

Gladman Developments Ltd

Matter 8 Hearing Statement

Telford and Wrekin Local Plan (2011-2031)

Site Allocations



October 2016

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1.1 Q8.1 Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities, and taking into account of environmental constraints?

Land at Priorslee (Council's Allocation H2)

1.1.1 Gladman have concerns over the viability of the proposed site at Priorslee. The site is subject to a resolution to grant planning permission, subject to a signed s106. At this time, this legal agreement has not been executed and permission has not been granted. The site is subject to significant contributions and will also have significant build costs. The contributions themselves total up to approximately £10,149, 232.

1.1.2 The PPG stipulates (Reference ID: 10-001-20140306):

"Understanding Local Plan viability is critical to the overall assessment of deliverability. Local Plans should present visions for an area in the context of an understanding of local economic conditions and market realities. This should not undermine ambition for high quality design and wider social and environmental benefit but such ambition should be tested against the realistic likelihood of delivery."

1.1.3 What is also apparent regarding the proposed site at Priorslee is that the site is unable to provide the 25% affordable housing on site that is required by emerging Policy HO5. Gladman question how a site that is providing up to 1,100 dwellings (which makes up a significant portion of the actual housing to be allocated in the emerging Telford and Wrekin Local Plan) cannot deliver the policy compliant amount of affordable housing on site.

Land at Muxton (Council's Allocation H1)

1.1.4 Gladman also have concerns over the deliverability of the Council's H1 Allocation, for 750 dwellings at Land at Muxton. From considering the EA Flood Map, it is clear that the most westerly portion of the site is constrained by significant flood risk (Flood Zones 2 and 3). Gladman would question how the site can come forward when there are clear constraints that would restrict its development.

1.1.5 The Council's own evidence base also reflects the EA Maps (Document C6f-iii, in Appendix D). The Depth Map also shows flooding constraints on the eastern portion of the Council's H1 Allocation. Gladman have significant concerns over the delivery of this allocation. The Council's own policy, ER12 (Flood Risk Management), states that, *"The Council will expect development to ensure development proposals are located in accordance with the Sequential Test and Exception Test (where appropriate) and also have regard to both the Strategic Flood Risk Assessment update and Local Flood Risk Management Strategy (LFRM) where appropriate."*

1.1.6 The Council's own evidence base, (Document C6f-ii) states the following regarding site 482:

“Given the degree of flood risk posed to this site, alternative sites in the lower risk Flood Zones, preferably Zone 1, should be developed in preference to this site.”

- 1.1.7 Given the Council’s own evidence base and its conclusions, it is clear that this site is not achievable or suitable in the terms of the Framework, and therefore cannot be considered for allocation.

1.2 Q8.2 Is the overall site selection methodology robust and transparent?

- 1.2.1 Telford and Wrekin’s site selection methodology is not robust or transparent. It is clear from the Council’s evidence base that the Council’s two preferred options (Land at Muxton, H1, and Land at Priorslee, H2) have been part of the plan since the emerging Plan’s inception. There does not appear to have been a suitable assessment of reasonable alternatives.

- 1.2.2 It is clear from the committee report for the Council’s site at Priorslee (TWC/2014/0980), that the proposed development site was identified by the Council as far back as 1993, for the then Wrekin Local Plan. The committee report states:

“Historically, the Council has identified this site’s suitability for development (for example, in the 1993 Wrekin Local Plan). The 1993 Local plan identified the site as a Housing Reserve Site (Policy H6) that would be needed by 2001. However, this designation was not carried over into the Wrekin Local Plan.”

- 1.2.3 The Technical Paper for Housing Delivery states, at §5.5:

“Thirdly, sites that could come forward as part of a strategic urban extension which supports strategic employment areas in and just beyond the borough’s boundaries were prioritised as they have the capacity to build sustainable communities. There was a preference to identify those sites in the east of Telford due to their proximity to Telford Town Centre, the strategic employment areas and M54. This justifies the decision to allocate H1 and H2. In the case of H2, consideration was given to other assessments (for example, the findings of the Inspector in the 1993 Wrekin Local Plan) that this site would logically form the next outward extension of Telford.”

