



Environment & Planning Policy Team
Telford and Wrekin Council
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Our Ref: RG/RG/G277/L001
Date: 21 September 2017

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Dear Sir/Madam

TELFORD LOCAL PLAN

**Proposed Main Modifications (LI) to the Telford & Wrekin Local Plan 2011-2031
Publication Version (January 2016)**

REPRESENTATIONS ON BEHALF OF TESNI PROPERTIES LTD

We are instructed by **Tesni Properties Ltd** to submit objections to certain of the above Main Modifications (MM) and associated alterations to the Policies Map.

The nub of our client's objection is the manner in which the Local Plan process appears to be being rushed through by the Council. Such is the eagerness to end the process with a 'sound' Plan, we are concerned that there is a risk that corners are being cut. We consider that the Examination process should be re-opened to allow a full and frank debate (involving all interested parties) on the issues arising from the proposed MMs.

The MMs follow concerns that were raised by the EiP Inspector in his Interim Note to the Council dated 30 March 2017 (document F10). In that, the Inspector identified 'serious soundness concerns' and in doing so made it clear that more housing land is required to serve the Borough's future needs. He pointed to a recent appeal decision (Kestrel Close, Newport – ref: APP/C3240/W/16/3144445), suggesting that the Council might wish to have regard to that. The Inspector's words were :

*'I request that the Council / PBA conclusions in respect of labour market implications are revisited in order that a suitably robust uplift figure can be calculated. **If such work is considered to be impractical**, then I would seek the Council's view on whether the findings of the Kestrel Close Inspector in respect of OAN should be adopted for the purposes of the present examination.'* [our emphasis added]

In its response (F10b), the Council responded as follows :

*'We have explored this with our external consultants but have concluded that **it is impractical to do the required reviews to take account of the observations you have made within a reasonable timescale**. You have advised that the findings of the Inspector at the recent appeal at Kestrel Close are an important material consideration in this matter to which you must have regard and suggested if a review is*



impractical these findings be adopted in respect of the OAN for the purposes of this examination.’ [our emphasis added]

We do not understand what is ‘impractical’. The reassessment of the Borough’s needs is not ‘impractical’. It is essential work that ought to be undertaken if the Plan is to be found sound. The needs have been assessed before, and they can be assessed again, and within a perfectly sensible timeframe.

At paragraph 4 of the EiP Inspector’s note F10, he shares certain concerns as the Kestral Close Inspector (Inspector Rose). For example :

‘I share some of the concerns raised by that Inspector in respect of the robustness of the Council/PBA approach to testing the labour market implications of its demographic projections. Specifically, I consider that the stated position that ‘double-jobbing’ will rise to 7% by 2031 – which has a significant effect on labour supply estimates – is not firmly evidenced.’

It is worth considering the words used by Inspector Rose on this point :

*‘Moving on to double jobbing (where a person has more than one job), the ability to make meaningful projections is fraught with difficulty in that there are no official statistics. **Neither party had any credible evidence base** ...’ [para 75]*

Bearing in mind that lack of ‘any credible evidence’, Inspector Rose was left with little option but to take an educated guess on that topic.

As it turns out that, the Council has not only had regard to the Kestral Close decision, but has accepted – hands down and with no attempt to establish the ‘credible evidence’ that was absent at the time – Inspector Rose’s judgement on housing supply matters. We need not point out that it is not the function of a S78 appeal to establish the FOAN, and, by definition, it excludes parties with an interest in the Local Plan process (such as our client).

Our client is therefore concerned at the Council’s acceptance of Inspector Rose’s judgement at the S78 appeal, which acknowledged a deficiency in the information available to him. This is not the way Local Plans ought to be produced.

So, our objections in part relate to proposed Modifications refs: MM5 and MM6, which uplift the provision from 15,555 to approximately 17,280 new dwellings across the whole borough by 2031, because (as explained above) that has not been properly interrogated or tested. Tesni’s stance is that this is not the way a Local Plan’s housing requirement should be dealt with. It is too crude and devoid of the rigorous interrogation that a proper assessment of FOAN ought to be subject to. And, as noted above, the suggestion that it is somehow ‘impractical’ to undertake the work in proper fashion or within a sensible timeframe is not correct.

