

Barton Willmore on behalf of Metacre Ltd
Response to Council Document K24/40a
Examination into the Telford and Wrekin Local Plan 2011-2031
Representor ID: 31

Matter 8 – Site Allocations

Introduction

1. We have reviewed the Council's response [Examination Document K24/40a] to the Inspector's request for clarification with regards to site selection methodology which arose in relation to Matter 8 on the last day of the Examination Hearings.
2. By way of context for our response, we summarise that the questions asked of the Council were, in part, to provide clarity in respect of its comments set out within Appendix X of the most recent SA. In relation to our Client's Site, the Council noted that, inter alia, table 4.55 of the SA (the Council's summary of each site's conformity with the Council's Strategic Fit Criteria) provides only an outline of "*the reasons for selection/rejection of alternatives for sites*" where relevant but "*the IA findings are not the sole basis for a decision; other factors, including planning and deliverability, play a key role in the decision making process*".
3. It arose through the Examination Hearing that, whilst the application of a 'planning judgement' was a crucial part of the plan making process and in the selection of sites, the Council had not provided the evidence behind that planning judgement for representors to examine. The Inspector summarised our comments to the Council, by way of an example, that it is not clear to Metacre, on the evidence provided, why its Site has not been selected over the those selected by the Council. The Inspector commented, in essence, that the omission of evidence of how that "4th Stage" of the Site Selection process had been undertaken was potentially a 'serious problem' in relation to the soundness of the Plan.
4. During the course of the Examination Hearing, we also questioned the robustness of the Council's "3rd stage" of its site selection process; the application of Strategic Fit Criteria (SFC). We, amongst others, questioned how the Council determined whether a SFC had been complied with and raised apparent inconsistencies in the Council's approach. The Council agreed to provide further information in this regard.
5. We questioned whether the Council's "Stage 3" was meant as a 'sift' where a minimum of 5 SFC must be achieved for sites to move to "Stage 4"; or as 'scoring' system where sites

were ranked based on the number of SFC they were compatible with. The Council confirmed that Stage 3 was neither or those things but used only to inform the Council. In the first instance, this stance seems to jut against the Council's comments in table 4.55 of the SA (conformity with the Council's Strategic Fit Criteria) that the table provides an 'outline of the reasons for selection/rejection of alternatives for sites'. In the second instance, and given the Council's comments on the application of the SFC, we remain entirely unclear on the weight which the Council has given to the results / conclusions drawn from "Stage 3". The Council has not sought to provide further clarity on these points.

Application of Stage 3 of the Site Selection Methodology – Strategic Fit Criteria

6. The Council has provided additional information with regard to how it has determined a site's compatibility with various SFC. Appendix 1 of document K24/40a replicates Table 1 of Examination Document B2b which describes each of the SFC. Appendix 1 of K24/40a provides an additional column 'Planning Assessment' which sets out the 'test' which was applied to determine whether the SFC had been complied with where relevant.
7. The additional information is welcomed, however, on the whole, it does not change our conclusions that the Council has either misapplied or unfairly applied the SFC in relation to our Client's Site. At Appendix 1 of our Hearing Statement to Matter 8 we provided an analysis of the Council's assessment of our Site; in particular the SFC that the Council consider our Client's site is incompatible with. In light of the additional information set out at K24/40a we have provided an update to that analysis below.
8. Appendix IX of the SA maintains the following reasons (aligned to the numbering of the Strategic Fit Criteria) for rejecting the Metacre Site:

"2. Site has a negative effect on the strategic green space and/or valuable landscapes

3. The site does not help sustain and enhance local urban centres

4. The site is not a strategic urban extension

6. Does not support areas of social deprivation

7. Does not maximise infrastructure investment

8. Site is not public land

9. Site is not a balanced provision which is complimentary with existing commitments"

2. We accept that the Site does contain a small proportion of BMV agricultural land and therefore the Site fails to meet SFC2 based on the Council's criteria.

3. The Council clarifies that to meet SFC3 the Site should be within reasonable walking distance (within 800m) of a Local, District or Town Centre or Market Town. The Site is within 800m walking distance of the Local Centre at Gatcombe Way, Redhill (to the south west of the Site) shown on the Council's Policies Map [Examination Document A2]. This is confirmed by the Council's own assessment of our Client's Site [Site 658] at Appendix VI of the SA which states "*The site is within reasonable walking distance to local centre services and facilities, strategic footpaths and cycle routes and recreational space*". The Site is compatible with SFC3.

