



**TELFORD AND WREKIN DISTRICT COUNCIL
LOCAL PLAN 2011-2031**

HEARING STATEMENT

IN RESPECT OF MATTER 3 (DEVELOPMENT STRATEGY)

**SUBMITTED ON BEHALF
OF
DAVIDSONS DEVELOPMENTS LTD**

Date: October 2016
Ref: 14.108

3.1) Does the local Plan positively prepare for the development and infrastructure required in the area, in line with the presumption in favour of sustainable development set out in the Framework? [Inspector's note: The Council is also asked to consider whether the criteria-based approach set out in policy SP4 represents either duplication potential confusion with other policies, both in the Local Plan and the Framework.]

- 1.1 Policy SP4 reinforces the presumption in favour of sustainable development as set out in the Framework. This aspect of the policy is supported. Section B goes on to list a set of criteria that stipulates what constitutes sustainable development, which generally aligns with the 12 core planning principles set out within the Framework.
- 1.2 Through representations made to the Consultation Version of the Plan in September 2015, we made it clear that in general Policy SP4 is supported as it responds positively to the very ethos of the Framework but as currently drafted criteria B3 ("*the priority given to focussing development on the built up areas of Telford and Newport through the use of previously developed land*") is at odds with one of the Core Planning Principles of the Framework which states "*encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value*".
- 1.3 **Whilst the NPPF encourages the re-use of previously developed land, it does not prioritise it over greenfield land.** When drafting the NPPF there was an explicit decision to remove the brownfield first policy contained in earlier planning policy statements. This was confirmed by the Secretary of State when allowing an appeal in Worsley, Manchester where he stated that "*national planning policy in the Framework encourages the use of previously developed land, but does not promote a sequential approach to land use. It stresses the importance of achieving sustainable development to meet identified needs*" The Secretary of State also confirms in this appeal decision is the need to achieve sustainable development, which is something that is considerably more sophisticated than simply re-using land and buildings. (APP/U4230/A/11/2157433)
- 1.4 On this basis we suggested that criteria B3 be redrafted with the following text: "the priority be given to focussing development in the urban areas of Telford and Newport, encouraging the use of previously developed land to ensure

compliance with the NPPF."

- 1.5 The Submission Plan sets at paragraph 3.3.5 that:
"In order to bring forward new residential and employment sites the Council will expect major development to mitigate the cumulative impacts in a plan-led manner by contributing towards the provision of strategic infrastructure, subject to viability. All developments will be expected to mitigate site specific impacts through the provision of new and improved infrastructure"
- 1.6 Appendix A sets out the Council's approach to the provision of infrastructure. It explains that the Council has worked with partners such as public service providers, Highways England and utilities companies for planning permissions already granted subject to S106 agreements to the value of £21million for developments expected to be built during the plan period. It is recognised that the Council needs to plan for the long term and has produced an Infrastructure Delivery Plan in cooperation with private and public service providers that will inform how the Local Plan will deliver infrastructure to 2031 taking account of new housing and employment allocations in the draft Plan,
- 1.7 In order to bring forward new residential and employment sites, it is expected that major development will need to mitigate the cumulative impacts of the development in a "plan led" manner by contributing towards the provision of strategic infrastructure such as highways and transport, education, emergency services, leisure and green infrastructure. This would allow improvements to the road network, the provision of new or expanded schools, provision of new police infrastructure, new and improved leisure facilities and improved parks.
- 1.8 Policies SP4 Presumption in favour of sustainable development, NE4 – provision of public open space; COM1- community facilities and C3 – impact of development on highways support the request for developer contributions for strategic infrastructure.
- 1.9 The infrastructure Delivery Plan identifies infrastructure projects, broad delivery time scales and sources of funding. The Council and its partner's share the view that no critical infrastructure is required that would prevent the delivery of the housing and employment land trajectory during the first five years of the Local Plan.
- 1.10 To fund the appropriate infrastructure for development supported within the Plan in the future, it is recognised that there will be only a restricted amount of

local and central government funding. This will require the Council to work more innovatively with the private sector by asking developers to deliver essential infrastructure at their own commercial risk and joint delivery of new infrastructure with public sector partners. The Council expect there to be a broad base of financial support to reduce the cost on the borough. Sources of funding anticipated include private sector investment, capital receipts from the disposal of assets, EU funding and Central Government capital grants.

