

Telford & Wrekin Local Plan – Inspector’s Matters, Issues & Questions (MIQs)

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This paper provides the Council’s response to the Inspector’s MIQs –

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.]*

3.1.1 One of the four tests of soundness in the NPPF¹ is that all submitted Plans are ‘*positively prepared*’. To pass the test, Plan strategies should *meet objectively assessed development and infrastructure requirements* of the area including, where reasonable and sustainable, unmet requirements from neighbouring authorities. The Council’s response to issues relating to unmet needs from neighbouring areas is set out in the Duty to Cooperate Statement² and the Council’s response to examination Matter 2³.

3.1.2 The NPPF defines the presumption in favour of sustainable development, for plan-making purposes⁴. The starting point to address this is to quantify the objectively assessed development and infrastructure requirements of the area during the plan period. The Council has quantified the objectively assessed need for new housing and employment⁵, and has considered whether there might be any *adverse impacts* associated with meeting the objectively assessed needs (OAN) when assessed against the policies of the NPPF as a whole or in specific terms⁶. The Council has not identified any such impacts that would prevent it from meeting its OAN in full. The Council has also assessed the likely infrastructure requirements necessary to support delivery of the planned scale of growth up to 2031⁷.

¹ NPPF, paragraph 182 (first bullet)

² A6

³ J2

⁴ NPPF, paragraph 14 (bullet one and two)

⁵ C2a-i, C2a-ii, and C2b-i

⁶ B2a, section 5.3

⁷ E3

- 3.1.3 The Council's spatial development strategy plans for growth in excess of the identified needs of the area. In order to deliver on that strategy, the Council has identified a supply of sites, including existing committed sites and a number of deliverable and developable site allocations, that will deliver the development required to meet both the OAN and the housing and employment land requirements during the plan period.
- 3.1.4 In support of the strategy that seeks to deliver its borough-wide growth ambitions, the Council has identified a range of policies that follow the approach of the presumption in favour of sustainable development. The policies, when considered as a whole, provide a clear steer on what new development must deliver, in terms of quantum, location, and design, in order for it to be considered sustainable in the context of Telford & Wrekin.
- 3.1.5 The Local Plan also sets out a policy (SP4) that specifically covers the presumption. A number of representations question the necessity and appropriateness of including such a policy in addition to the policy statements already set out in the NPPF and elsewhere in the Plan. In response, the Council acknowledges that the policy wording in SP4 differs from the 'model' policy issued by the Planning Inspectorate. Nonetheless, the wording does provide a clear statement on how the Council will deal with development that is considered to be sustainable. This is set out in the very first line of the policy. The rest of the policy, through points A and B, seeks to provide additional guidance on what constitutes sustainable development in the local context. The wording under point B provides strategic guidance covering a range of policy criterion, which set a framework for the more detailed policies that follow. In terms of application, Policy SP4 considers the question, "What is sustainable development in Telford & Wrekin?" akin to strategic development principles. The subsequent topic-based policies address 'how' sustainable development is to be delivered. Consequently, the policy helps structure the Plan by providing a starting point for the application of the presumption test.
- 3.1.6 Therefore, the Council does not consider that the wording duplicates or confuses criteria set out in other national or local plan policies.

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 paragraph 28 of the Framework, is adequate provision made for development in rural settlements?

Settlement hierarchy

- 3.2.1 The Local Plan sets out a spatial strategy⁸ that defines three distinct sub-areas of the borough: Telford; Newport; and the Rural Area. This comes from a recognition that the existing built form is broadly defined by this distinction. The hierarchy of settlements broadly follows these three discrete areas. The hierarchy itself comprises seven settlements; Telford (Policy SP1), Newport (Policy SP2), and the villages of Tibberton, High Ercall, Waters Upton, Edmond and Lilleshall (each specifically identified in Policy HO10).
- 3.2.2 The hierarchy of settlements was principally derived from consideration of the make-up and distribution of existing centres, initially carried out at the Strategy & Options stage, which focused on the built-up areas of Telford and Newport⁹. The distribution of centres is shown on the Local Plan Key Diagram¹⁰. The sustainability appraisal also found that a broad focus on urban areas was the most appropriate option¹¹.
- 3.2.3 It was also recognised early on in the plan preparation process¹² that rural communities should be supported in the Local Plan, in line with the NPPF. Additional evidence work presented in the Technical Paper – Rural Settlements update¹³ has assisted the Council in defining precisely those rural settlements that would be appropriate locations for development to support rural communities but also accord with the spatial strategy and broad principles of sustainable development. On the basis of this evidence, the Council defined the five rural settlements shown on the Policies Map¹⁴ and the Key Diagram.

