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Dear Sir

### Telford & Wrekin Local Plan 2011-2031 Examination

#### Response to Council Paper K24/40a on behalf of Tesni Properties Ltd (ID 929966)

This letter provides comments on the above Paper submitted by the Council in response to your question what methodology it used at the Stage Three 'Strategic Fit' site selection to move from 314 potential housing sites to its preferred 24 sites / 17 allocations.

Paper K24/40a and Appendices 1 and 2 provides new evidence in the form of the 'planning assessment' on the ten Strategic Fit criteria and scoring for 99 of the 314 assessed sites. The Paper cross-references Papers/Evidence in J8/TWC and B2b as demonstration of its full detailed methodology. It is noted that within these documents other parts of the evidence base are further referenced, of most significance the Integrated (Sustainability) Appraisal Report 2015 (D4b) and its Update 2016 (A3a).

#### Summary and conclusions

The following points are expanded upon below, drawn from a review of the Paper and the implications for the preparation of the Plan.

1. **Evidence of pre-determination in the 'methodology'**. By far the most serious and significant facet of the evidence is how it shows potential for pre-determination of the selected sites, and that the Stage Three exercise was not conducted transparently or to a consistent methodology. Put simply, the Paper confirms the concern in your original question to the Council on how it reached its 17 allocations.
2. **Prejudice**. The potential for predetermination is clearly prejudicial to all parties involved in the plan process, including Tesni Properties Ltd. At the very least had the evidence been submitted earlier in the process it would have enabled all interested parties to have made representations and discuss in public forum at the Examination issues arising. An option denied by the action of the Council to withhold the evidence.
3. **Partial disclosure**. In addition to having withheld significant evidence on the methodology pertinent to the spatial strategy and allocations proposed by the Council, the Paper is still only partial disclosure on 99 sites out of 314. There is no rational explanation for its action to continue to withhold evidence to your direct question.

In our view the Paper has raised a significant and fundamental issue on the soundness of the Plan in terms of whether it has been positively prepared on a reasonable, justified and appropriate evidence base. In our view the apparent pre-determination of site selection shown in the released evidence has prejudiced our Client in two ways. One, it has prevented an ability to properly review and make representation at an appropriate stage on the evidence. And, two, had a consistent, fair and transparent scoring methodology been used it is considered probable our Client's sites at Muxton (901 and 902) would have remained part of the H1 Sustainable Urban Extension.

### Evidence of pre-determination

The evidence is not immediately apparent, and has required cross-reference of Papers B2b, J8/TWC, D4b and A3a to understand the relevance and significance of the scoring set out in Paper K24/40a, Appendix 2. The following statements draw together what was known prior to release the Paper.

Paper B2b, Section 2.4, para.2.16 tells us that the Strategic Fit stage, which we know assessed 314 sites, was;

*'... to select sites that best fit with the strategy of the Local Plan. The sites were appraised against criteria derived from the Local Plan's Aims, Objectives and Spatial Strategy.'*

Para.2.17 continues to tell us;

*'The scoring of the sites resulted in the determination of site selection or rejection reasons for the SA. The outcomes of this stage are therefore presented in the Integrated (Sustainability) Appraisal Report (2015).'*

This tells us that the scoring exercise of all 314 sites pre-dated the compilation of the SA (D4b), and it did not as evidence inform the process, it was a result of it. Paper B2b, Section 3 and Tables 1 & 2 then set out the ten criteria, reproduced in Paper K24/40a sans planning assessment column, and how each criterion responds to the Local Plan objectives respectively.