4. The Council defines SFC4 as being where a development is in close proximity and well connected to a Local, District, or Town Centre or located within a Market Town. The Council's additional information notes that to be considered compatible with SFC4, the Site must contribute to creating SUE's, including access to a range of facilities and when developed at appropriate densities.

The Site is considered appropriate as an extension to the urban area at the east of Telford, will deliver 450 homes and is well located at the existing urban edge of Telford and surrounded on 3 sides by development. As above, the Site is well located within reasonable walking distance of a Local Centre. We consider that the Metacre Site comprises a more logical location for an urban extension / rounding off of development than many of the sites allocated for housing within the Local Plan.

As noted within our Hearing Statement to Matter 8, Examination document B2b clarifies that SFC4 considers a site to promote a SUE where it is of sufficient scale and critical mass to deliver comprehensive social, economic and environmental infrastructure and being well connected to existing development. Notwithstanding Site H10 'The Hem' is of a smaller scale and no better connected (arguably less so) to existing development than the Metacre Site it is considered to be compatible with SFC4. The HDTP nor the SA are clear as to the reasoning for this difference in conclusion. We consider that the Site is compatible with SFC4.

6. The Site is not within or adjacent to a TIA and therefore the Site fails to meet SFC6.

7. The site is promoted on the basis that it will contribute financially to the Council's planned improvements to the Limekiln Bank Roundabout as well as providing pedestrian crossing facilities across the A5 Redhill Way. The development of the site is considered to

maximise infrastructure investment. The Council's additional information provides no further information as to why the requirements of SFC7 are not met by the Site. We consider that the Site is compatible with SFC7.

8. The site is not public land. We have expressed our objections to the inclusion of public land as a spatial planning consideration. Nevertheless we accept that the Site fails to meet SFC8.

9. The Council have clarified in K24/40a that to meet SFC9 the Site must be within the urban area or on the urban fringe. It is abundantly clear that the Metacre Site is on the urban fringe of Telford, indeed, aside from how the settlement boundary is drawn on the Policies Map, it could well be argued that the Site is within the urban area, surrounded on 3 sides by development. Moreover, the Site will deliver housing to the east of the Telford which is encouraged by the Local Plan and is well located in terms of the existing urban edge and proposed and existing employment areas. The development of the site will deliver a balanced provision of housing which is complimentary to existing and proposed commitments. It is entirely unclear why the Metacre Site is not considered to achieve SFC9. Indeed, in terms of its location and relationship to other commitments it is not clear why the Site is any less suitable than any other proposed allocation; in particular H1 and H2 which are both outside but adjoining the urban area of Telford and are accredited with meeting SFC9. We consider that the Site is compatible with SFC9.

9. To summarise the above, with regard to the additional information provided by the Council, it is our view that there can be no doubt that our Client's Site meets SFC 1, 3, 5, 9 and 10; for the avoidance of doubt the Council accepts that SFC 1, 5 and 10 are met and we have shown that the Site is entirely compatible with the Council's own 'tests' in relation to SFC 3 and 9. In addition, we would argue that our Site clearly meets SFC 4 and 7 when compared to other sites which have been accredited as meeting those SFC; albeit the Council has not made it clear how those tests are met or otherwise.

10. Notwithstanding the above, and notwithstanding our requests made at the Hearing session on Matter 8, the Council has failed to address the points above. As such, no further information has been provided in relation to Site 658 by the Council despite our clear contention that the Site meets a minimum of 5 SFCs and should be subject to a 'planning judgement' or a "4th Stage" of the Site Selection process.

11. As such, we remain uninformed as to how the Council's conclusions on the Metacre Site's compatibility with the SFCs have been arrived at and why those conclusions differ to those made in relation to the sites which have been selected. This understanding is fundamental

to the transparency of the Local Plan. In that regard, we maintain our objection that the Plan is neither justified nor compliant with the provisions of the Framework and is therefore unsound.

