's acknowledged "*number of viewpoints with highly sensitive receptors*" and selectively disregarding the evidence referred to above contained within the TLSS. In particular, the northern of the two sites is an extension into highly visible open countryside with flat open boundaries which is exposed in views from the east and in particular from the New Trench Road and with no boundary treatment. The LVIA misrepresentation of this position in relation to receptors we propose is a fundamental flaw. Of further concern is the fact that both LVIA executive summaries conclude that the assessments concur with the assessments given by TWC in their TLSS.

Additionally, it is unclear why TWC would commission reports for the northern site which is the subject of a planning application by two private landowners? There appears to be a clear and obvious conflict/collusion here and one which further demonstrates that the two applications 'hang together' and must be considered as one SUE. If for no other reason, there must be transparency on all relevant considerations for any decision to be considered sound and valid.

We understand that the Council has recently commissioned further independent Landscape and Visual Assessments of various sites around the periphery of Telford and also in respect of the abovementioned two sites. We would ask why this information has not yet been published and made available and, further, would ask for your confirmation that reconsultation will take place.

Minerals

The emerging local plan is not yet adopted and it is the case that mineral deposits lie under these proposed sites, particularly the northern application site. Whilst it is obviously a matter of planning balance, this issue needs to be given due consideration and weight by the Council. Although we recognize that sites have to be developed, it is clear that the Council needs to apply a similarly consistent approach elsewhere in determining planning applications.

Agricultural Land Classification

The land subject of these applications is classified as Agricultural Land **Classification Grade 2** and we do not observe reference to this classification within the application documents. This is particularly relevant since there is no land of Agricultural Land Classification Grade 1 within the borough and we believe the justification for proposing and utilizing land of this classification ahead of land of a lower classification within the borough should be satisfactorily demonstrated. Curiously, and somewhat perversely, this is a matter which the Council itself is raising in respect of applications elsewhere in the Borough, for example, where it is challenging the SoS's decision at Haygate Road in respect of allowing residential development on best and most versatile agricultural Land (Grade 2).

This issue is specifically set out in the Framework at para 112 *“Local Planning authorities should take into account the economic and other benefits of best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”*

We would also seek clarification as to whether the proposal for the northern site has been referred to Natural England in relation to its use of best and most versatile land given its site area exceeds 20Ha? Specifically, for planning applications, consultations are required with Natural England under the Development Management Procedure Order in relation to best and most versatile agricultural land. These are for non agricultural development proposals that are not consistent with an adopted local plan and involve the loss of 20Ha or more of the best and most versatile land.

Conclusion

1. We suggest that the two applications, together, are of sufficient scale so as to represent a strategic urban extension (SUE) and that such development really ought to be considered at the forthcoming Examination into the emerging TLP. Any permissions for the SUE in advance of the Local Plan can only be contemplated in the context of the NPPF's objective to *“boost significantly the supply of housing”* (paragraph 47)
2. That determination of the above applications ahead of the EiP and following submission of the TLP to the SoS for examination is Premature, and;
3. We are concerned that the assessments sustainability and of impact upon the landscape, mineral resources, other technical matters and the need for utilization of this classification of agricultural land are incomplete and do not provide a sound evidential basis on which to determine the applications. The assessments submitted with the applications do not address the issues set out in the TLSS nor do they provide any sound justification why the sites should come forward in the short term rather than the medium to long term.
4. Arising from the above issues is the fact that the Council must be prepared to take a consistent approach in the determination of planning applications on the edge of the existing urban area of Telford.

As a direct consequence of the above, we suggest the applications should be deferred from consideration until such time that additional technical information is procured by the applicants and supplied to LPA and a further consultation exercise undertaken. Additionally, given the scale of the sites proposed and its prematurity, development approval for this SUE site, the subject of the two planning applications is a matter we feel should be progressed through the Development Plan Process and following any modifications should await the Inspector's report into the EiP.

It is understood that there have been a large number of objections to these proposals and we feel that the points referred to in this letter require specific reasoned responses from you in order to avoid future correspondence.

In the event the Council fails to take into account all proper, relevant and material considerations in determining these applications then it is potentially leaving itself open to the possibility of legal challenge in respect of its decisions.

We look forward to hearing from you.

Yours sincerely,

Adrian Seabridge.

Seabridge Developments Limited

CC Ms K Kynaston, Mr D Fletcher.