Tesni also objects to the deletion of *Site H1 Sustainable Urban Extension* (MM39 and MM45). Those MMs pledge to identify further housing sites to achieve the Local Plan’s housing requirement through the preparation of a future Housing Site Allocations Local Plan. In making that commitment, these



MMs strike out one of the two Sustainable Urban Extensions (at Donnington and Muxton - Site HI), which – until now – the Council had been strenuously arguing was :

'required to deliver a range of uses, including housing, open space, employment, local services and facilities, and other supporting infrastructure necessary to ensure the delivery of sustainable places.'

Under MM7, we note that the Council is not inviting comment on amendments to the Policies Map, but it is a given that Tesni also objects to the proposed *Update Key Diagram to reflect the deletion of Site HI*.

MM48 confirms that the LP, if adopted as now proposed, will not allocate enough housing to achieve needs over the Plan period, and makes the point that :

*'... 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.'*

Our objection is quite simple. Setting aside the Council's acceptance (without further testing and interrogation) of the findings of the Kestral Close Inspector, it is hardly a proper response to the requirement to provide more housing land by deleting most of the former housing allocations.

The Local Plan does continue to propose some allocations (ie approved schemes), and so it will represent a halfway house of a Plan, with some allocations in the principal Plan, with others to follow in due course (presumably within around 2 years if we are realistic), resulting in a policy vacuum for that interim period. Telford requires certainty at this stage and going forward, as opposed to a rushed response.

Realistically, it is likely to take around 2 years (possibly more) to produce the Site Allocations DPD, leaving an unhelpful policy lacuna and the associated uncertainty in the meantime. Procedurally, we suggest that the approach of the Council is flawed and, if accepted by the Inspector, could readily be subject to challenge.

So, the Inspector will see that Tesni is less than impressed at the Council's response and the associated MMs. We object accordingly.

We object to the deletion of Site HI, because that is patently a sustainable site capable of accommodating part of the Borough's housing supply. The Council has considered it to be so from the outset, and has presented it as a critical element of the soundness and credibility of the Local Plan.

The Inspector will be aware that the Council (in conjunction with others) has in place two longstanding live planning applications for Site HI. Notably, in spite of declaring the intention to delete allocation HI some 5 months ago, the Council has not yet taken the decision to withdraw its



own planning application. In the Council's Planning Statement supporting that application, paragraph 5.2.15 explains that :

'The land for the Muxton Strategic Urban Extension of which part of the Application Site forms is on the north eastern fringe of Telford's urban area and represents a natural extension to the development boundary in this location in order to accommodate the required housing growth for the plan period. The site is in a highly sustainable location as demonstrated visually on the Connectivity Plan (Drawing No. GLA20.01) provided at Appendix B. It is within walking distance to shops, pubs / hotels and places of worship, in addition to being close to bus stops which provides onward public transport connections to the rest of the Borough.'

Throughout our representations on behalf of Tesni, we have been consistent in supporting Site HI as an Urban Extension, and we continue to maintain that it should continue as an allocation. At the same time, we have consistently argued that it is simply not large enough to function as a truly sustainable extension. We will not repeat our previous submissions in that regard, but invite the Inspector to review our previous representations when considering these objections to the proposed MMs in the round.

Finally, in the event that the Local Plan moves forward in spite of our representations and without the reopening of the Examination, we contend that the Plan should make explicit the Council's commitment to the immediate production of the Site Allocations DPD. In that regard, we note that MMI acknowledges the potential contribution of in-migration arising from the Local Plan's housing requirement towards meeting the needs of the Greater Birmingham and Black Country Housing Market Area (GBBC HMA), but that this has not yet been quantified. MMI states that *"The Council will continue to consider this matter in the 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 needs of the GBBC HMA."* We have suggested elsewhere that the production of a Site Allocations DPD could readily take 2 or more years, leaving an unhelpful policy vacuum and the associated uncertainty (particularly if evidence from GBBC HMA and other sources suggests that housing provision requires adjustment). However, it is possible to produce such documents in a lesser timeframe if the correct resources and urgency are put into the process.