- 1.2.4 In conflict with Planning Practice Guidance, the Sustainability Appraisal does not outline why certain alternatives were selected, the reasons the rejected options were not taken forward and the reasons for selecting the preferred approach in light of the alternatives. Whilst the preferred options have been assessed in detail, the rejected sites are only briefly considered and the reasons for their dismissal are not appropriately or transparently considered. Gladman therefore consider that this approach, and the allocations of Priorslee and Muxton are not sound.
- 1.2.5 Table 4.4 of the Sustainability Appraisal demonstrates that Option 3, for the provision of 20,000 dwellings over the plan period, scores higher than Option 2, which is the Council’s preferred option.

Table 4.5 gives a summary of the approach to the Alternatives Assessment and Selection for Growth Options. The Integrated Appraisal states:

“This option would promote a scale of growth almost double the level of assessed need, based on available evidence. Whilst this could, potentially, lead to a significant boost in supply there is greater uncertainty that this level of development would actually occur, given the level of supply already committed and viability issues that already impact on housing delivery locally. Promoting this option through the plan could undermine the plan strategy of focusing development on the major urban areas and could lead to, potentially, an over-supply of land that would further impact on the viability of development land in the pipeline. The notional annual rate of development (over 10,000 dwellings per year, each year, up to 2031) would far exceed recent and longer term trends in delivery. Therefore, for reasons stated here, this option is rejected.”

- 1.2.6 The Council’s Five Year Housing Land Supply Statement (September 2016), at Table 3, shows the Council’s net new completions for the past 5 years. 2014/15 and 2015/16 demonstrate delivery in excess of 1,000 dwellings per annum. The document at §3.11 also states:

“Table 3 indicates that over the last five years delivery has exceeded the housing requirement set out in the TWLP, averaging about 900 net new dwellings per year since 2011. The figures also illustrate that a shortfall in the early part of a five year period can not only be made up but also exceeded in the latter part.”

- 1.2.7 Gladman disagree with the Council’s concerns. 1,000 dwellings per annum is not considered to “far exceed” recent and longer term trends in delivery. Indeed, the Council’s Housing Trajectory (Figure 7 of the Submission Local Plan) shows delivery is anticipated to be in excess of 1,000 dwellings until 2021. The figure of 20,000 dwellings was assessed in an earlier iteration of the Sustainability Appraisal as being reasonable when compared to past delivery rates (and reflective of identified land capacity, principally within the main urban areas). It is considered that the increase in housing requirement would simply represent a boost in the supply of housing to help meet the needs of the borough and wider sustainability objectives, in line with government objectives.

- 1.2.8 Clearly the Council’s concern over viability and deliverability is not justified, given that delivery reached 1,255 dwellings in the last monitoring year. The Council’s most recent annual monitoring report demonstrates that the rate of housing delivery has continued to rise since emerging from recession. Gladman do not consider that the SA concerns in relation to an oversupply of housing affecting delivery and viability are valid.

- 1.2.9 The NPPF is clear that Local Planning Authorities should ensure choice and competition in the market for land. §47 is explicit that Local Planning Authorities should seek to “*boost significantly the supply of housing*”. The housing requirement is not, and should not, be viewed as a ceiling to development.

1.2.10 Should the Inspector consider that the objectively assessed need advocated by the Council does not represent the full objectively assessed needs of the area, or that the allocations put forward by the Council are not the most appropriate locations for growth, Gladman submit that the following sites are sustainable locations for growth that should be considered for allocation:

- Land off Muxton Lane, Muxton
- Land off Haygate Road, Wellington
- Land off Humber Lane, Telford
- Land off Shrewsbury Road, Edgmond

1.2.11 Gladman consider the sites it is promoting for residential use should be included as residential allocations within the Telford and Wrekin Local Plan. Planning Applications have been submitted for all sites. The sites are clearly suitable and do not require significant major new infrastructure that would preclude their development. Gladman can confirm that the sites are available now, deliverable now and are achievable, being able to make a significant contribution to the Local Planning Authority's five year housing land supply, and also to years 6-10, as advocated by §47 of the NPPF.

