

Barton Willmore on behalf of Metacre Ltd

Matter 8

Examination into the Telford and Wrekin Local Plan 2011-2031

November 2016 Hearings

Representor ID: 31

Matter 8 – Site Allocations

8.1 Are the allocated sites appropriate and deliverable, having regard to the provision of the necessary infrastructure and facilities, and taking account of environmental constraints?

1. We do not consider that the sites which the Council has sought to allocate are appropriate and deliverable. As set out below, we have significant concerns regarding the Council's Site Selection Methodology and Sustainability Appraisal as well as the focus on publically owned sites as described at Matter 3.
2. The Council's inappropriate method of site selection not only lacks transparency and robustness but we consider it has led to the allocation of less preferable and less sustainable sites than other sites which have been proposed for allocation. We consider that, in allocating less sustainable sites for development than could be achieved by the Plan we consider that the plan is not positively prepared and unjustified as per the tests of soundness set out within the Framework. We have provided a comparison of the proposed allocations against our client's Site [Site Reference 658 – the Metacre Site, Land north of Redhill, Watling Street] which demonstrates at least that the proposed Sites are not the most appropriate sites for allocation.
3. We have had regard to specific environmental constraints later in this statement by way of a comparison with our client's Site. Notwithstanding that comparison we note in particular that Sites H3, H5 and H7 are assessed within the SA as having the potential to result in the loss of potential employment land. Proposed Site Allocations H1, H2 and H5 are demonstrated to be partially within an area of high flood risk or at risk from surface water flooding in parts of the site.
4. In addition to our overall objections to the appropriateness of the sites selected and the methodology for selection, we have some concerns in relation to the delivery of proposed allocation H2 at Priorslee. Table 5 of the HDTP sets out the current status of the Council's proposed allocations and a summary their expected delivery timescales. The table specifies that the Strategic Urban Extension H2 - Land at Priorslee has a resolution to grant planning

permission. The Council forecasts that the site will start build out at a rate of 60dpa in approximately 2018/19 and at a rate of 120dpa beyond that.

5. We consider that the Council's forecasting is overly optimistic. The S106 has not been signed despite a resolution in August 2015; no information has been provided to suggest these matters will be resolved imminently. There are significant other matters which will impede delivery of Site H2 through the plan period including the need to submit reserved matters application and the discharge of pre-commencement conditions. Moreover, additional time will need to be allowed for the implementation of infrastructure across the 61ha urban extension site which have been highlighted as a constraint to delivery by the Council. Even if the site is started in accordance with the Council's timeframes we consider that the expected delivery rate is unlikely to be realised. The Council's Housing Land Supply Statement (HLSS) (update October 2016) assumes that delivery at the site will be achieved at 50dpa per outlet. The Council's predicted delivery rate is reliant on at least 3 delivery outlets coming forward at the site after the first year and remaining for the majority of the plan period. We consider this to be overly optimistic, indeed, it appears the Council agrees and has suggested in its HLSS that only 150 dwellings will be delivered from the site between 2016-2021.
6. We also have concerns in relation to the deliverability of the Local Plan's proposed allocations H4 and H10 which have had the benefit of planning permission under the New Towns Act and have yet to be brought forward by a developer. We have similar concerns over sites H11, H12 and H16 which have been allocated as part of the Central Telford Area Action Plan and have also not been brought forward by a developer; H11 has yet to be even put to the market for sale. We have additional concerns in relation to site H12 which the Council considers will not be brought forward until such time as H11 is delivered. Site H17 is of further concern and its delivery is identified by the Council in Table 5 of the HDTP as being constrained by the scale of development in the area (contrary to Strategic Fit Criterion 9 which requires a balanced provision which is complimentary with existing commitments).
7. We consider that the Council has not provided sufficient evidence to demonstrate that these sites are likely to come forward during the plan period. Indeed, the history of the above Sites suggest that there is a lack of enthusiasm in the market to bring these sites forward.