- 1.11 The Council is considering the introduction of a Community Infrastructure Levy; this would provide opportunities for increased flexibility in the collection and distribution of funding towards strategic infrastructure projects. It will only be adopted if its introduction does not affect the overall viability of development in the borough, there is a proven need for it, income from the levy would be sufficient to reasonably meet the infrastructure funding requirements of the plan and its operation can be met within the constraints of existing resources.
- 1.12 The PPG sets out at paragraph 016 that charging authorities must identify the total cost of infrastructure they wish to fund wholly or partly through the levy. In doing so, they must consider what additional infrastructure is needed in their area to support development, and what other sources of funding are available, based on local evidence.
- 1.13 Information on the charging authority area's infrastructure needs should be drawn from the infrastructure assessment that was undertaken at part of the preparation for the Local Plan because the Plan identifies the scale and type of infrastructure needed to deliver the area's local development and growth needs.
- 1.14 We are satisfied that the council has made the correct assessments in line with advice within the PPG.
- 1.15 Section 106 and 278 agreements would continue to be used to secure on-site and strategic off site infrastructure in the absence of CIL. If CIL is adopted, the use of S106 and 278 agreements would be scaled back.
- 1.16 From experience with other planning authorities, the use of S106 agreements can often cause a delay to issuing the final planning decision, which in turn, has an impact on the deliverability of vitally needed schemes. A resolution to grant planning permission subject to the signing of a legal agreement can take months. It is respectfully requested that the Inspector considers whether the Plan

could contain some mechanism to speed up the drafting and subsequent agreement of legal agreements.

- 1.17 The IDP will be the mechanism for monitoring capital investment across the borough and will identify the current strengths and weaknesses in infrastructure provision and ensuring that the investment addresses deficiencies. It will be a live document which is regularly updated to take account of infrastructure projects and programmes, any changes to the phasing of committed and new housing and employment projects and how this impacts on the phasing of infrastructure delivery, business plans of utility companies and monitoring the delivery of schemes.
- 1.18 An Annual Monitoring Report will be produced at least every year which will review progress of the implementation of planning policies and which will highlight any steps the Council may need to take to aid the delivery of policy.
- 1.19 In conclusion, it is agreed that the Plan has been positively prepared for development and infrastructure in line with the presumption in favour of sustainable development set out in the Framework and the NPPG.

3.2) Is the Local Plan's settlement hierarchy and proposed distribution of development, particularly between the urban and rural areas, sufficiently justified? With reference to paragraphs 28, 54 and 55 of the Framework, is adequate provision made for development in rural settlements?

- 2.1 The spatial strategy identifies the need to provide 15,500 new homes and an associated amount of employment land of at least 76 hectares. Development is apportioned to three distinct parts of the borough; Telford, Newport and the rural area.
- 2.2 SP1 relates to Telford which will be the principal focus for growth to meet the borough's housing and employment needs during the Plan period. The presumption will be to support development in Telford, unless it is contrary to the policies and proposals set out in the Local Plan or national policy.
- 2.3 For Telford this means that the overwhelming majority of new investment will be directed towards the Telford urban area to exploit its infrastructure strengths. Telford contains seven smaller District Centres which includes Donnington. Donnington itself contains a wide variety of uses providing a good choice of retail, business and service uses. The proposed allocation at H1 is within close

proximity to local services and facilities and employment facilities at Muxton (proposed allocations sites E1 to E10) are approximately 1.5 km west of proposed housing allocation site H1 and the MOD base.

- 2.4 After Telford development is directed at Newport which is an important Market Town with close associations with Harper Adams University. New investment would help Newport in its supporting role and facilitate opportunities for investment and employment. The Plan seeks to restrict development in the open countryside so that new investment should be promoted in areas with access to services and infrastructure.
- 2.5 The Local Plan identifies sufficient land to provide the delivery of approximately 13,400 net new homes in Telford up to 2031. This includes two sustainable urban extensions to the town, identified in Policy HO2 which is commented on in separate representations. Additional housing development over and above that committed or identified in the Local Plan will be prioritised on previously developed sites within the town which does not affect the best and most versatile agricultural land.
- 2.6 The majority of the allocated employment land is based on Telford's Strategic Employment Areas and labelled as E1 to E10 – they are located approximately 1.5km west of the proposed residential allocation at H1.
- 2.7 SP3 relates to the Rural Area which will support development in the area to address the needs of the rural communities. The best and most versatile agricultural land will be protected by using areas of poorer quality and in preference to higher quality land for new development. Approximately 900 net new homes in the rural area up to 2031 is supported.
- 2.8 This approach is generally supported and considered to be sound when assessed in relation to paragraph 182 of the NPPF. Rural settlements have a role to play in the provision of sustainable development as set out paragraphs 28, 54 and 55. The NPPF makes it clear that rural areas have an important role to play in the provision of new homes.
- 2.9 Paragraph 7 sets out the three strands of sustainable development and that the planning system needs to perform a number of roles – an economic role, a social role and an environmental role. The Plan promotes sustainable development by setting out a clear hierarchy, stipulating where development should be directed based upon the most sustainable locations which provide

appropriate levels of infrastructure, services and facilities to meet the needs of new development.