12. Our objections, and exacerbation with the Council's failure to address this deficiency, is further compounded by the statement at paragraph 6 of K24/40a in which the Council states that sites Reference 445 and 613 meet only 4 and 3 of the SFC respectively. We consider that the Council's consistency and fairness in its evidence appears to be deficient, inconsistent and lacks transparency.

Applying a Planning Judgement – the "4th Stage" to the Site Selection Methodology

13. As set out above, the Inspector's apparent concerns in relation to the Council's evidence relates to the lack of justification as to how a 'planning judgement' has been applied to the final selection of Sites. The Inspector's request for clarification came after an extensive discussion on evidence presented within Examination documents A3 (and A3a), B2b and the Council's Hearing Statement (J8/TWC).
14. Notwithstanding the above, at paragraph 1 of K24/40a the Council refers back to documents B2b and J8/TWC as containing a detailed methodology of its approach to site selection. For the reasons set out within our Hearing Statement [Examination Document J8/31/1] we disagree that those documents provide sufficient detail regarding the Council's methodology and lack the transparency or justification required to be considered sound.
15. In terms of additional information, paragraph 5 of K24/40a, the Council sets out that the two appendices provide clarification of the relevant planning considerations which explain and justify why chosen sites were finally and properly allocated ahead of others.
16. In the first instance, and as explained above, we do not consider that Appendix 1 of K24/40a provides any further explanation or justification as to why the Council has preferred the sites they have. Aside from the deficiencies and inconsistencies in the application of the SFC referenced above, the Council has not sought to provide any information as to how compliance with SFCs has been given weight in the final planning judgement. Indeed, it has confirmed that the SFCs are neither a minimum requirement nor a scoring system for the selection of Sites.
17. Turning to Appendix 2 of K24/40a, the Council provides a table which lists positive and negative attributes of the various Sites it has considered for allocation.

18. Clearly, our major concern is that our Client's Site has not been considered as part of this planning justification process notwithstanding our comments above which demonstrate the Site is, at the very least, comparable to other Sites considered by the Council in its final considerations of Sites. Therefore, our original concerns as voiced in the Hearing Session for Matter 8 remain and we are none the wiser as to why our Site is not preferred in comparison to those selected for allocation by the Council.
19. With regard to the considerations which the Council has listed, the majority of Sites which have been discounted have not been allocated for reasons that they are not considered to be available, achievable or deliverable. On the whole we have no objection to the omission of those sites.
20. However, we do note that the Council have discounted sites in sustainable parts of the borough where Planning Permission has been granted and has lapsed as an indication that those sites are not deliverable. However, at paragraph 6 of K24/40a the Council has justified the allocation of 2 sites [445 and 613], despite only complying with 4 and 3 SFC respectively, in part because they have a non-time expiring 7(1) New Towns Act consent for housing. It is not clear why those sites which have not been brought forward despite having benefited from a planning permission since 1990 are considered to be any more deliverable than other Sites which were not delivered despite benefiting from planning permission.
21. With regard to other Sites proposed to be allocated the Council's evidence still lacks proper justification or comparative analysis with other Sites, and in particular our Client's Site, to justify their allocation over others; from the information made available it is not possible to make an informed assessment of the planning balance of one site compared to another.
22. By way of an example, Sites 144, 482, 504 and 508 at Donnington [H1 – Muxton] and 386 at Priorslee [H2 – Priorslee] have been noted as resulting in the loss of greenfield land and partly within areas of flood risk; albeit flood risk is considered to be outweighed by other benefits. However, those Sites are preferred because they are considered to be part of a 'preferred distribution for growth', could form part of a larger allocation and deliverable over the plan period.
23. The above assessment provides no indication as to why those sites would be preferred in comparison to the Metacre Site which, unlike the above sites, does not have areas of high flood risk. As set out above, the Metacre Site is capable of delivering 450 homes and considered large enough to be an SUE, is located on the urban fringe and well located on

the eastern arc of Telford, well located to existing employment and services and facilities; in accordance with the Council's preferred distribution for growth.

