



Representations to the Proposed Main
Modifications to the
Telford and Wrekin
Local Plan

On behalf of

Davidsons Developments Ltd

September 2017

14.108

Cerda Planning has been instructed by Davidsons Developments Ltd to make representations on their behalf in relation to the proposed Main Modifications to the Telford and Wrekin Local Plan.

Representations to each stage of the plan have been made regarding the overall strategy and in particular with relation to the proposed sustainable urban extension H1 – land at Muxton, of which they have a controlling interest in of approximately one third of the area proposed.

Cerda planning and Davidsons were present at the EiP and are aware of the issues raised by the Inspector and have the following comments to make in relation to the proposed Main Modifications.

MM1- deals with the Duty to Cooperate

"...it is acknowledged by all parties that Telford and Wrekin functions as a separate housing market area, based on an analysis of the relevant indicators presented in supporting evidenced to the Local Plan. This is consistent with the decision of the Greater Birmingham and Solihull Local Enterprise Partnership to exclude Telford and Wrekin from their assessment of housing needs within that area. Given this relationship, and based on current evidence available at this time, the potential contribution of in-migration arising for the Local Plan's housing requirement towards meeting the needs of the Greater Birmingham and Black Country Housing Market Area has not been quantified. The Council will continue to consider this matter in light of emerging evidence. It does not at present rule out the potential apportionment of some of the Local Plan's housing requirement towards meeting the Greater Birmingham and Black Country HMA."

This proposed modification is supported.

Whilst it is accepted that Telford and Wrekin functions as a separate housing market to the areas within the Greater Birmingham and Solihull Local Enterprise Partnership (Birmingham, Solihull, Lichfield, Tamworth, Cannock Chase, East Staffordshire, Bromsgrove, Redditch and Wyre Forest) and the Black Country Local Authorities (Walsall, Wolverhampton, Dudley and Sandwell) it is clear that there will be implications for Telford and Wrekin from the unmet housing needs across the wider Greater Birmingham and Black Country Housing Market, in particular

from Birmingham (approximately 38,000 dwellings by 2031) as well as the Black Country unmet need of approximately 22,000 by 2036.

This will inevitably have a “knock-on effect” to surrounding local authorities and so it is imperative that the Telford and Wrekin Local Plan has some degree of flexibility inbuilt at its outset to allow sites to come forward to accommodate any resultant unmet housing need from the Greater Birmingham and Black Country HMA as well as dealing adequately with their duty to cooperate with Shropshire, Stafford Borough and South Staffordshire.

The 14 local authorities that make up the GBSLEP are partaking in a Growth Study which will explore how the 38,000 of Birmingham's unmet need (not yet clear whether this would include the Black Country's unmet need of 22,000) could be addressed. It is envisaged that the Growth Study will not apportion unmet need between the authorities but outline potential options to each authority to accommodate the unmet need. Each authority would then have to justify their choice of options through their Local plan.

This approach will rely on each of the authorities carrying out their legal duty to cooperate to act reasonably, rather than to rejecting any responsibility for provision or adopting the minimum option.

The fact that Telford's Plan adopts a flexible approach proposed by the Main Modification will allow the authority to apportion some of its housing requirement to unmet need from elsewhere if necessary, in accordance with the NPPF and the Localism Act 2011. However, we are of the opinion that this approach does not go far enough. In the very likely event that Telford will have to deal with the wider housing need, in the event that there is a requirement to accommodate the unmet need from the Greater Birmingham and/or Black Country HMA, this should trigger an immediate plan review. We suggest that a policy be inserted into the plan which defines a trigger point and a strategy to deal with this scenario if it arises.

MM5 and MM6 – Housing Growth Target and Need

The proposed increase in provision and delivery for new homes over the plan period from 15,555 to approximately 17,280 is welcomed. It is considered crucial that the figure of 17,280 is not a maximum and that the requirement figure remains fluid to ensure it can deal with the housing need of Telford's HMA as well as others outlined earlier in these comments (notably

the Greater Birmingham HMA and the Black Country HMA and Shropshire, Stafford Borough and South Staffordshire). It is therefore important that the modification ensures that this figure is expressed as a minimum with no upper limit, since an upper limit would to restrict the delivery of housing in Telford including its role in meeting the surrounding authorities housing needs.

MM8 – Identification of sufficient land in Telford and MM55 housing need

Whilst support is given, in principle, for an increase in sufficient land to provide the delivery of approximately 14,950 homes (from 13,400 previously), it is concerning to note that the amount of land now identified does not include previously allocated housing sites, including H1. This will result in the identification of land for only 14,950 homes, which is 2,330 dwellings LESS than the minimum of 17,280 target set by proposed MM5 and 6 (the housing growth identified for the borough by 2031).