- 2.10 The strategy proposed by the Plan is considered to be an appropriate strategy directing development to the main urban areas within Telford, then Newport and lastly the rural area. Overall it is considered that the Plan is positively prepared as there is no evidence at this stage to suggest that the Plan is not meeting its objectively assessed needs. It is important that the figures expressed are a minimum to ensure there is no upper limit on the provision of housing numbers to ensure housing growth can be delivered.

3.3) Are (1) the prioritisation of previously developed sites within Telford and Newport (policies SP1, SP2 and SP4), (2) the focus on the development of publically-owned land and (3) the approach to best and most versatile agricultural land (policies SP1-SP3) sufficiently justified and in line with national policy in the Framework?

- 3.1 (1) The point has already been made earlier within 3.1 regarding previously developed land above.
- 3.2 (2) No comments to make.
- 3.3 (3) With regard to policy SP3 which states that "the best and most versatile agricultural land will be protected by using areas of poorer quality and in preference to higher quality land for new development.." is slightly at odds with the Framework at paragraph 112 that states "Local authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality." The word "protection" is not used within the NPPF; it is our view that the proposed wording of policy SP3 therefore goes further than the Framework.

3.4) Has the Local Plan been subject to adequate sustainability appraisal?

- 4.1 It is our view that the Sustainability appraisal has been thoroughly undertaken. The aim of the Integrated Sustainability Appraisal is to promote sustainable development through the integration of environmental, social and economic considerations in the preparation of the Local Plan. It informs the plan-making

process by assessing developing elements of the plan, evaluating and describing the likely significant adverse effects and enhancing positive effects.

- 4.2 Throughout the development of the Local Plan, alternatives have been considered and appraised. The Shaping Places Strategy and Options Document proposed three reasonable options for the overall level of growth and three options for the distribution of growth up to 2031 and a number of policy issues and options to assist in the preparation of the Local Plan. Following further technical studies relation to OAN and employment needs in March 2015, it was considered necessary to reconsider reasonable options for housing growth.

Three options for housing growth were identified and were subject to an independent appraisal – findings and reasons for site allocations are set out in full.

- 4.3 Our client's site (number 482, listed at appendix ix of the Integrated Appraisal Report) was progressed as part of an allocation because it can support growth in the urban area of Telford, supports a local urban centre, can form part of a sustainable urban extension and form a suitable balance within strategic employment areas (existing and proposed) and is well connected to existing infrastructure which can be further enhanced.

- 4.4 The reasons for progressing the option in plan making given are considered to be a fair and balanced representation of the site. Proposals are well progressed for the submission of an outline application (with all matters reserved except access) for a residential development for up to 250 dwellings on this part of the H1 site. Technical reports have been undertaken to support the planning application and include Transport Assessment and Travel Plan, Archaeology, Landscape and Visual, Noise, Ecology, Trees, FRA and drainage strategy, Ground Conditions. There are no technical reasons why the proposals should not deliverable within the next 5 years. This outline application would be in addition to the current outline applications on the other two parcels that make up the remainder of the H1 site.

3.5) Does the Local Plan provide satisfactorily for the delivery of development, with particular reference to transportation and other infrastructure, consistent with the intended introduction of a CIL Charging Schedule?

- 5.1

No comment

3.6) Is adequate provision made for monitoring the Local Plan's effectiveness?

- 6.1 In order to boost significantly the supply of housing, paragraph 47 of the Framework requires local planning authorities to ensure their local plan meets the full OAN for market and affordable housing in the housing market area, identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional 5 or 20% buffer (depending on past delivery)
- 6.2 Policy HO 3 of the submitted version of the Plan commits to at least an annual review of the delivery of housing against the trajectory as part of the overall monitoring of the Local Plan. It states that if monitoring indicates that delivery is likely to fall below the level required to maintain an adequate supply of deliverable sites then the Council, will, if necessary, implement measures to facilitate an increase in supply of sites through the planning process.
- 6.3 This statement is vague. There does not appear to be any specific mechanism in place for addressing such problems, if they arise. It is our view that there should be a specific trigger point, with a clear alternative strategy to allow the Council to ensure that sites are being delivered.
- 6.4 The adopted Hinckley and Bosworth Strategy is one example of when a trigger point was identified for a plan review. The Inspector may find it useful to know that the trigger clause written into the Core Strategy allowed a review of the Strategy in the event the Sustainable Urban Extensions failed to deliver housing. This would allow an alternative strategy to be identified and to allow a review of any sustainable sites identified in the SHLAA if any small scale shortfalls were identified in the Annual Monitoring Review. No such review has taken place.
- 6.5 It is vital therefore that some mechanism be written into the Plan to trigger an alternative strategy in the event that the adopted strategy fails.