8.2 *Is the overall site selection methodology robust and transparent?*

8. No, we have fundamental concerns in relation to the site selection methodology employed by the Council in respect of both its robustness and transparency.
9. The HDTP sets out the process undertaken of the selection of sites for allocation within the Local Plan. The HDTP summarises the process of sifting sites through a preliminary elimination and site assessment stage which, in terms of process, we have no objection to. The sites were assessed against the sustainability objectives set out within the Integrated Sustainability Appraisal (SA) published by the Council in July 2015.
10. As set out within our representations to the Local Plan the Sustainability Appraisal scoring matrix demonstrates that there are many sites which can be considered as comparable to, or out perform the allocated sites in terms of their performance against sustainability objectives.
11. The HDTP goes on to note that some 315 sites were carried forward from the SA to the 'Strategic Fit' stage which assessed the site's compatibility with the strategy of the Local Plan against criteria derived from the Local Plan's aims, objectives and spatial strategy.
12. Section 3 of the HDTP sets out the 'Strategic Fit' criteria and justification for those criteria; Table 2 of the HDTP also links those criteria against objectives of the Local Plan. Whilst we have no objection to the use of 'Strategic Fit Criteria' to assess sites for inclusion within the plan, as set out below we do not consider the Council's current assessment of Strategic Fit to be robust.
13. In the first instance the Council have not published their assessment of the sites against the strategic fit criteria. The Council has published a summary of each site's compatibility with the Strategic Fit Criteria (SFC) at Appendix IX of the June 2016 SA. However, the summary information does not set out sufficient reasons for discounting or accepting development but simply notes which of the SFC the Council considers are complied with for sites the Council has selected and the SFC that the Council considered are not complied with for sites it has rejected. We have objections to the manner in which the SFC have been applied which are addressed later.
14. We consider that there is insufficient information to understand the process which has been undertaken to translate those assessments into the final selection of sites. This information, including the weighting and importance used to assess compliance with Strategic Fit Criteria should be made available.

15. The need to publish and justify the reasoning behind the final site selection is made even more important given the fact that the HDTP explains that there are additional sites that have scored just as well as the allocated sites in terms of the strategic fit criteria.
16. The HDTP goes on to explain that the scoring of the sites against the SFC is also not necessarily fundamental to the choice of sites made for allocation. The HDTP notes that the 17 proposed allocation sites were then selected from those which had been assessed through the Strategic Fit exercise. Again there is no evidence to demonstrate how those sites have fared in the above assessment with the HDTP simply stating that all of the sites selected responded positively to at least 5 of the criteria.
17. Whilst the scoring of the sites against the SFCs may not have been singularly determinant in allocating sites we object that it is not even clear how the assessment of compliance with SFCs has been used in determining which sites should be allocated or taken through to the next phase.
18. The HDTP sets out that the site selection process underwent 3 additional stages in terms of prioritising sites. The first of which was locating allocations to favour sites located at Telford which we agree with.
19. The second stage of the process which seeks to give priority to public owned land in allocating development which we fundamentally disagree with as set out in relation to Matter 3.
20. The third stage was to look to sites which are sustainably located where can provide urban extensions to support existing communities and employment areas. In principle we agree with this approach.
21. In summary, we object to the lack of transparency within the Local Plan site allocation process. We consider that without fully understanding the process of comparing and selecting sites we cannot establish the soundness of the decisions which has led to the proposed site allocations. In its current format, the 'site selection methodology' confirms only that the Sites which have been selected pass a nominal number of SFCs.

Application of the Strategic Fit Criteria

22. At Appendix IX of the SA is set out a summary of the reasons for rejecting or progressing the site option from plan making set against the 'Strategic Fit' criteria referred to above. As set out above, the Council does not publish its assessment of the sites against the SFCs and is not clear on how it has established whether or not the SFC is satisfied or otherwise.

23. We consider that without that information we cannot understand the robustness of the Council's assessment of 'Strategic Fit'. We have previously made representations that questioned the lack of transparency in this process and objected to the conclusions drawn on compliance with the SFCs in relation to our client's site [Site Reference 658 – the Metacre Site, Land north of Redhill, Watling Street] (the Metacre Site).
24. We also objected to the apparent inconsistencies of the approach to compliance with the SFCs which is better demonstrated using the example of the Metacre Site which has been undertaken later.
25. The Council's response to our representations are set out within Appendix X of the most recent SA; it states:

"Noted & disagree. Table 4.4 does not set out the conclusions of the IA. As stated in Para 4.57 of the IA Report (July 2015), Table 4.55 provides an outline of the reasons for selection/rejection of alternatives for sites where relevant. Whilst the IA findings are considered by the Council in its selection of options and form part of the evidence supporting the Local Plan, the IA findings are not the sole basis for a decision; other factors, including planning and deliverability, play a key role in the decision making process".

26. We do not consider that the above response overcomes our concerns. We are still no further informed as to how the Council's conclusions on the Metacre Site's compatibility with the SFCs have been arrived at and why those conclusions differ to those made in relation to the sites which have been selected. This understanding is fundamental to the transparency of the Local Plan. Nevertheless, we consider that, on the face of it, the assessment of the Metacre Site against the SFCs has been misapplied.

8.3 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? [Inspector's note: The Council should refer in particular to PPG paragraph 12-010-20140306 which states that "Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interests about the nature and scale of development (addressing the 'what, where, when and how' questions)".]