Land off Muxton Lane, Muxton

1.2.12 Gladman's site at Muxton Lane, Muxton has been the subject of two planning applications (TWC/2014/0612, for up to 110 dwellings and TWC/2015/0556, for up to 78 dwellings). The applications have been the subject of an appeal decision, which was quashed by the High Court, due to the Inspector misinterpreting §14 of the NPPF.

1.2.13 The appeal is due to be reheard in April 2017. The site at Muxton Lane represents a logical, sustainable extension to the existing Telford Urban Area Boundary. The new houses would function as part of the urban area of Telford, supporting the delivery of the overall objectives of the emerging TWLP. It represents the aim of ensuring the provision of sufficient homes of the right type and quality in the right places to meet a growing and ageing population.

1.2.14 The development would be accessible, benefiting from being located within the local Muxton community (including easy walking distance to the Primary School and GP Surgery). The development would also guarantee the continued protection of two fields of species rich grassland. The retention, enhancement and long term management of a substantial area of this grassland habitat is a significant environmental benefit of the proposal.

Land off Haygate Road, Wellington

1.2.15 Gladman's site at Haygate Road, Wellington has been the subject of two planning applications (TWC/2013/1033, for up to 330 dwellings, and TWC/2015/0364, for up to 290 dwellings). The original application was recommended for approval by the Council, and was subsequently approved by the

Council, subject to provision of a completed s106 Obligation. In March 2015, an agreed and signed version of the s106 was provided to the Council. Following this, the Council published their revised OAN and updated five year housing land supply and refused to sign the s106 agreement, recalling the application to planning committee. Gladman appealed for non-determination on the 24th April 2015.

- 1.2.16 The Appeal (APP/C3240/W/15/3025042) was allowed for up to 290 dwellings on the 15th April 2016. The Council have subsequently challenged the decision and a s288 is to be heard on the 17th November in the High Court.

- 1.2.17 The key conclusions of the Council in the original Officers' Report are as follows:

"...the landscape has sufficient capacity to accommodate development without significant detriment to the particular interest of acknowledged importance... Your officers conclude that the impacts of development from a landscape perspective is no greater than minor-moderate"

"That the proposed development can be sufficiently mitigated through condition, and therefore the development in terms of ecology and biodiversity is in accordance with local and national planning policies."

"There are no technical reasons on grounds of drainage, highways or ground conditions to warrant a refusal, as matters can be mitigated against by the imposition of planning conditions and necessary s106 financial contributions."

"The site is not a designated or protected landscape or wildlife site and the development will not have an adverse impact on the nearby SSSI site at The Wrekin and The Ercall."

"The proposed development will not adversely affect existing air quality subject to conditions requiring a Construction Management Plan to be agreed for the construction period."

"There is no protected flora or fauna on the site that that would prevent development, and which cannot be dealt with by proposed mitigation measures or planning conditions."

"Officers are generally satisfied that the proposed indicative layout in itself theoretically demonstrates that a suitable design layout, and that the urban design submission in the form of the original Design and Access Statement and the DAS Addendum provides the basis for a design solution at Reserved Matters that would represent an appropriate response."

- 1.2.18 It is clear from these conclusions that there are no significant impacts that would restrict the development from coming forward and that the site is a sustainable location for growth.

Land off Humber Lane, Telford

- 1.2.19 There is no clarity as to why the Council's sites at Muxton and Priorslee were selected in preference to the site at Humber Lane (for development in the form of an SUE), and this has not been

considered as part of the sustainability appraisal. In similarity to the *Heard v Broadland District Council* Judgement (Issued February 2012)¹, it is not easy to discern how the Council has concluded that their two preferred options have been selected as the preferred option. There has been an appraisal of a number of reasonable alternatives, but no discussion, so far as was required by the directive, of the rationale for the selection of the preferred options, nor has there been any analysis on a comparable basis, so far as is required by the directive, of the Council's preferred options and the alternatives submitted by stakeholders.

