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Note in response to the Council's Paper K24/2A Duty to Co-operate.

Introduction.

Telford & Wrekin Council produced a lengthy 122-page Duty to Co-operate statement to accompany the submission of the Local Plan. It was adapted from the earlier much shorter document entitled 'Duty to Co-operate: Progress Statement' issued in July 2015 to accompany the T & W Local Plan Consultation Draft. The document quite properly summarises the consultations and discussions with neighbouring LPA's and statutory bodies in preparing the Local Plan under the DTC.

T & W has drawn its Housing Market Area boundary tightly to its own local authority boundary (despite traditionally drawing people from much wider geographical area). It is therefore all the more important to establish agreements with other LPA's under the DTC to clarify the patterns of likely movements beyond the HMA.

Telford & Wrekin has already received generous public investment in infrastructure in the expectation that it would grow to a population of 220,000 people. It has few physical or policy constraints (and no green belt), and has plenty of scope for growth within and around the Telford Development Area. It is not unreasonable therefore that other authorities with greater pressures and more pressing constraints, (including green belt) should look to Telford and Wrekin to play their part in contributing to meeting wider housing needs – as they have done in the past in their role as a New Town. This is not an **obligation** but a characteristic of **positive planning** which the Government encourages through the Duty to Co-operate

The Duty to Co-operate mechanism.

The Duty to Co-operate is not a panacea. Indeed, in the absence of a proper strategic approach to housing distribution, (which was abolished by the Coalition Government in 2010) arguably it is an extremely clumsy way of resolving cross boundary issues. Furthermore, since by definition, the planning process very rarely stands still, the Duty to Co-operate is extremely difficult to implement. Consequently, it is unrealistic for Telford (or any other authority) to expect other LPA's to have resolved all their issues and uncertainties, before deciding whether to assist. The Metropolitan and District Councils in and around Birmingham and the Black Country are all at different stages of Local Plan preparation.

Furthermore, the issue is not a 'one-way street'. Since Telford's young people characteristically move to towns and cities such as Birmingham and Wolverhampton to study or gain work when they leave school, it is not unreasonable for Telford to offer housing for people moving back again later in life.

Housing Requirements in Telford & Wrekin

Since housing needs are gauged, at least in part, on the basis of past demographic trends, the level of housing need (and the measurement of the OAHN) is critically dependent upon the pattern of movements over recent (5 years). In Telford the last 5 years has not been typical. It represents a historic low-point in Telford's lifespan. The Council's OAN figure of 497 dwellings/year (provided by consultants PBA) which the Council has used as a basis for measuring its 5 year housing land supply, is therefore based on an unrepresentative time-period and a very tight housing market area. In proposing a higher housing requirement, (albeit lower than in both the Consultation Plan and the Shaping Places Document), the Council has identified a gap between its OAN (now 502 dpa) and the proposed housing provision figure of 778 dpa. Although there is no reason why the two should be the same, there is no clear explanation in the Local Plan how the difference is accounted for.

In practice the pattern of migration will find its own level with people moving in and out within the normal housing market, according to economic trends, job moves and social patterns. But it is not unreasonable for approaches to be made by surrounding authorities in relation to potential flows to and from their areas – this is the purpose of the Duty to Co-operate. Yet Document F2 has made the unusual and somewhat partisan statement that *'The Council has concluded that it is both inappropriate and unreasonable to accommodate any unmet need from the West Midlands conurbation or South Staffordshire'*. Paragraph 1.3.2.3 of the Submitted Local Plan reflects this position. This seems to be contrary to both the spirit and arguably the letter of the Duty to Co-operate, in rejecting overtures by other neighbouring authorities.

The Birmingham & Black Country 'bid'.

Birmingham, the Black Country Authorities and South Staffordshire approached the Council during the preparation of the Plan to seek an agreement through the DTC and representatives from the authorities appeared at the EIP to further their case for an 'allowance' from Telford to be attributed to the West Midlands Metropolitan area to reflect the gap between the OAN and the level of housing provision.

There is a *prima facie* symbiotic relationship between Telford & Wrekin and the West Midlands authorities – Telford & Wrekin is seeking investment, is encouraging economic growth, already has generous public infrastructure investment and has plenty of land without obvious policy constraints, whereas the West Midlands Metropolitan authorities have a pressing problem of population growth, lack of available land, tight policy constraints – including green belt – and a desire to regenerate their area. They should therefore be able to reach agreement.

Following the T & W EIP, at the request of the Inspector, the ABCA authorities presented a written proposal within K24/2A and conducted further negotiations within officers from T & W. These discussions were evidently fruitless.