27. No comment.

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Matter 8 – Appendix 1
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Inspector's note: It is noted that a number of additional housing and employment sites are proposed by representors for allocation in the Local Plan. For the avoidance of doubt, the need for any further such sites to be allocated as a matter of general principle is a matter that will be considered during the examination, with reference in particular to Matters 1, 2 and 3. In the event that it is considered that further site allocations are required, my intended approach would be to refer the matter back to the Council so that it can consider how best to address the relevant concern. Nevertheless, if representors wish to be heard in respect of sites that have not been proposed for allocation then this will take place as shown on the hearings programme.

We have set out in relation to Matters 1, 2 and 3 the reasons why we consider the housing requirement for the Borough should be increase and therefore additional sites should be allocated at the Site. We have also set out at length in our representations to the Local Plan that we consider that 'The Metacre Site' [LPA site reference '658 – Land north of Redhill, Watling Street'] should be allocated; both of its own accord and in preference to other sites which the Local Plan proposes to allocate.

We have also submitted an outline planning application for up to 450 dwellings, retail development of up to 600sqm, a public house of up to 800sqm and public open space [LPA Reference: TWC/2015/0728] in July 2015. That planning application sets out the significant and substantial benefits of the application, including 40% community based housing provision (25% traditional affordable housing / 10% starter homes / 5% self-build) to meet identified needs.

We draw the Inspector's attention to the above site, our previous representations and the benefits of the proposed scheme. That information will not be repeated here. However, in line with the Inspector's note above, should further or alternative allocations be determined to be necessary for the Local Plan we reserve the right to be fully engaged in that process.

Notwithstanding the above, set out below is a commentary on the Council's assessment of the Metacre Site against the Strategic Fit Criteria (SFC) and a comparison with some of the other sites which have been allocated for development. This commentary is intended to

supplement our representations above and highlight the deficiencies we have identified with the Council's site selection methodology.

Appendix IX of the SA maintains the following reasons (aligned to the numbering of the Strategic Fit Criteria set out within the HDTP) for rejecting the Metacre Site:

- "2. Site has a negative effect on the strategic green space and/or valuable landscapes*
- 3. The site does not help sustain and enhance local urban centres*
- 4. The site is not a strategic urban extension*
- 6. Does not support areas of social deprivation*
- 7. Does not maximise infrastructure investment*
- 8. Site is not public land*
- 9. Site is not a balanced provision which is complimentary with existing commitments"*

By implication, the above conclusions suggest that the SA considers that the Metacre Site does fit with SFC 1 (Focussing growth on the urban areas of Telford and Newport), 5 (Supporting the strategic employment areas / eastern arc) and 10 (Harness connections especially main highways, cycleway, footways and public transport corridors. We agree that the Site is compatible with those SFCs.

Our objections in relation to the above negative conclusions are set out in full within our Regulation 18 and 19 representations. For ease of reference we have summarised those points below. In addition, where relevant we provide a commentary in relation to how other sites, which the Council propose to be allocated, have been assessed unduly favourable in comparison to the Metacre Site.

2. The site is considered to improve access to the green network through the provision of public open space and does not have a negative impact on a valuable landscape. The Site is not part of the strategic green network within the emerging local plan.

We accept that the land does contain a small proportion of BMV agricultural land; albeit that there is a lesser amount than found at the Council's Strategic Allocations at Sites H1 and H2.

3. As set out against IA Objective 10 above, the site is considered to be within reasonable walking distance of a local service centre and will have a minor positive impact on a local centre. With proposed improvements to the pedestrian and public transport facilities at and

adjacent the Site. The Highways Authority have confirmed that it has no objection to the development of the Site.

We entirely disagree with the Council's conclusions and consider the site to be accessible to a local centre and will have a positive impact on that centre as per the requirement of SFC3 in the HDTP. Importantly, we note that SUE Allocation H2 at Priorslee achieves exactly the same score against SA Objective 10 (access to local centres and education) as the Metacre Site but is deemed by Appendix X to have satisfied SFC3. Despite scoring a worse score against SA Objective 10 site allocation H9 but is still considered to be compatible with SFC3; indeed Appendix VI of the SA sets out the sustainability appraisal for site H9 and states "*The site is beyond reasonable walking distance to existing public transport modes (buses and trains), local centre services and facilities, educational facilities and strategic footpaths*". We consider that the scoring of the SFC is inconsistent and unreliable and should be reviewed.

4. The site is considered appropriate as an extension to the urban area at the east of Telford, will deliver 450 homes and is well located at the existing urban edge and surrounded on 3 sides by development. We consider that the Metacre Site is comprises a more logical location for an urban extension / rounding off of development than many of the sites allocated for housing within the Local Plan.

