

## M93 - Newport and District Civic Society (NDCS)

**From:** [REDACTED]  
**Sent:** 21 September 2017 12:28  
**To:** LocalPlan <Shapingplaces@telford.gov.uk>  
**Cc:** Programme Officer <Programme.Officer@telford.gov.uk>  
**Subject:** Telford & Wrekin Local Plan 2011-2031 -Response on Public Consultation to Proposed Major Modifications

### Response on behalf of Newport and District Civic Society (NDCS)

#### Reference -MM92/ page 171/ Appendix D Table 21 – the deletion of site H13.

In view of the clear warning from the Inspector both in his introductory Inspector's Note to L1 and in the Notes issued to T&W post the Examination regarding the soundness of the eLP, T&W have, as set out below, for whatever reason, decided to act in contempt of the efforts by the Inspector to find a way through the flawed housing site selection process – see para. 16 of the Note from the Inspector of 30 March 2017 – F10. T&W have even quoted part only of the Inspector's Note to L1 in an officer report to Plans Committee recommending the granting of planning permission for site H13 in a way that could be interpreted as the Inspector supporting the development of H13.

Mrs Janet Clarke gave evidence (document K19) on the last day of the Examination regarding site H13 following which the Inspector questioned T&W officers and a representative from RPS acting on behalf of the applicant St. Modwen for over 2 hours. T&W were perfectly aware from this of the concerns of the Inspector which were further developed in the subsequent Notes and emails.

However, due to the subsequent action taken by T&W for site H13 as set out below,, NDCS are forced to a position where unless T&W remove the sites identified in Table 21, which can still be done notwithstanding any 'Resolution to Grant' given that T&W own the land, NDCS must now request that the Inspector find the eLP to be unsound :-

In August 2017, contrary to the position made clear by the Inspector in his various Notes issued post the Examination, T&W Planning Department brought to the 9th August 2017 T&W Plans Committee (the Plans Committee agenda was published on 2nd August two days after the commencement of the public consultation on the Proposed Major Modifications) application TWC/2015/0057 for the provision of 120 homes on site H13. The application was deferred to the Plans Committee on 30th August 2017, where in accordance with the recommendations of the Planning Officer, the Plans Committee approved the application.

NDCS made various representations to T&W particularly as regards how the Planning Officer had reported only **part** of what the Inspector has said in his **Inspector's Note** introduction to document **L1**, such that it could be read that the Inspector supported the development of the site.

We set out below the representation sent to the T&W Solicitor –Team Leader (Places) and to the application Planning Officer on 16th August 2017 :-

**Sent:** 16 August 2017 12:13  
**To:** Ross, Ian

**Cc:** Stephens, Kate; Eade, Andrew, Cllr; Mark Pritchard  
**Subject:** TWC/2015/0057 -Land South of Springfield Industrial Estate  
**Importance:** High

'Ian – following on from the issues raised in our email of 14 August 2017, we now address in this email the following additional matter identified in our email of 14th August 2017 i.e. :-

We will respond under separate cover as regards section 4.5 of your report as to how you have reported the position of site H13 i.e. the land forming the application site both in Examination of the eLP held earlier this year and the subsequent Notes issued to T&W by the eLP Inspector Mr Michael J Hetherington as regards the fundamental flaws in the T&W housing site allocation process and the need to remove four sites including this site H13 from the housing site allocations as a condition precedent for the Inspector not to find the eLP 'unsound'.

### Summary

The position in which T&W have placed themselves as regards the eLP is, as far as we can see, 'unique' in relation to the fundamental flaws in the process for the adoption of the Local Plan 2011-2031 with a direct impact on four potential housing sites owned by T&W including site H13 which is the site for the above housing application.

In the officer report referenced above, the officer is **misleading** Plans Committee in quoting only a part of what the Inspector states in document L1 i.e. his Schedule of Main Modifications to the eLP which are at present out for public consultation until 5 pm on 22nd September 2017.

The full quote from the **Inspector's Note** at the beginning of document L1 is as follows :-

“In respect of the proposed deletion of four housing sites, it should be noted that no comment is being made about the acceptability or otherwise of the sites concerned: **rather, the concerns raised relate to the Council's overall approach to the housing site identification process.**” [our emphasis in colour].

During the Examination of the eLP in February 2017, it became apparent that in what was a five stage process by T&W to select sites for housing allocation, T&W had failed to publish details of the fourth stage 'sift' of the sites i.e. how sites were either selected for inclusion in the housing site allocation against defined criteria or, alternatively, were excluded from the housing site allocation.

When the Inspector asked on a number of occasions for the crucial evidence of how T&W had applied the criteria to each site, he was told by T&W representatives that the evidence of the 'sift' of the sites was not in a form which could be presented to the Examination but that T&W would, post the Examination hearing, provide the relevant evidence to the Inspector.

Representatives on behalf of many private landowners, whose sites had not been included on the site allocation listing, complained to the Inspector in the Examination hearing that by giving T&W extra time to produce the 'sift' evidence, that T&W could retrospectively compile evidence to support the then current site allocation. The representatives of the private landowners argued that the site allocations presented by T&W at the Examination disproportionately favoured sites owned by T&W at the expense of sites in private ownership.

Post the end of the formal Examination hearing, T&W failed to provide the ‘sift’ evidence within the timescales agreed with the Inspector. T&W eventually admitted in writing to the Inspector that the evidence relating to how the site selection had been carried out did not exist i.e. it could not be provided.

The Inspector stated that the only way he could not make a finding that the eLP was ‘unsound’ was for T&W to produce a revised housing site allocation **but** that a condition for this was that a number of sites owned by T&W must be withdrawn from consideration i.e. not included in the revised site allocation process otherwise this would preclude private landowner sites from the allocation.

T&W confirmed to the Inspector that they would remove four sites of which H13 is one.

Accordingly, per its undertakings to the eLP Inspector, T&W have in effect agreed not to bring forward site H13 for development during the eLP period and thus it must be withdrawn from consideration by the T&W Plans Committee.

The removal of the sites is now being taken forward by T&W staff who have contacted outside bodies to inform the relevant outside bodies that the sites have been removed e.g. T&W highways in emails with the Highways Agency. I cannot download from the Examination library but if you paste the link below, it will hopefully take you to document K29. If you then open the doc. and scroll down past Tables 1&2 you will reach Appendix A. This is an email from Highways Agency back to Gavin Ashford at T&W highways which states in the second line of the email about the housing sites ‘..which will now be removed..’. The email confirms that the sites are not being replaced as T&W say this is unnecessary as they will now achieve the housing target without the need for replacement sites :-

[http://www.telford.gov.uk/downloads/file/5808/k29 -  
\\_council s statement on review of its twlp submission evidence base](http://www.telford.gov.uk/downloads/file/5808/k29_-_council_s_statement_on_review_of_its_twlp_submission_evidence_base)

### Conclusion

Written evidence for the above as regards the formal Notes issued by the Inspector to T&W, the responses to the Notes from T&W as well as the email from T&W as to the absence of evidence relating to the ‘sift’, are as you know, on the T&W Examination website. As you will be well aware of the content of the Notes and T&W responses, it is not our intention in this email to list all the references. Rather, if you disagree with what we have stated above we would ask that you reference the Notes where you contend that position is not as set out above.’

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No satisfactory response was received to the matters raised in our email above of 16th August 2017, before the application was presented to Planning Committee on 30 August 2017, with the officer recommendation to approve.

Newport and District Civic Society.