As a consequence of the H1 allocation being proposed for removal and the housing requirement being increased there is an inevitable and clear dis-connect between need and supply. This is before consideration is given to the wider HMA issues which will increase the housing numbers up further. To deal with this issue the Council should commit to an immediate plan review. Any plan review or future site allocation document will take time to complete. In the interim period the Council should adopt a positive framework for determining planning applications- approving sustainable development irrespective of its allocation or otherwise.

The proposed H1 allocation would have provided certainty of delivery for approximately 750 dwellings. The Inspector is aware from previous representations to earlier versions of the Plan and from the EiP hearings that, in addition to my client's outline planning application for up to 250 dwellings, that current applications for the remainder of the H1 site are currently being determined by the LPA. All three planning applications contain proposals for the entire proposed H1 allocation site and together will provide approximately 900 homes in a sustainable location, which will make a significant contribution to housing provision within the borough and assist greatly the Council meeting its growth target. Jointly the schemes would provide a wide range of other benefits too including a new school, playing fields, public open space, improvements to the watercourse in terms of ecological biodiversity, children's play areas, pedestrian and vehicular links through the sites and improvements to local bus services. (This is not an exhaustive list)

The site is located on the edge of Donnington and the proposals align with the Council's strategy to locate 80% of new growth to the sustainable areas such as of Telford.

As parts of my client's site currently fall within Flood Zones 2 and 3, their planning application is being supported by a Flood Risk Sequential Assessment and Flood Risk Assessment. Mitigation measures proposed satisfactorily deal with the risk of flooding within the site without increasing them elsewhere. In addition to this, the proposed indicative masterplan proposes all residential development to be located wholly within Flood Zone 1. Separately, a Flood Zone Challenge has been submitted to the Environment Agency which demonstrates that the existing flood zone maps are inaccurate. The EA have confirmed that they agree with the work undertaken to inform this challenge. This being the case, none of the application site would be located within Flood Zone 3, and only small areas of land either side of the Wall Brook to the south of the site, would be located within Flood Zone 2, where the brook would be bridged by a raised vehicular access.

As well as being acceptable in flood risk terms therefore, the proposals would provide up to 250 new homes in a sustainable location, which has previously been supported by the Council in all versions of the Plan. The extension of the urban edge of Donnington at this location is a logical extension; it is well served by a wide range and quantum of employment opportunities, local shops, pubs and restaurants and other services.

Jointly, the proposals for the whole of H1 would provide approximately 900 homes, a new school, health services, playing fields, retail provision and can provide a direct vehicular link from Station Road through to the A518 which will allow existing bus services to be improved to serve existing and new residents alike, further reducing reliance on the car.

The proposed modification to remove the priority for housing development to take place on previously developed sites is supported, in accordance with the NPPF.

MM12 and MM14 – the delivery of dwellings in the rural area

Support is given to the proposed MM12 in regard to best and most versatile agricultural land. With regard to MM14, Policy HO10 only supports new limited or infill housing in Edgmond, High Ercall, Lilleshall, Tibberton and Waters Upton where it can be demonstrated that the

development will help to meet the rural housing requirement. Elsewhere in the rural area policy H010 seeks to strictly control new development.

The increase in the delivery of approximately 1,000 net new dwellings in the rural area over the plan period (an increase of 100) is very low and therefore questioned. Many sites falling outside of the 'built up' area, such as Telford, are located at the edges of the urban area and benefit from a wide range of facilities, services and employment opportunities. To unduly restrict development of such areas (such as the proposed H1 allocation) could ultimately jeopardise the success of the plan to deliver the required numbers of homes and put the wider strategy at risk.

In the case of Telford, the plan currently plans to direct 80% of its growth towards the urban areas, which is reflective of current patterns of development and location of the population. The proposals for the site at Station Road, Donnington would involve development within the rural area, immediately adjacent to the edge of the built up area. The location therefore is highly sustainable and the development of it should not be restricted merely because it lies within the area considered to be the rural area. Land on the edge of the urban area has a visual and functional relationship to the urban edge – new developments in such locations are viewed as an extension to the urban area in a totally different way to how an extension to a village would be viewed – a village will always be a village.

Nationwide it is widely accepted that the rural areas have a valuable role to play with housing delivery; it is no different within Telford. To effectively restrict all new development within the rural area, except in exceptional circumstances, without proper acknowledgment to the contribution that edge of the urban areas can make, will stifle sustainable development contrary to the NPPF and potentially result in the early failure of the Plan.