- 1.2.20 The proposal would provide a significant number of benefits, including affordable housing, 35.5% open space provision for the benefit of new residents and the existing wider community, wider economic benefits associated with construction and job creation, ecological benefits through the protection and enhancement of existing wildlife corridors and provision of new green infrastructure within the development.
- 1.2.21 The development could provide up to 500 dwellings, land for a primary school, a local centre, structural planting and landscaping, dedicated sports pitches, and surface water mitigation and attenuation.

Land off Shrewsbury Road, Edgmond

- 1.2.22 The site is located to the north west of the village of Edgmond. Edgmond is a successful large village that is socially and economically sustainable when judged against the Framework within its spatial context. Further, the application site is situated within a demonstrably suitable and appropriate location to host new housing development.
- 1.2.23 Should the objectively assessed need of the borough be found to be too low, sites like this can make a positive contribution to the housing requirement for the rural area. §55 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."

- 1.2.24 The PPG is also clear that:

*"It is important to recognise the particular issues facing rural areas in term so housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlement. This is clearly set out in the National Planning Policy Framework, in the **core planning principles**, the section on supporting a prosperous rural economy and the section on housing."*

"...all settlements can play a role in delivering sustainable development in rural areas"²

¹ *Heard v Broadland District Council, South Norfolk District Council, Norwich City Council*. Case No: CO/3983/2011

² Reference ID: 50-001-20160519

- 1.2.25 Villages such as Edgmond can play a greater role in the delivery of sustainable development across the rural area. Villages such as Edgmond are likely to be relied upon by the smaller settlements for their provision of services and facilities. Enabling development to come forward in settlements such as Edgmond makes an important contribution to the overall housing requirement and provides flexibility over housing delivery should other sites not come forward within the required timescale or in the required numbers. This would give the Council more security over its five year housing land supply throughout the plan period.

Delivery of Affordable Housing

- 1.2.26 There are a number of discrepancies in the Council's evidence base relating to Affordable Housing, between what the Council considers the affordable housing need might be and their own viability assessment. The Council's previous SHMA (2014) stated:

"In order to clear the housing register backlog over the period 2011-2016 and to meet the requirements of those falling into housing need, there is an estimated need from those in the Urgent and Priority Needs bands for 2,493 affordable homes per annum. In the context of projected supply, this implies a shortfall of 1,608 homes per annum with the greatest pressure experienced in relation to 3 bed and then 2 bed homes. This is equivalent to 8,040 affordable homes over 5 years."

- 1.2.27 The SHMA (2016), however, states:

"Table ES2 summarises the annual net affordable housing imbalance by sub-area which have been derived from an analysis of households in need, considered the relative affordability of open market prices and rents to households in need and the existing supply of affordable dwellings. The overall net annual imbalance is calculated to be 665 affordable dwellings each year over the next five years."

- 1.2.28 The Affordable Housing Viability Study (2009, which does not seem to have been submitted as part of the Council's evidence base) states the following (regarding the rural area and Newport):

"We also note that the Council has a recently adopted Core Strategy (2007) which included a target of 35% affordable housing in Newport and 40% in Rural areas of the authority. While we have been aware of the existing policy, this has not influenced the way we have reviewed viability issues in Telford and Wrekin."

However, on the basis of our independent analysis, we have concluded that both targets remain appropriate. In the Rural areas we found residual values (at 40% affordable housing) at or in excess of our comparator values. However, in the case of Newport, the position is more marginal at 35% and there may be individual schemes where, given current market values, alternative affordable housing mixes and/or grant support may be needed to ensure delivery of the target"

level of affordable housing. As the market returns to more 'normal' conditions this should be less of an issue."