Proposed distribution of development

- 3.2.4 The Council has sought to distribute development with a focus primarily on Telford, supported by Newport and more limited scale of growth directed towards the Rural Area. The overall approach has been informed by the conclusions of the spatial development options sustainability appraisal. The

⁸ A1, paragraph 3.0.1-3.0.Table 9 (p31)

⁹ D2a, paragraph 12.1.1-12.1.6

¹⁰ A1, Figure 5

¹¹ A3, Table 4.8

¹² D2a, paragraph 8.3.1-8.3.2

¹³ B2f

¹⁴ A2

Strategy and Options Report (2013)¹⁵ summarises the justification for distributing housing development across each sub-area.

3.2.5 In terms of the specific distribution, the Council has taken into account the broad distribution of households that exist across the borough and the extent of the current supply and location of development land. Published data¹⁶ suggests that approximately 86% of households lived in Telford in 2011, approximately 8% lived in Newport, and approximately 6% lived in the Rural Area. The necessary calculations were then applied to the overall housing requirement (15,555) and the resulting amounts were assigned to the relevant policies in the Plan¹⁷. The figures are also summarised in the Technical Paper – Housing Growth¹⁸. This represents a 94:6 split between the urban and rural areas of the borough, reflecting the opportunities available to make best use of existing infrastructure and land as a legacy of the New Town. This also reflects the amount of development that has planning permission, the vast majority of which is in Telford and Newport, as well as the Rural Area¹⁹. This includes supporting suitably located proposals on previously-developed sites in the rural area, for example at Allscott²⁰ and Crudgington²¹, rather than relying on greenfield sites in less sustainable locations. Consequently, the Council does not accept those representations that suggest that further provision should be made for development in the rural area.

Development in rural settlements

3.2.6 The Council has devised a policy approach for the Rural Area²², including the five rural settlements, that reflects both the spatial strategy and the characteristics of the rural area in Telford & Wrekin including the distinctive features around Lilleshall that justify its status within a Strategic Landscape. An analysis of published statistics covering the demography, ethnicity and employment (by occupation) of the rural area is set out in the Council's evidence on rural settlements²³.

3.2.7 The Rural Area can be generally characterised by a mix of more retired (higher proportion of people aged 65 or over), who are wealthier (higher proportion of households with 2 or more cars and more residents in managerial, professional or technical occupations), and more qualified people, when compared to Telford & Wrekin as a whole, but who are also relatively

¹⁵ D2a, paragraph 5.2.10

¹⁶ Based on household data collected through the Census 2011

¹⁷ Policy SP1, SP2, and SP3

¹⁸ B2a, Table 8 and paragraphs 5.6.12 to 5.6.14

¹⁹ G1, Table 2.1 and 2.2

²⁰ Planning permission TWC/2014/0113

²¹ Planning permission TWC/2015/0157

²² Policy SP3, SP4, EC3, EC7, NE7, HO10 and HO11

²³ B2f, Appendix: Census 2011 extracts

less active economically²⁴. There are also relatively fewer major employment opportunities with the exception of Harper Adams University. This may be a consequence of greater levels of commuting from the rural area to the major urban areas of Telford and Newport, due their relative proximity to rural settlements, as well as recent developments in the rural area²⁵. This may explain, in part, why there are relatively fewer employers for the population, why the affordability levels are so high in the rural area relative to Telford and why there are relatively few local services and facilities.

3.2.8 Consequently, it could be argued that there is less demand for employment in the rural area compared to other parts of the borough, and so opportunities for employment development may be limited, given the significant allocation of employment land in the borough's urban areas. Whilst this is to some extent a generalisation, it does set the context for the policies set out in the Local Plan. Nonetheless, the Local Plan (through Policy EC3) supports and promotes new employment development that supports the rural economy and helps sustain rural communities, in line with the NPPF²⁶. For example, the site at Crudgington (in close proximity to Waters Upton) has recently been approved including a mix of housing and B Use Class employment activities.