It is recommended that the urban edges of Telford should be the priority for any future sites and as such an appropriately worded policy is required to guide future development to these areas either as a further modification to the emerging plan or within any subsequent Site Allocations Document.

MM15 – Telford and Wrekin’s approach to sustainable development

These modifications are supported and reflect the discussions that took place during the EIP hearing sessions. The simplification of policy SP4 is in accordance with the NPPF.

MM38 – Housing requirement

The proposed modification which states that “the housing requirement set out in Policy HO1 has been informed in part by the objectively assessed needs identified in the Telford and Wrekin Objectively Assessed Housing Need report by Peter Brett Associates...” is supported. This proposed modification will allow development in the right location, (in addition to the proposed housing allocation sites) of an appropriate scale and nature which will support the delivery of the overall plan vision and growth strategy to be supported, whether or not it is allocated in the plan, which is wholly welcomed.

This is particularly important to the success of the Plan going forward, if the Inspector does recommend the removal of the previously allocated housing sites in order to make it sound and progress to adoption.

MM39 – Proposed Housing site allocations

Support is NOT given to the part of this proposed modification which will remove the H1 allocation. As identified earlier in these representations, the site has received the Council's full support for the development of the site in all previous versions of the Plan.

The proposed H1 allocation should be retained.

In the case of the allocated sites being removed, as a way forward, the Council has agreed to produce a Site Allocations Document. We consider this to be a less than ideal solution – council resources in terms of staffing and time are stretched and the production of such a document could take years and reduce delivery of housing on the ground. My client's site alone, (which would provide up to 250) – on receipt of approval could commence within 1 year and deliver approximately 175-200 in the first 5 year period of the plan. In the absence of the allocations, as commented earlier within these comments, the council must adopt an interim approach to enable support to be given to sustainable development.

With regards to the last proposed main modification to this section;

“The Council will not support development on land in Flood Zones 2 or 3 within these allocations.”

As stated earlier in these comments, the current master plan for the site does not propose any dwellings within any flood zone. The proposed modelling of the Wall Brook will reduce the flood risk on site. In addition to this the Flood Zone Challenge will remove all of the site from flood zone 3 with only a small area around the Wall Brook will remain within flood zone 2, which the vehicular access bridge crosses.

The modification in respect of flood zones was proposed at the EiP in response to clarification on the H1 site. If the H1 site is deleted it does not require to be inserted into text. If it is to remain as a generic statement, it would be more appropriate to refer to the NPPF and appropriate considerations in respect of the flood zone areas.

In the interim period the Council should adopt a positive framework for determining planning applications- approving sustainable development irrespective of its allocation or otherwise.

MM48 – housing delivery

The Main Modification proposed states:

“ Table 10 indicates that the Council can deliver around 14,830 dwellings up to 2031 from identified sources. This equates to around 17 years ‘worth (or 86%) supply against the figure of 17,280 proposed in Policy HO1. This position assumes no additional supply from any other sources and also an allowance of 20% to account for potential future non-implementation during that period. However, the current identified shortfall in site allocations does raise some uncertainty regarding delivery towards the end of the plan period. Consequently, the Council will continue to monitor and keep up to date its assessment of housing delivery against its housing trajectory. The Council will prepare a Housing Site Allocations Local Plan which will enable a further range of sites to be identified to achieve the Local Plan’s housing requirement.”

Concerns with this approach have been outlined earlier in these comments. It is questioned whether it is appropriate to adopt a Plan without identifying a supply to meet the Council's Local Plan housing requirements. This is an unsatisfactory position.

If H1 is removed the Council will find themselves in the position of having to reconsider sites and previously discounted sites and/or there will need to be a renewed call for sites. These processes are time consuming. Whilst the Inspector is satisfied that the Council can demonstrate "around 17 years' worth (or 86%) supply against the figure of 17,280" it is worrying that the current identified shortfall is not capable of being addressed prior to adoption. In the event that other housing consents or allocations do not come forward as planned, the impact of this known shortfall could result in a position of not having a rolling 5 year supply, earlier on than is currently anticipated, which will jeopardise the overall spatial strategy – with risk of uninvited, policy non-compliant schemes succeeding at appeal.

This could be avoidable by the retention of the proposed H1 allocation which is deliverable and achievable now. I stress again that there is the requirement for a trigger mechanism requiring an immediate Plan view in the event that delivery is failing and that in the interim period post adoption of the Local Plan and pending the adoption of any Site Allocations Document that a positive framework is adopted to support unallocated sites coming forward to ensure the delivery of sustainable development.