Summary of Objections

In short, we object to the deletion of Site HI, and consider that it ought to be retained and further extended to include our client's land to the immediate east, as per our previous representations.

We consider the Council's response to the criticisms and concerns expressed by the Inspector (and other parties, including ourselves) to be disappointing.

In particular, we find it illogical and perverse, and not constituting good and proper planning, to base the Local Plan on the findings of an Inspector handling a S78 appeal, who acknowledged that certain information that he needed to consider was absent or insufficient. This calls for far more interrogation.



The EiP Inspector did not invite the council to accept lock, stock and barrel the conclusions of the Kestral Close S78 appeal, but to consider whether they should be accepted, which implicitly requires the Council to explain why it does consider those to be accepted. But the Council has not explained this. The Council must explain their reasons, because in doing so, it is discarding and disregarding the evidence base of the Plan and all preceding calculations on the OAN / housing requirement and spatial distribution of development, all of which has been consulted upon in preceding stages and debated at the examination. This decision by the Council has effectively rendered significant proportions of the examination as null and void. We contend that the examination should be reopened on substantive issues of OAN, housing requirement, spatial distribution and allocations.

Until this MM stage, no party to the Examination has had any opportunity or ability to see, discuss or make representations on what is effectively a new Plan. The manner in which this is being handled has effectively prejudiced all participants, whether supporting or opposing, as no participant has had any involvement. And yet a single S78 appeal party has been elevated in status to having by default re-written the Local Plan.

We are concerned at the perversity of deleting allocations when the housing needs has risen, and suggest that that approach has no place in good planning. That deletion of sites and the consequences of such was never a matter put to the examination for debate or consideration.

The Council's Local Development Scheme (LDS) 2015, para.4.1 states :

*"The aim of this Local Plan is to provide an updated spatial vision for the borough, identify sites that will deliver the vision and detailed development management policies that will be used to determine all planning applications. When adopted, the Local Plan will replace all of the borough's current development plan documents (DPDs). The Council has decided to prepare **one Local Plan Document that covers all of these matters** consistent with advice in the National Planning Policy Framework and the Government's Planning Practice Guidance"* (our emphasis).

The MMs will now create a second local plan document – a Sites Allocations Local Plan - and will no longer identify a vision or sites to deliver that vision. The MM version of the Local Plan is therefore wholly inconsistent with the LDS 2015 to which the public had reasonable expectation that the Council would adhere.

We do accept the Council's suggestion that it is 'impractical' to re-assess matters properly. That is patently not correct. It is perfectly possible to do so, and in a reasonable timeframe. Indeed, it is inconceivable that the Council is pushing for the adoption of its Plan in the absence of such a rigorous assessment. In which case, the Inspector should find the Plan unsound, and the Council needs to start again.

Finally, we have noted the recent communication between the Inspector and the Council (EiP library ref: F11). This recognises that the Government has released its long-anticipated consultation on a standardised methodology for setting housing needs. In light of the consultation extending beyond this current round of consultation on the Main Modifications, and the likelihood for any outcome to not be known before Spring 2018, this may have limited impact on this Plan. Notwithstanding this, it

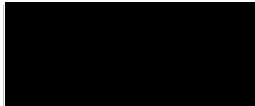


is our view that the Main Modifications should lead to the reopening of the Examination and as such the Examination should allow participants the opportunity to make representations on the Government's methodology.

We look forward to receipt of this objection as duly made, and if you require any further information or wish to discuss matters, please do not hesitate to contact Richard Gee at the above offices.

Yours faithfully

for Roman Summer Associates Ltd



Richard Gee

Director