

**Barton Willmore on behalf of Metacre Ltd**

**Matter 3**

**Examination into the Telford and Wrekin Local Plan 2011-2031**

**November 2016 Hearings**

**Representor ID: 31**

### **Matter 3 – Development Strategy**

*3.1 Does the Local Plan plan positively 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 or potential confusion with other policies, both in the Local Plan and the Framework.]*

1. The Local Plan does not plan positively for the development required in the area in line with the presumption in favour of sustainable development. Paragraph 182 of the Framework states that for a plan to have been positively prepared it should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
2. The NPPF states in its Foreword that sustainable development is about 'positive growth - making economic, environmental and social progress for this and future generations.' The document is clear throughout that LPAs need to adopt a positive approach to planning: at paragraph 14 it emphasises that local planning authorities should '...positively seek opportunities to meet the development needs of their area,'; under Core Planning Principles at paragraph 17 that planning should be '...genuinely plan-led....setting out a positive vision for the future'; at paragraph 21, LPAs should '...set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth'; at paragraph 28, LPAs are advised to take a 'positive approach' to sustainable new development; and at 182, that overall, Plans should be 'positively prepared'.
3. As set out in relation to Matter 1, we consider that the Council has not correctly identified its own OAN and has underestimated the housing needs of the Borough. Furthermore, we consider that the Council has, without sufficient justification, sought to unduly limit its housing requirement to a level significantly below the level of housing development that the Borough can sustainably accommodate despite the acknowledgement of the

sustainability benefits that it acknowledges additional housing would bring; in particular, an increase in affordable housing provision.

4. Whilst we accept that fully meeting the affordable housing needs of the borough may present an unobtainable challenge we consider that the plan fails to positively seek opportunities to attempt to meet the true needs of the area through boosting the housing requirement beyond currently planned provision. Indeed, as drafted, the Local Plan actually plans for a level of development that proposes a year on year imbalance (worsening) of the affordable housing situation across the plan period.
5. We propose an increase in the housing target to at least 20,000 homes over the plan period. At the very least, the Council has failed to set a 'minimum' housing target (Policy HO1) or positively worded policy framework (Policy SP4) which might allow the housing requirement to be exceeded in the event sustainable sites are brought forward in line with the presumption in favour of sustainable development. We address the wording of Policy SP4 below.
6. The level of housing delivery proposed over the plan period will be, in effect, be restricted to a level significantly below what can be achieved at Telford and below what is being delivered now. This effective restriction on housing growth has been proposed despite its own evidence which suggests a higher level of development can be achieved sustainably across the Borough and contrary to the thrust of the NPPF which seeks to promote a boost in the supply of housing.
7. As set out in relation to the Inspector's Matter 2, we also consider that the Council has failed to plan positively to meet the unmet needs of neighbouring authorities where it is reasonable to do so and in accordance with the principles of sustainable development.
8. The Local Plan as proposed also fails to propose a plan that will deliver a Plan led system. As set out in relation to Matter 1, the majority (some 88%) of the Council's housing requirement has already been accounted for through completions and sites with a resolution to grant planning permission subject to the signing of a S.106. These proposals have all been considered prior to the adoption of the new Local Plan. The Plan as drafted leaves very limited scope for the Policies of the new Local Plan to take effect and deliver the aims of the Local Plan including, amongst other things, affordable housing.
9. We object to the proposed reduction of the Council's employment land target from 110ha to 76ha over the Plan period. The reduction in employment land appears to be at odds with

the Council's own calculations for growth in the labour market and is at odds with the approach of the Marches LEP which seeks to drive forward economic growth at Telford.