The HDTP clarifies that SFC4 considers a site to promote a SUE where it is of sufficient scale and critical mass to deliver comprehensive social, economic and environmental infrastructure and being well connected to exiting development. Notwithstanding Site H10 'The Hem' is of a smaller scale and no better connected (arguably less so) to existing development than the Metacre Site it is considered to be compatible with SFC4. The HDTP nor the SA are clear as to the reasoning for this difference in conclusion.

7. The site is promoted on the basis that it will contribute financially to the Council's planned improvements to the Limekiln Bank Roundabout as well as providing pedestrian crossing facilities across the A5 Redhill Way. The development of the site is considered to maximise infrastructure investment. It is not clear what the requirements of the HDTP or the SA are considered to be to be compatible with SFC7 and this should be clarified.

8. The site is not public land. We have expressed our objections to the inclusion of public land as a spatial planning consideration.

Notwithstanding the above, in addition to the above, it is crucial to note that 'being public land' is not one of the requirements of Strategic Fit criterion 8. The definition of the criterion set out within the HDTP specifies that the development of the land would assist in the provision of social and educational infrastructure and helps to protect public services and can demonstrate good stewardship of public assets and resources. We consider that, through the provision of housing development, including affordable housing, and the provision of contributions to mitigate any impact on public services, the proposed development achieves those aims.

9. The site will deliver housing to the east of the Telford which is encouraged by the Local Plan and is well located in terms of the existing urban edge and proposed and existing employment areas. The development of the site will deliver a balanced provision of housing which is complimentary to existing and proposed commitments. It is entirely unclear why the Metacre Site is not considered to achieve SFC9. Indeed, in terms of its location and relationship to other commitments it is not clear why the Site is any less suitable than any other proposed allocation; in particular H1, H2 and H10, the Council's three largest proposed allocations.

Conclusions

With regard to the above, it is considered that the site has been erroneously assessed by the Sustainability Appraisal and in relation to the SFCs and should be re-assessed. The Council has not made clear the degree to which the sites proposed to be allocated are compatible with the 'Strategic Fit' criteria and how that compatibility has been determined. However, our assessment above demonstrates that the Metacre Site comfortably responds positively to 'at least' five of the Strategic Fit criteria and is considered to perform at least as well as other sites proposed to be allocated in that regard.

By way of a case study to demonstrate the effect of the Council's disjointed approach we have compared the Metacre Site directly with the Council's proposed allocation Site H10 at The Hem below.

Site H10 has been considered to accord with the minimum 5 SFCs; SFC, 1, 4, 8, 9 & 10. The Council's own assessment of the Metacre Site suggests that it is also compatible with SFC 1 & 10.

For the purposes of the Strategic Fit Assessment, Site H10 is considered superior to the Metacre Site by virtue of a better fit to the SFC as a Strategic Urban Extension (SFC4) and through providing a more balanced provision in relation to existing commitments (SFC9)

despite being smaller scale and no better located in relation to the development of Telford and its existing commitments. The only separating factor we can identify between the sites in favour of site H10 is the fact that it is public land which we consider should be dismissed as a planning consideration.

We consider that there are no benefits to the development of Site H10 in spatial planning terms over and above the benefits of the Metacre Site. Conversely, the Metacre Site is considered by the Council to be compatible with SFC5 and supports the strategic employment areas / eastern arc of Telford. We consider that the Metacre Site is compatible with SFC3 which seeks to support local centres; a conclusion shared with the SA and with the Highways Department. These are benefits which are lacking from Site H10.

Moving away from the SFC and onto the Council's other priorities, we consider that the Metacre Site is as viable and appropriate addition to Telford's urban area as a SUE and, for the reasons set out above, is better placed to meet the first and third priorities for Sites set out in Section 5 of the HDTP.

Therefore, the only benefit to the Council's Site Selection Methodology that Site H10 has over the Metacre Site in terms of its Strategic Fit or the Council's priorities is that it is public land. The fact that it is public land has, in effect been double counted as a SFC (which gets site H10 'over the line' in meeting the minimum 5 SFC) and as one of the Council's priorities.

In return for the use of public land at Site H10, we consider that the Council has passed up the opportunity to allocate the Metacre Site which we considered to be a more sustainable urban extension which is better related to an existing local centre. Moreover, the Council's own SA concludes in relation to SA Objective 4 (affordable housing) that the Metacre Site has the potential to deliver a significant positive effect in terms of its ability to improve the supply and affordability of accommodation for groups in the area of greatest need; Site H10 does not.

We consider that the above approach demonstrated by the Council fails to demonstrate positive, effective or justified planning and is at odds with the provisions of the Framework. We consider the approach to be unsound.