24. The same lack of clarity exists in relation to allocation H10 – The Hem [Sites 229, 379, 605-608 and 612]. Appendix 2 of K24/40a notes that the sites score no higher than complying with 5 SFC and also involve the loss of greenfield land and areas of higher flood risk which is outweighed by other benefits. In terms of benefits the sites are considered able to form part of a larger allocation, are located close to employment areas, a regeneration areas and will deliver significant housing to the south west of the borough. Again, it is simply not clear how the Site is considered to be more beneficial in sustainable planning terms than the Metacre Site which can provide significant housing in a preferred location at the east of the borough, well related to the urban area and near to exiting employment areas and outside of higher flood risk zones. It is accepted that the Metacre Site is not within a regeneration area but, on the other hand, the Metacre Site would help maintain the viability and vitality of an existing Local Centre.

25. Moreover, in comparison to the above sites, proposed allocations H1 and H2, which form the Local Plan's proposed two largest allocations, the Metacre Site is considered to offer significant benefits by virtue of proposing some 35% affordable housing (plus an additional 5% self-build) which is significantly in excess of the 20% affordable housing which has been approved at H2 – Priorslee. and beyond the expectations of affordable housing provision at H1 – Muxton which currently has planning applications pending (LPA Reference TWC/2016/0096 for 430 dwellings and TWC/2016/0097 for 220 homes] which currently make no firm commitments on the provision of affordable housing.

26. Indeed, there is some doubt as to whether proposed allocation H10 will deliver any housing at all. The Site has had the benefit of planning permission under the New Towns Act for nearly 30 years and has yet to be brought forward by a developer. We have similar concerns over sites H11, H12 and H16 which have been allocated as part of the Central Telford Area Action Plan and have also not been brought forward by a developer; H11 has yet to be even put to the market for sale. We have additional concerns in relation to site H12 which the Council considers will not be brought forward until such time as H11 is delivered.

27. Site 65 [Allocation H15 -Land off Majastic Way, Aqueduct] has been allocated for 40 units on greenfield land by virtue of its ability to support local services and offers an opportunity for smaller builders to progress development. By way of contrast, the Metacre Site has would offer a far larger scale of development to support a local centre and, as set out

within the planning application for its development, offers 5% (23 homes) to meet an identified requirement for self-build development.

28. To be clear, whilst we have some doubts regarding the likely deliverability of some of the Council's proposed allocations, we are not arguing that those sites cannot deliver suitable development. Our objection to the above process is that our Client's Site has not been given a fair assessment against Sites which the Council has preferred through the Local Plan process despite, in our view, being equally (if not more) sustainable as those allocated. We argue that the Council has been unable to demonstrate that our Client's Site has been fairly assessed, despite being requested to do so on numerous occasions.
29. Indeed, the omission of our Client's Site from the 'planning considerations' stage of the Site Selection process is even more difficult to understand in the context of the Council's comments at Appendix X of the SA (set out earlier) which, in justifying the omission of our Client's Site, refer to "*other factors, including planning and deliverability*". This cannot be the case if no such assessment of our Client's Site was undertaken.

Summary

30. With regard to the above, we maintain our objections to the Council's application of its Strategic Fit Criteria which we consider to be unclear and inconsistent. In the case of our Client's Site (658) we consider that the SFC have been misapplied which has resulted in the Site being erroneously omitted from further 'planning consideration' or the "4th Stage" of the Site Selection process. Despite the Council referring to a judgement of 'other factors, including planning and deliverability' in dismissing our Site, there remains no evidence of what that judgement entailed.
31. With regard to the "4th Stage" the Council fails to address the concerns raised within the Hearing Session for Matter 8 and the above serves to demonstrate that there remains a lack of meaningful comparative analysis of Sites from which to understand the process which has been undertaken to justify the final selection of sites.
32. The additional information provided by the Council simply serves to demonstrate that the proposed Local Plan allocations can be shown to meet a nominal number of loosely applied Strategic Fit Criteria and benefit from a seemingly positive assessment against a planning balancing exercise. We consider that the Council's additional information provided at K24/40a serves to demonstrate the ways in which the Council's evidence justifies the allocation of sites that it prefers, rather than demonstrating that the sites have been selected based on proportionate evidence available.

33. The Council's inappropriate method of site selection not only lacks transparency and robustness but we consider it has led to the allocation of less preferable and less sustainable sites than other sites which have been proposed for allocation; in particular the Metacre Site [658]. We consider that, in allocating less sustainable sites for development than could be achieved by the Plan we consider that the plan is not positively prepared and unjustified as per the tests of soundness set out within the Framework.