

## **Telford & Wrekin Council – Responses Matters, Issues and Questions**

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#### **Matter 1, Issues 1, 2, 3 and 4**

### **A LEGAL COMPLIANCE**

#### **Matter 1 – Compliance with statutory procedures and legal matters**

**Issue 1: Has the Council met the statutory duty to co-operate ('DtC') as set out under sections 20(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 as amended? (We shall examine this issue having regard to the letter from Matthew Pennycook MP to the Planning Inspectorate dated 27 November 2025)**

Q1. Has the Council submitted robust evidence to demonstrate that the duty to co-operate has been met?

Yes, the Council has submitted robust evidence to demonstrate that the duty to co-operate has been met and that the Council has engaged actively, constructively and on an on-going basis. This is evidenced in the Council's Duty to Cooperate Statement (SC01) and the accompanying appendices (SC01a). In addition, the Council note the letter from the Minister for Housing and Planning dated the 27 November 2025, which confirms that the legal 'Duty' will cease to apply for the current plan making system in early 2026. The Council has as the letter states continued to cooperate with neighbouring Local Planning Authorities.

Q2. Has the Council carried out effective engagement with neighbouring local authorities and other prescribed bodies on all relevant strategic matters? In particular has effective engagement taken place in respect of housing and employment needs and provision in a cross-border context?

The Council has carried out effective engagement with neighbouring Local Planning Authorities (LPAs) and all other prescribed bodies on all relevant strategic planning matters in relation to the preparation of the Local Plan.

In particular the Council have engaged on a consistent, effective and ongoing basis with the following LPAs in relation to their request in relation to their unmet housing development needs; City of Wolverhampton, Sandwell Metropolitan Borough Council, Dudley Metropolitan Borough Council and Walsall Council. The engagement between the Council and four LPAs is further explained in the Duty to Cooperate Statement (SC01). The Council responded positively to the request to contribute towards unmet housing development needs and has included a contribution within its housing requirement figure. Ultimately each of the four LPAs wrote to the Council in September 2025 (SC01a) and confirmed the following;

- Telford & Wrekin Council has engaged constructively and effectively throughout the process and met the duty;
- The contribution made by the Council towards the unmet housing development needs of the four LPAs is positively received and welcomed;
- It is welcomed that the contribution is set out in Local Plan policy; and
- That there are no other cross boundary issues between the Councils.

Further to the above the Council has confirmed in writing that, based on its contribution, will be able to sign the Greater Birmingham and Black Country Statement of Common Ground once it has been updated. No requests to meet employment land needs have been received.

The Council has also engaged with and signed Statements of Common Ground with Shropshire Council and South Staffordshire District Council. These documents are included within the Regulation 22 Consultation Statement (CD07) and confirm that there are no outstanding strategic matters of disagreement.

Q3. Are there any remaining areas of dispute between relevant authorities and bodies relating to the duty to co-operate and its fulfilment by the Council? If so, please give details? Are they resolvable in terms of soundness?

There are no outstanding areas of dispute relating to duty to cooperate with relevant authorities or prescribed bodies in its fulfilment by the Council. Any suggested modifications requested by bodies further to the Publication Version of the plan have been included within the Submission Version of the plan (CD08) and are included in Annex H – Minor Modifications in document CD07.

## **Issue 2: Does the Sustainability Appraisal (SA) adequately assess the environmental, social and economic effects of the Plan in accordance with the legal and national policy requirements?**

Q4. Have the likely environmental, social and economic effects of the Plan's policies and proposals been adequately assessed in the SA?

For clarity, the requirements of a sustainability appraisal are incorporated within the Integrated Impact Assessment (IIA)(CD06) process that has been undertaken. Reference to the Integrated Impact Assessment (IIA) should therefore be assumed as synonymous with 'sustainability appraisal'.

The likely effects of the Plan are set out within Section 9 of the IIA Report (CD06, pages 95-107 [PDF pages 98-110]). A more detailed explanation of the effects is presented in Appendix F of the same document.

The IIA process establishes a framework of environmental, social, and economic factors, which are used as the basis for appraising the Plan. This framework was

determined through a formal scoping process and is comprehensive and robust (see document PD10).

What constitutes an 'adequate' appraisal is somewhat subjective, as the Regulations simply require that an appraisal of effects is undertaken in a structured manner and that key procedural steps are followed. The IIA for the Telford Plan has been undertaken in alignment with these requirements.

Schedule 2 of the Regulations (bullet point 6) is of relevance with regards to the factors that ought to be considered when undertaking assessments, including the nature of effects (with reference to short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects). All these factors have been taken into consideration within the appraisals set out within the IIA of the Plan.

Q5. Has the SA properly assessed the likely significant effects of all reasonable alternatives?

Reasonable alternatives have been explored and assessed with regards to several key plan issues.

It is important to reiterate that an IIA does not need to assess all alternatives, only those that are deemed to be reasonable. See CD06, para 4.1.2 (page 48) para 5.1.3 (page 51), 5.2.1 (page 52) which touch upon this issue.

Section 4 of the IIA report discusses the process of identifying reasonable and unreasonable alternatives. The report describes how different policy areas were 'screened' to determine which issues warranted further exploration in the IIA.

The following elements of the plan were identified as key areas to focus attention on with regards to alternatives. There was no suggestion through consultation feedback that the Council ought to have concentrated efforts on other aspects of the plan.