- 1.2.29 The Affordable Housing Viability Study (2009) also considers what the appropriate affordable housing threshold would be in Telford. The study states:

"The position in Telford is more complex.

On viability grounds, it will not be possible to operate an affordable housing target in line with that of Newport or the Rural Area. The target will need to be considerably lower. A 20% target could be achievable but many schemes would require grant to do so. If the prospect of securing grant funding appears uncertain generally, a more realistic affordable housing target would be 10% or 15%.

...Our view is that a single affordable housing target for Telford should be established and that a figure of 20% is a realistic starting point."

- 1.2.30 Given this combination, the Council have no real idea of what level of affordable housing will be delivered and little attempt to remedy or address current and historic affordable housing shortfalls. On this basis alone, the housing strategy will fail to provide sufficient affordable dwellings. As a result, Gladman consider it must not be sound.

- 1.2.31 Given that Priorslee makes up a significant proportion of the actual allocated provision in the emerging plan, and having regard to its inability to provide a policy compliant amount of affordable housing, how can the site be justified? The Council have an annual need of 665 dwellings per annum if they wish to rectify their affordable housing shortfall in 5 years. If one of the plan's main allocations cannot provide at least a policy compliant amount of affordable housing on site, then it cannot be regarded as a sound allocation.

- 1.2.32 The Council's decision to grant outline consent for the scheme (subject to resolution of the s106), in full knowledge that the scheme could not deliver a policy compliant amount of affordable housing, risks undermining the Local Plan. The PPG, with regards to prematurity, stipulates the following:

"...in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions

about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning..”

- 1.2.33 The cumulative effect of this site, alongside granting permission to a number of sites in advance of the adoption of the Local Plan, without delivery of a policy compliant amount of affordable housing, means the Local Plan is unable to meet its aims and is therefore unsound. The Council have granted a significant number of permissions adjacent to the Telford Urban Area Boundary, which (under both adopted Policy H23 in the Wrekin Local Plan, and Policy CS7 of the Core Strategy) would qualify as the Rural Area. This is also consistent with the strategy being advanced in the Submission Local Plan (35% affordable housing in the rural area).
- 1.2.34 If Priorslee (the most significant allocation in terms of dwelling numbers) and these sites permitted in advance of the adoption of the Local Plan have not been able to provide a policy compliant amount of affordable housing, then there is no possibility of Telford and Wrekin Council delivering their Affordable Housing Need, or rectifying their acknowledged shortfall as outlined in their SHMA (2016). There is nothing in the plan to try and resolve or improve this situation.

1.3 Q8.3 Are relevant development requirements for the site allocations, in particular the Sustainable Urban Extensions proposed at Donnington & Muxton (H1) and Priorslee (H2), clearly set out and sufficiently justified?

- 1.3.1 The Local Plan does not set out any information regarding development requirements for the site allocations. Table 21, Appendix D, sets out the site size and indicative yields of the proposed allocations, but there is no reference to the infrastructure provisions that need to be provided on site. The PPG (Reference ID: 12-011-20140306) is clear that:

“Where sites are proposed for allocation, sufficient detail should be given to provide clarity for developers, local communities and other interests about the nature and scale of development (addressing the ‘what, where, when and how’ questions).”

- 1.3.2 The decision making process behind these sites has not been transparent and Gladman strongly object to the allocation of these sites. The Sustainability Appraisal does not show a logical, transparent and considered approach to allocating these sites, and the Council do not appear to have given enough consideration to other sites with the potential to help deliver their full, objectively assessed, market and affordable housing needs.
- 1.3.3 It is prerequisite that these sites could only come forward with the necessary mitigation in order for them to be acceptable. There needs to be a Policy in the plan which includes these items, which should be known by the Council.

- 1.3.4 The Council has never properly consulted with the local community and interested stakeholders on the requirements for their site allocations. The decision had already been made and, even in the face of considerable objection persisted in allocating the sites and in the case of Priorslee granting outline planning consent (subject to the provision of a suitable and signed s106 provision).