*Policy SP4 – The Presumption in Favour of Sustainable Development*

10. Local Plan Policy SP4 sets out the Council's policy regarding the presumption in favour of sustainable development and is an overarching policy that should seek to promote sustainable development. We are supportive of such a policy in principle and consider that a positively worded policy would comply with the thrust of the National Planning Policy Framework (NPPF); indeed the Planning Inspectorate propose a 'Model Policy' be inserted into Local Plans. We agree with the inclusion of such a model condition.
11. However, a policy of this type should enable the Local Plan to respond flexibly to market conditions and requirements not envisaged in the Local Plan and, with particular regard to housing, enable sustainable windfall developments to come forward during the plan period to boost the supply of housing. As above, such a policy approach should be twinned with an overall housing target that is set as a 'minimum' target.
12. Notwithstanding our support for the policy in principle, we consider that the policy criteria attached to the policy is overly restrictive and will prevent sustainable development coming forwards. The policy requires development to be in accordance with National and Local Plan policies taking into account other material considerations; the supporting text for the policy does state that development will be supported where relevant Local Plan policies are absent or out of date. The current provisions of the policy essentially, and unnecessarily repeat the provisions of S.38(6) of the Planning and Compulsory Purchase Act 2004 for determining applications and paragraph 14 of the NPPF. In addition, Policy SP4 states that development must be in accordance with a number of additional criteria including the 'overall scale of development planned across the borough'.
13. We consider that such a policy as SP4 needs to be more positively worded to enable genuinely sustainable development to come forward and boost the supply of housing. It should not be a necessity that Local Plan policies are required to fall out of date or be absent before the Local Plan is afforded the flexibility to support sustainable development which has not been envisaged by the plan; perhaps some 15 years previous. Indeed, the NPPF provides for a policy Framework in the event that a Local Plan is found to be absent, silent or policies out of date. Such a policy should be worded to encourage developers to boost the supply of housing, as well as other employment development in sustainable locations.

14. Appeal decisions in the borough of Cheshire West and Chester [Land at Hill Top Farm, By-Pass Road, Northwich - Appeal Ref: APP/A0665/W/14/3000528 & Land at Fountain Lane, Davenham, Cheshire - Appeal Ref: APP/A0665/A/14/2226994] both dated 3rd September 2015 demonstrate the government's commitment to boosting the supply of housing. In both appeal cases, Inspectors determined that, notwithstanding the authority had a newly adopted Local Plan and being able to demonstrate a 5 year supply of housing land, the appeals should be allowed as they comprised sustainable development that boosted the supply of housing; and in particular, the supply of affordable housing.
15. As set out above, in the case of Telford and Wrekin Borough, there is a significant need for affordable housing which the Local Plan proposals cannot meet. It is essential in that the Local Plan provides sufficient flexibility that windfall sites can come forward, particularly where they will help the borough meet its affordable housing needs.

*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?*

16. Local Plan Policy SP3 directs some 900 dwellings to the Rural Area (net of clearance) to 2031. Given the structure of the Borough and the dominance of Telford as the main location for employment and housing development it is considered that the proportion of housing sought within the rural area is too high and does not help the Spatial Strategy deliver the Vision, Aims and Objectives of the Local Plan. Local Plan Policy HO10 seeks to deliver those 900 homes in the rural area; we object to that policy on this basis.
17. Notwithstanding the above, we support the re-use of previously developed sites within the rural area.

*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?*

*Prioritisation of previously developed sites and the approach to BMV agricultural land*

18. Policy SP3 of the Local Plan states that additional housing development over and above that already 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.

19. We acknowledge the sustainability benefits of the use of previously developed sites. However, we disagree with the prioritisation of development towards brownfield sites which is considered to be contrary to national planning policy. The implication of a prioritisation of previously developed land is that there will essentially be a sequential test for sites to come forward which is overly restrictive and fails to comply with the presumption in favour of sustainable development. Paragraph 49 of the Framework specifies that housing applications should be considered in the context of the presumption in favour of sustainable development; which includes applications for housing on greenfield sites. The effect of a sequential test for previously developed land is such that the presumption in favour of sustainable development is removed and such a policy would be contrary to the Framework. The fundamental principles of planning are that each site must be judged on its own merits and, whilst the benefits of the re-use of previously developed land should be encouraged, that should not undermine the benefits that can be delivered by other sites, including greenfield development.
20. Indeed, the Council raises issues of viability through the Local Plan and acknowledges the significant shortfall in affordable housing across the Borough. There may well be circumstances where development can be brought forward greenfield land which can deliver a significantly higher proportion of affordable housing or other community benefits which are required in the area over and above what could be achieved at a brownfield site. The Local Plan should not unduly restrict the ability of those sites to come forward or seek to pre-determine whether the sustainable development can be achieved based on a narrow parameter such as whether the land has been previously developed. We suggest that Policies SP1 – 4 are amended to ‘encourage’ rather than prioritise the re-development of PDL.
21. We draw the same conclusions in relation to the development of BMV land. The impact of development on the supply of BMV land should be understood and factored into the overall planning balance for decision making. Paragraph 112 of the Framework states:  
  
*"Local planning 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."*
22. The NPPF is clear that the economic and other benefits of BMV land should be taken into account; not that BMV should prohibit development. In fact, the NPPF only advocates a preference towards poorer quality land when significant development of agricultural land is demonstrated to be necessary. We note in our representations that both of the Council's

'Sustainable Urban Extension' Sites (SUEs) comprise BMV agricultural land. We object to a policy that is contradictory to the Council's own overall strategy for the location of significant development across the Borough.