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?

3.3.1 At the core of the NPPF is the principle of encouraging the effective use of land that has been previously-developed, provided it is not of high environmental value²⁷. This principle remains at the heart of Government planning policy²⁸. The Government will seek in time for the planning system to promote brownfield land registers²⁹ and introduce Planning In Principle sites³⁰ to ease the delivery of such land. In addition, the NPPF³¹ states that Local Planning Authorities may wish to consider the case for setting 'locally-appropriate' targets for the use of previously-developed land (PDL), as a means of contributing to and enhancing the natural and local environment.

²⁴ KS601EW to KS603EW, Economic Activity, 2011 Census

²⁵ For example, the closure of the British Sugar site at Allscott and Dairy Crest at Crudgington

²⁶ Paragraph 28

²⁷ Paragraph 17 (8th bullet)

²⁸ For example, refer Section 9 of "Fixing the Foundations" HM Treasury, Cm 9098 July 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/443898/Productivity_Plan_web.pdf

²⁹ <https://www.gov.uk/government/news/first-areas-to-push-for-faster-brownfield-land-development> - Telford & Wrekin is a pilot authority in this initiative

³⁰ Section 150 of the Housing and Planning Act 2016

³¹ Paragraph 111

3.3.2 The Council has defined a policy approach in the Plan (expressed in Policy SP1, SP2) that recognises the need to encourage effective use of land as a matter of principle, in line with the NPPF. This is justified on the basis of recent, and earlier, assessments of land availability³² that identify a considerable amount of suitable PDL that has the potential to deliver new development in sustainable locations, in particular in Telford and Newport. The Council also seeks to address recent trends³³ that indicate a decline in the proportion of new homes built on PDL as a proportion of total completions.

3.3.3 The prioritisation of PDL in the spatial strategy over greenfield serves other local functions too. These include:

- preserving the borough's strategic landscapes;
- protecting the borough's best and most versatile agricultural land and minerals resources;
- protecting the aquifer north and west of Telford that provides much of the borough's potable water;
- making best use of existing infrastructure, most notably bus and rail infrastructure and, in doing so, help the borough adapt to climate change and an ageing population.

3.3.4 Most importantly, a spatial strategy that focuses overwhelmingly on PDL land will prevent Telford from becoming a "doughnut town", where increasing investment goes towards the fringe of the town to the detriment of existing built up areas.

3.3.5 In light of these factors, the Council considers it reasonable to include a clear policy steer, and this accords with the approach in Policy SP4. The Plan does not preclude development on greenfield sites where this is demonstrated to be necessary.

Focus on publicly-owned land

3.3.4 Unlike most other local authority areas, the public sector has a significant land interest in the future development of Telford & Wrekin. This is a legacy of its New Town designation. As far back as 2011, a key government objective was to support the housing market by (amongst other measures) accelerating the release of public sector land³⁴. As a crucial part of plan-making, the NPPF also states that Local Plans should be based on co-operation [of local planning authorities] with public sector organisations³⁵. A significant proportion of that public-sector land has been owned by a succession of bodies with

³² C2c and G2

³³ G1, Table 2.4

³⁴ HM Treasury/BIS (2011) *A Plan for Growth*, Crown Copyright (paragraph 1.67)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/31584/2011budget_growth.pdf

³⁵ Paragraph 157 (third bullet)

specific remit to bring forward land for development, most recently represented by Homes and Communities Agency (HCA).

3.3.5 Given that this land interest related to the delivery of the New Town vision, the sites in question are focused exclusively on Telford, the most sustainable location in the borough. It is therefore both appropriate and necessary for the Council to consider, as part of the plan-making process, the contribution public sector land can make towards delivering the vision, strategy and objectives of the Local Plan. The Council is currently progressing a tripartite agreement (TWC, HCA and DCLG³⁶) to bring forward an extensive range of housing and employment sites over the next 10 years³⁷, and a number of these sites are proposed as allocations in the Local Plan. However, in terms of housing, the allocations in public ownership only form a relatively limited proportion of the overall supply planned for up to 2031.

