

T&WC Local Plan 2011-2031 Additional evidence requested by the Inspector relating to MIQ Matter 8 site H 13 – Response by Newport and District Civic Society (NDCS)

K23b –Ecological Assessment –Station Road Newport H13 – FPCR- Jan 2015

This document on which Telford & Wrekin Council (T&WC) seek to rely was produced by the consultant FPCR for the developer St.Modwen Developments Ltd as part of the planning application TWC/2015/0057 submitted by St.Modwen in January 2015 to build circa 120 homes on the H13 site. This was previously, under the St.Modwen application TWC/2011/0871, to be the land on which a Sainsbury's superstore, car park for over 500 cars, petrol filling station and car wash was to be built. The background to the 2011 application is in the statement by Janet Clarke at K19 on the Planning Policy Consultation Portal (the Portal).

The Ecological Assessment was not, therefore, commissioned by T&WC but they seek to rely on it as the defining document from which they form a judgment as to whether the land is suitable or not for inclusion in either the Green Network or the Green Guarantee.

In addition to the matters in K19, in March 2016 (i.e. 15 months after the FPCR document was published) Shropshire Wildlife Trust (SWT), on page 3 of the Portal against Policy HO2, made the submission re. H13 which we repeat below for ease of reference:-

'SWT has previously commented on a number of housing allocation sites and have been pleased to see appropriate amendments in some cases. However the issues relating to site H13 remain unresolved and pursuing this allocation would be inconsistent with the treatment given to other sites within the borough and contrary to Local Plan Policies.

Site H13 would meet the requirements for selection as a Green Guarantee Site and provide required green infrastructure. It is accepted that the site may not have a formal designation or contain priority habitat but it is clearly a much valued area of open space.

Allocating/Developing the entire site would be contrary to:

- Local Plan Policies NE3 and BE1.
- the findings of the PPG17 Open Space, Sports and Recreation Assessment
- the findings of the Local Green Infrastructure Needs Study
- NPPF paragraph 110 "Plans should allocate land with the least environmental or amenity value" and so cannot be seen as justified or positively prepared.

We also question the appropriateness of excluding any site considered as a land allocation from the Green Network. Surely the interconnected green network should form the basis of selecting the most appropriate sites!?

It is accepted that there is a complex planning history to the site but there has been a consistent objection from both SWT and others to applications on the site and its inclusion as a housing allocation. Similar issues appear to have been suitably resolved elsewhere in the borough and Green Network proposed where applications are 'live' and outline permission in place.'

This submission from SWT is supported elsewhere in the Portal by further submissions from SWT and is in addition to the submission which NDCS made on page 23 of the Portal as regards Policy NE6 and Site H13, and from the adjoining parish councils of Church Aston (page 11, item 5) and Chetwynd Aston & Woodcote (page 17, item 5.1.2).

As regards the comment by Mr. Hill of RPS on behalf of T&WC at the EiP hearing on the afternoon of Friday 10th February 2017, that for housing not to be built on site H 13 would leave 'a hole' in the surrounding housing that St.Modwen propose to build under Outline application TWC/2011/0871, we would draw to the attention of the Inspector that this application, as well as proposing 350 dwellings on land off Station Road, contained the Sainsbury's superstore which was to be built on site H13, i.e. in the 2011 St. Modwen application, site H13 was 'a hole' as regards the fact that it was not proposed for housing but a superstore, car park, petrol filling station and car wash.

K23c – Audley Avenue Appeal Decision Letter- 2 Aug 2012

In part to allow St. Modwen and T&WC to progress more rapidly the superstore application proposed for Station Road, due to a rival store application being brought forward for land off Audley Avenue, a separate application was made as TWC/2011/0916 for the superstore. Hence the reason why Inspector Christina Downes was able to consider evidence for both the Audley Avenue and Station Road superstore applications.

In paragraph 6 of her Appeal Decision, Inspector Christina Downes states 'Whilst I am not responsible for the decision on Station Road, its implications were fully explored through the evidence, which was thoroughly tested'. This was ultimately confirmed by the Court of Appeal as NDCS have referenced in its comments on the Portal (page 23).

The Inspector deals with the nature of the Land at Station Road in paragraphs 22-26 of her Appeal Decision. The Inspector does not limit herself to noting that the site is subject to a Village Green application but in para. 26 gives her own views regarding the land. The Court of Appeal in para.54 of its judgment when dismissing all ten points of appeal from T&WC and St. Modwen, stated 'The Inspector engaged with the issue as it had been presented to her at the Inquiry and concluded that the land was greatly valued as an informal recreational resource'.

K23a –Land at Station Road, Newport - Inspectors Report 18th Jan 2013

We understand that the applicant for the Village Green application brought forward the application as no other T&WC policy existed at the time under which an application could be made to protect the H 13 land i.e. the T&WC Green Network policy had not at that time been extended beyond the Telford 'New Town' to Newport and the Green Guarantee policy was not approved by T&WC Cabinet until 15th October 2015. The approval by T&WC Cabinet included a proposal for an additional 50 Community Green Spaces, to be chosen in December 2016 following a public consultation. As at 20th February 2017, a public consultation has not been held and the 50 additional Community Green Spaces have not as yet been identified.

The legal tests and evidential burden for designating a Village Green are set high and are not the legal tests which would be applicable to either a Green Network or Green Guarantee designation for the H13 site.