23. As above, we consider that the Local Plan should require the benefits of BMV land to be taken into account. We consider that a policy that, in effect seeks to prohibit development of BMV land is inconsistent with the policies of the Framework and should be removed.

*The focus on the development of publically-owned land*

24. The Council's site selection methodology is addressed in our representations to Matter 8; including the Council's preference for and weighting given to sites which are in public ownership. Notwithstanding those comments we entirely object to the Council's focus of development on publically own land insofar as it overrides the principles of sustainable spatial planning.
25. Notwithstanding the above, we object to the Council's focus on publically owned land rather than approaching its spatial planning role on the bases of the selecting the most sustainable sites. We consider that the Local Plan has not necessarily favoured the more sustainable sites, instead, seeming to favour sites which are within public ownership. The ownership of the above sites is not indicative of their sustainability nor is it relevant to their ability to achieve the aims of the Local Plan.
26. The Housing Delivery Technical Paper (HDTP) June 2016 sets out that the site selection process underwent 3 stages, the first of which was locating allocations to favour sites located at Telford which we agree with. The third stage was to look to sites which are sustainably located where can provide urban extensions to support existing communities and employment areas, again, in principle we agree with this approach.
27. We object to the second stage of the process which seeks to give priority to public owned land in allocating development. The Council relies upon the Government's statement in July 2015 which encouraged the release of public land for development to justify its position. The Council notes that the disposal of public land takes pressure off other greenfield land.
28. Whilst we have no objection to the use of public land in principle, the above undermines the Council's ability to select the most sustainable and appropriate sites for development. To be considered positively prepared, justified and overall sound, the site selection process must seek to deliver the sites which deliver the most sustainable development. As such, object to the Council's approach to site selection insofar that the Local Plan has not

necessarily favoured the more sustainable sites, but favoured sites which are within public ownership. The Council's justification that the use of public land relieves pressure off other greenfield land is entirely irrelevant as there is nothing inherently more sustainable about publically owned greenfield land than privately owned greenfield land.

29. Further to the above, the government's intention in releasing public land was clearly to boost the provision of housing, not as a policy shift towards the preference of public land. In the case of Telford the Council has demonstrated that there are sufficient sustainable sites on which to meet the proposed (and a larger) housing requirement without favouring public land.
30. Indeed, since the July policy statement made in July 2015 the benefits of disposing of public land have been called into question by a report by the Public Accounts Commission on the disposal of public land for new homes. Meg Hillier MP, Chair of the Committee of Public Accounts, in September 2015 said:

*"The Government should be embarrassed by the failings uncovered by the PAC's inquiry into land disposal. Its entire approach has been wishful thinking dressed up as public policy. It also demonstrates an alarming complacency over the future of an irreplaceable public asset."*

31. We consider that there is no robust planning reason to favour the allocation of public land over deliverable and sustainable sites being promoted by private landowners.

<p><i>3.4 Has the Local Plan been subject to adequate sustainability appraisal?</i></p>
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32. We do not consider that the sustainability appraisal (SA) is adequate. As set out in our representations to Matter 1, we consider that the conclusions drawn from the SA are unclear and insufficiently justified; in particular in relation to the assessment of overall development options and the quantum of development. In relation to Matter 8, we set out our objections to the Council's the site selection methodology; including the lack of transparency and robustness in the application of the SA for site assessment. These representations will not be repeated here.

*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?*

33. No Comment.

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

34. As set out in relation to Matter 1, we do not consider that there are sufficient measures in place to react to a shortfall in housing provision against the housing trajectory set out in the Local Plan. In that regard, the ability of the Council to meaningfully monitor and react to the effectiveness of the Local Plan is inadequate.