Approach to best and most versatile agricultural land (BMV)

3.3.6 The NPPF³⁸ advises local planning authorities to take into account the economic and other benefits of the best and most versatile agricultural land. The local plan presumption set out in Policies SP1, SP2, and SP3, which seeks to protect such areas from development on sites brought forward over and above the sites currently identified through the Local Plan process, reflects national policy. The approach also has the support of the statutory body responsible for advising local planning authorities about land quality issues, Natural England³⁹.

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

3.4.1 The Integrated Appraisal (incorporating Sustainability Appraisal, Strategic Environmental Assessment⁴⁰ ⁴¹, Habitat Regulations Assessment⁴² ⁴³, Health Impact Assessment and Equality⁴⁴ Impact Assessment)⁴⁵ which accompanies the Plan accords with planning legislation⁴⁶ and the NPPF⁴⁷.

3.4.2. From the outset of the preparation of the Plan and throughout the subsequent processes, a series of iterative appraisals have been published and consulted

³⁶ Department of Communities and Local Government

³⁷ Telford & Wrekin Council, Council – 3rd March 2016 – *The Telford Land Deal*, Report of Assistant Director: Business, Development & Employment <http://apps.telford.gov.uk/CouncilAndDemocracy/Meetings/Meeting/MTM5Mg%3d%3d>

³⁸ Paragraph 112

³⁹ A6, refer Natural England Publication response letter, sent by email on 15th March 2016

⁴⁰ EU Directive 2001/42/EC

⁴¹ DCLG – National Planning Practice Guidance' 2014, ODPM – 'A Practical Guide to the SEA Directive' 2005, Planning Advisory Service – 'The Principles of Plan Making Chapter 6 – The Role of Sustainability Appraisal' 2013

⁴² The Conservation of Habitats & Species Regulations (as amended) 2010

⁴³ EU Directive 1992/43/EEC (and see also NPPF paragraphs 14 & 117)

⁴⁴ To demonstrate compliance with the Equality Act, 2010

⁴⁵ A3

⁴⁶ Section 19(5) of the 2004 Act and Regulation 22(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012

⁴⁷ Paragraph 165

upon⁴⁸. At each stage, comments were considered and where appropriate, resulted in changes to the Plan⁴⁹.

3.4.3. The SA Framework - which included SA objectives – was established early in the process and set out in the Council’s Scoping Report⁵⁰, alongside baseline information, plans, programmes and policies and their objectives and local sustainability issues. The Integrated Assessment Framework has been refined and amended to take account of consultation responses received as part of the iterative and on-going Integrated Assessment (IA) process⁵¹.

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?

3.5.1 Local Plan policies identify requirements for mitigating the impact of development across a range of thematic policies. In support of this approach the Infrastructure Delivery Plan identifies a prioritised set of projects which will be delivered through a mix of developer contributions and other capital funding opportunities⁵².

3.5.2 The Council has considered viability and whether infrastructure is desirable to the delivery development (electric vehicle charging etc.), as opposed to critical or important. Desirable infrastructure will be encouraged or secured by negotiation.

3.5.3 Should the Council establish a CIL charging schedule, a Regulation 123 list will be drafted⁵³ and the position on the continued use of planning obligations - for the delivery of infrastructure - including scaling back of s106 agreements - will be addressed.

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

3.6.1 Yes. The Council has prepared a set of monitoring indicators to cover each of the aims of the Plan⁵⁴. Each of the criteria chosen is focussed and simple to measure. There have not been any objections to this element of the Plan.

⁴⁸ See Table 1.1 of A3 illustrating the Sustainability Appraisal stages.

⁴⁹ A3, Section 4 and Appendix VI.

⁵⁰ D1d

⁵¹ The changes sought to provide further clarification and also reduced the number of objectives to avoid duplication within the appraisal. The amended SA Framework was presented in Section 4 of D2b and subject to consultation with the public and statutory consultees.

⁵² E3, 4.2 - Funding Strategy.

⁵³ Community Infrastructure Regulations (2010), Section 123, part 4.

⁵⁴ Appendix A to the Local Plan

3.6.2 The Council would value the inspector's advice from his examination of other plans on any ways in which these indicators could be improved. Separate from this, the Council has an Infrastructure Delivery Plan⁵⁵. This will remain a live document that the Council will review every six months as the Plan is implemented.

⁵⁵ E3