Paper J8/TWC para.8.2.6 re-iterates B2b so there is no doubt that;

*'The purpose of Stage Three [Footnote 44 explicitly cross-references Paper B2b, sections 2.4 & 3] was to assess how the remaining sites compared to the overall strategy and objectives of the Local Plan. Otherwise described as "strategic fit".'*

Paper K24/40a categorically states at point 6;

*'All sites advocated by objectors at the EIP Matter 8 Hearing Session scored less than 5 when assessed against the strategic fit criteria under the earlier sieves and had already been sieved out.'* [our emphasis]

There is no evidence of an earlier scoring and sieving exercise to Stage Three. It is a matter of fact the two sites promoted, as an objector, by Tesni Properties Ltd (Sites 901 and 902) were identified in Paper B2b, Appendix C<sup>1</sup> at the second stage sieve as part of a wider group to be carried forward to Stage Three strategic fit stage. It therefore cannot be true that all sites advocated by objectors were sieved out as now stated by the Council. Either Paper K24/40a, point 6 is mistaken and is at best misleading, or the earlier evidence in Paper B2b was.

Once more the Council's evidence lacks attention to detail, transparency and is contradictory. It has regrettably been a continual theme and problem throughout the plan-making process and Examination. **We request through you, the Council is asked to fully explain what is meant in point 6 about the earlier sieves, and specifically whether Tesni Properties Ltd, Sites 901 and 902 were removed from consideration at Stage Three by an undisclosed sieving exercise? If this is so, why wasn't this disclosed earlier and where is the evidence of the exercise?**

Paper K24/40a, point 6, now clarifies that each site was given a score, or at least 99 sites were as set out in Appendix 2. However, there is no explanation of how the scoring was undertaken. Unfortunately, the Paper does not:

<sup>1</sup> Land North east of Muxton and Donnington, Paper B2c Technical Paper pp100-101

- State what the score is marked out of. It is assumed scored as 10/10 with one point per criterion. But it need not be the case and it should be explained. [It is complicated further by how the scoring is added as we come to below]
- State what, if any, weighting is given to each criterion. Paper B2b, para.5.1 comments on the strategic fit assessment that, *‘Despite the fact that compliance with each criteria on its own could be a reason either to select a site or not, the sites selected should also have a good overall score to be selected for allocation.’* This being the case the Council clearly had reason to consider weighting of criteria, but there is no evidence to show any conclusion on the matter, or its reasoning to dispense with weighting as an approach, which it appears is the case.
- State what is considered a ‘good overall score’ to attain. It might be assumed from point 6 that this score is ‘5 or more’, but there is no explanation why 5 is the minimum target, only why two sites under this target were considered exceptional at Lawley.
- State whether the overall score must contain some minimum criteria, i.e. even if not weighted by score individually, no site would be selected for allocation if it failed to demonstrate a certain characteristic, or conversely displayed a certain unacceptable characteristic and would be rejected.

**We request that the Council is asked to expand upon the point 6 and the ‘planning assessment’ column to explain clearly how the scoring methodology was selected, its reasoning for its selection and rejection of alternative approaches.**

The application of the scoring is not explained and it raises a final fundamental concern that the Council has not applied any consistent or objective approach.

A review of the selected sites in Appendix 2 compared to the site by site assessment contained in Paper A3a Appendix IX, shows that where a site is being allocated the score is derived from positively adding supportive criteria; i.e. it is a positive score out of 10. Conversely of the rejected sites the score is derived by negatively subtracting criteria from 10 to give a negative score out of 10. It appears a different approach is applied depending on the outcome sought. If this is not the case, then why would only the selected sites be scored in a different manner? How could these sites have been identified prior to scoring if it were not by some measure of pre-determination?

There is one anomaly, Site 776, but it only serves to prove there has been both negative and positive scoring and so an inconsistent methodology. This site is recorded in Appendix IX as not progressed, but is in fact site allocation H4. Appendix 2 gives is an SF score of 6. This score correlates to the negative score in Appendix IX (10 minus 4 negative criteria equals 6). It proves that there is negative scoring being undertaken, whereas all other sites selected for allocation are positively scored.

The methodology and scoring approach also contradicts evidence in Paper B2b, para.5.1. The Council clearly understood some criteria could alone be of greater or lesser significance, and wanted to attain a balanced view. Yet the scoring process demonstrates it only takes either positive or negative attributes. There is no balancing undertaken at all. That a site may have four negative criteria leading to a score of 6 (10 minus 4) is not counterbalanced by whether the other criteria are positive. There is only silence in the assessment. Equally where 6 positive criteria are given to lead to the same score of 6, there is no consideration that the other four criteria maybe negative.