It is true that the West Midlands Councils (though the West Midlands Combined Authority) have been extremely slow in responding to the separate advice prepared by PBA on behalf of the Greater Birmingham & Solihull LEP (and the wider HMA) about potential housing distribution options, indeed after a gap of nearly 2 years, the WMCA has now commissioned further work to address this aspect.

However, the West Midlands Councils and peripheral Districts, albeit theoretically in a different housing market area, have much bigger challenges to tackle than Telford & Wrekin in trying to accommodate their needs. The West Midlands sub region has already tested its potential capacity from brownfield land and explored further urban consolidation, the conurbations is largely developed up to its boundaries and is also entirely surrounded by green belt which penetrates the urban area. The conurbation is surrounded by sensitive and in some cases historic provincial towns which are also surrounded by green belt. Therefore, the room for manoeuvre is extremely limited.

In insisting that the West Midlands authorities resolve their capacity problems first, Telford & Wrekin are therefore setting up a classic 'Catch 22' situation whereby in order to meet the T & W expectations, the West Midlands authorities would need to find all their housing land within the West Midlands HMA first (including penetrating the green belt) before considering T & W – at which point they would have no need to look for further housing land anyway. The T & W strictures are therefore unreasonable and against the spirit of the Duty to Co-operate.

Response to Telford & Wrekin Paper K24/2A.

In summarising their 'Final Position' regarding the GBBCHMA unmet housing need, Telford & Wrekin BC has spelled out their reaction to the ABCA Councils' proposals. This paper therefore responds to Paragraph 2.2 of the Council's Statement.

Firstly, although the ABCA and South Staffordshire DC very reluctantly accepted that the Council had complied with the 'legal requirement' for the DTC – in order to avoid the 'nuclear option' of jettisoning the Local Plan. They did not (according to my notes) accept that the 'Soundness' test of the DTC had been complied with,

Secondly, although ABCA, Birmingham and South Staffordshire may have accepted that (for planning purposes) Telford & Wrekin is a separate HMA. This is in part a consequence of the very tight boundaries which have been drawn in defining the T & W housing market. In practice, Telford is less than 30 minutes from the Wolverhampton built-up area either by road (M54) or train and the whole Birmingham and Black Country area is within a 45-minute travelling time.

Thirdly, the absence of any justification for migration assumptions between T & W and the GBBCHMA is disappointing, but reflects a failure on both sides. The DTC is supposed to be a two-way process,

Fourthly, although the Council is correct in saying that it has no **obligation** to meet the un-met needs of Birmingham and the Black Country (or anywhere else) this

stance is not within the spirit of the DTC and demonstrates that the DTC has not been satisfactorily implemented. As I have indicated above, the expectation that the Met Authorities should exhaust all their options for accommodating housing within the sub-region (including using as much green belt as is required) creates a Catch 22 situation which defeats the purpose of the DTC,

Fifthly, the reference by the ABCA authorities to the original 220,000 population target is relevant insofar as Telford & Wrekin are deliberately holding back on developing their own area (despite having the infrastructure and housing land resources to do so), to a position which falls well short of original plans, so that a population of only 198,000 will be reached by the end of the Local Plan period. This seems contrary to the interests of good planning and counter to the Government's objectives within the Housing White Paper – and elsewhere.

My conclusions

My client does not take a position on the appropriateness of the ABCA bid to 'absorb' the balance of housing provision between the alleged 502 dpa OAN and the 778 dpa Housing Provision target. Indeed, we consider, along with other representors, that the OAN figure is completely wrong.

However, we are puzzled by the Council's stance (after the invitation by the Inspector) not to wish to formalise the gap in housing provision and especially the vehemence by which the Council appear to want to resist migration from Birmingham and the Black Country. In practice, planning controls do not extend to preventing people from moving to or from one part of the country or another. If jobs are available, people will move anyway – wherever they are from.

The only consequences of not providing sufficient housing provision in Telford & Wrekin would be firstly, to hinder the economy by holding back the ability of people (whether local or in-migrants) to take up new housing in the area through the creation of an imbalance between homes and jobs, and secondly, by resulting in the Metropolitan authorities having to release additional land (possibly within green belt) to accommodate for housing needs when (if the T & W provision is higher) some of those people may have already moved to Telford anyway.

Put simply, the inability of Telford & Wrekin to work constructively with their neighbouring authorities within the Duty to Co-operate demonstrates conclusively that whilst the Legal Requirement of the DTC may have been complied with, the 'Soundness' test clearly hasn't.

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