Once more the anomaly of Site 776 is instructive. It shows that the Council has assumed the silence on the 6 other criteria as being equivalent of 6 positive criteria when scored the other way. This is implausible and for Site 776 impossible. It clearly cannot gain a credit for being a strategic urban extension.

This matters because the methodology is inconsistent between sites assessed and the results non-comparable between each site. It means that there can be no confidence in the Stage Three strategic fit sieving. It has absolutely no merit as a methodology.

But the most serious charge is the evidence of the scoring approach demonstrates, in our view, some degree of pre-determination of the site allocations. It must be so because how and why were those sites selected for positive scoring? And how can there be no example of a positively scored site not allocated? Either this was deliberately undertaken at the outset, perhaps at the same time 215 sites were seemingly removed from consideration, or retrospectively undertaken to justify a pre-determined selection.

**We request the Council fully explains why it chose to use separate positive and negative scoring of sites, and more importantly how it determined which sites it would select to apply such scoring and when this was done in the process.**

#### Partial Disclosure

Paper K24/40a, point 4 states;

*‘Appendix 2 records how **each site** performed against these criteria and records the final decision to allocate or not.’ [our emphasis]*

Appendix 2 lists 29 sites for allocation, 1 site as already allocated in the Madeley NP and 69 sites not selected for allocation. A total of 99 sites. There is therefore a missing record of 215 sites assessed in the third stage that are unaccounted for, including sites 901 and 902 of direct interest to my Client.

**We request that the Council is asked to provide the full Appendix 2 record for all 314 sites taken through to the Stage Three strategic fit and the scoring of each site. Considering the missing records, we also request the Council clarifies when the scoring of all 314 sites was undertaken.** Certain sites in Appendix 2 show consideration of site circumstances that do not fit the timeline of events relating to the site. Rather than start a forensic review of all 314 sites it would be simpler for the Council to lift the veil on its methodology and findings to allow proper scrutiny.

#### Prejudice

Failure to fully disclose the scoring methodology and results, such that it is, in the Consultation Version, August 2015, the Publication Version, February 2016, and in technical papers leading into the Examination is clearly prejudicial to all parties to the process, including my Client.

One of the key roles of the Plan is to allocate new housing sites to meet identified needs. Setting aside whether that need is of itself correctly identified, for the Plan to be found sound there must, in our view, be confidence that its preparation and evidence base has been undertaken fairly, transparently and is justified.

The new evidence is not, as point 5 would like it be, a clarification that explains and justifies the chosen sites for allocations. It is new information, not previously available, that has led perversely to both greater transparency to understanding that there is a fundamental flaw in the methodology on site selection, and added more confusion and opaqueness on further questions arising that has become a hallmark of the Plan and Examination.

**We request that the Council is invited to explain how it considers its evidence and its actions on non-disclosure of the scoring of 314 sites in a timely and appropriate manner, including its partial disclosure now, has led to a fair and transparent Examination process, and how this amounts to a fully justified evidence base as required by NPPF.**

#### Conclusion

Put simply, Paper K24/40a in six short points has managed to totally undermine the evidence base of the site selection of the allocations. In our view the new evidence has exposed a serious question about whether the Stage Three site selection process was pre-determined in one manner or another, either through naivety or deliberate action.

My Client is frustrated and dismayed to find that its interests’ may have been unfairly treated in the Stage Three strategic fit assessment, a matter that requires further explanation and clarification by the Council. At the very least my Client is entitled to receive a full answer to the questions raised here, and we request that consideration is given to reopening the Matter 8 session to allow a full and frank airing of the issues to representors and the public.

Yours faithfully



Richard Purser

**DPP**

cc. Tesni Properties Ltd  
 Roman Summer Associated