- A strategy for housing growth and distribution (12 combined options across three growth scenarios; 848, 1010, 1150 dpa and four distribution strategies; Telford focus, rural focus, Newport focus, rural and Newport). See CD06 Chapter 5 and Appendix B. These options were consulted on prior to changes in the standard method for the calculation of housing needs.
- A strategy for employment growth and distribution (two scales (200ha and 227ha) and six distribution variants). See CD06 Chapter 6 and Appendix C.
- Appraisal of broad areas of growth (Five broad locations appraised, of which three are taken forward and two discounted with clear rationale). See CD06 Chapter 7 and Appendix D.
- Individual site appraisals. See CD06 Chapter 8 and Appendix E.

Each of these issues is discussed in a dedicated section and accompanying Appendix within the IIA report (as identified above), explaining why alternatives have been identified as reasonable (or not), articulating what the alternatives look like, providing a summary of appraisal findings and an outline of the reasons for selecting preferred approaches. Alternatives were considered, appraised and presented for consultation at several stages of plan making, and this is also explained within each section to show how alternatives have evolved alongside plan development (and informed decision-making).

Section 3 of the IA Report (CD06, Pages 38-44) sets out the methods of appraisal, summarising the appraisal structure, identifying sources of information, consultation methods and assumptions made. The approaches are based upon requirements set out within legislation and guidance documents and have been tried and tested many times in the context of other (adopted) Local Plans.

What makes an assessment of reasonable alternatives 'proper' is subjective. However, the regulations, guidance and case law make it clear that there is a need to focus on matters of 'significance' and to treat reasonable alternatives in a consistent manner.

Our methods have allowed for a direct, fair comparison as each alternative has been evaluated against the same IIA framework objectives and criteria, with reference to the same baseline information and in the same level of detail. Consistent assumptions were made with regards to mitigation and enhancement measures across the alternatives.

Decisions about impact significance are justified and made transparent throughout the appraisal text, or in the case of site assessment process, are determined using mostly objective criteria.

#### Q6. Have all potential site allocations been assessed on a comparable basis?

The Council has prepared a Site Selection Technical Paper (AS01) accompanied by a range of detailed assessment papers (AS02 – AS05). Stages 1 and 2 of this process are important in sifting sites to ensure that only reasonable options are brought forward for consideration in the IIA.

The Integrated Impact Assessment is incorporated into the site selection methodology, with any sites progressing to 'Stage 3' being appraised against a range of sustainability appraisal objectives and supporting criteria. The purpose of the IIA site appraisal is to complement the wider site assessment methodology, rather than lead to duplication of efforts.

Section 8 of the IIA Report summarises the site appraisal process undertaken (CD06, Page 94).

The IIA site appraisal criteria are set out in Appendix E of the IIA Report (CD06, pages 281-286). Quantitative thresholds are used as much as possible to ensure consistency between the appraisal process and comparable appraisals.

The criteria and thresholds used have been tried and tested in multiple sustainability appraisal processes for Local Plans that have been adopted. They are based upon good practice.

The appraisal findings are set out in Appendix E (pages 287-301). The coloured matrices correspond to the appraisal criteria within the methodology tables also within Appendix E.

Q7. Is it clear how the SA has influenced the Plan and the choice of development strategy? Does it support the development strategy or is there anything in the SA which indicates that changes should be made to the Plan?

Integrated Impact Assessment is a decision-aiding tool, and as such it should be undertaken in a timely manner to provide the opportunity to influence the plan and choice of development strategy. This is evident in the IIA for the Telford and Wrekin Local Plan, as appraisals of strategic options were undertaken at formative stages of plan development and consulted upon accordingly.

The IIA has helped to inform and influence several elements of the strategy and is broadly supportive of the preferred approaches, set out below;

### **Housing strategy**

The preferred approach to housing growth is broadly aligned with the existing (adopted Local Plan) strategy and reflective of housing strategy Option 2.1 'Maintain Current Strategy'. The effects for this option are summarised visually in the matrix (CD06 page 69 (alongside effects for comparable strategy options)). The findings demonstrate that the chosen strategy presents a mix of positive and negative effects across different sustainability topics, but no 'red flags' were identified with regards to the preferred strategic approach (i.e. significant negative effects that could not be mitigated). The findings also reflect that the appraisals undertaken at this stage were 'policy off' (i.e. there is potential for mitigation and enhancement). The other comparable strategic options performed similarly to the preferred approach (with their own mix of positive and negative effects). However, the IIA findings were broadly supportive of discounting options with greater rural growth (due to major negative soil/land effects and concerns about the sustainability of smaller settlements).

### **Employment strategy**

The IIA concludes that the employment strategy options perform similarly against the range of sustainability appraisal criteria. The key difference is that higher growth scenarios result in greater positive effects for economy, but greater negative effects for land and soil.

There are no 'red flags' raised with regards to the preferred growth strategy, and there are no alternatives that are clearly more beneficial across the range of sustainability topics. Therefore, the preferred strategy is broadly supported by the IIA.

### **Sustainable Communities**

The IIA assessed options for sustainable communities at early stages of plan-making and therefore helped to inform decision making. The sustainable community locations assessed perform similarly across most sustainability topics, but those discounted are flagged (in the IIA) as being more negative in terms of biodiversity and / or landscape. The findings are therefore consistent and supportive of the Council's justifications for discounting 'Land at Dawley Road' and 'Land North of Redhill' (though acknowledging that the IIA is not the only element that fed into the Council's decision making).

### **The draft Plan**

Section 9.2 of the IIA Report (CD06) provides a summary of the sustainability effects of the Local Plan (i.e. the development strategy and associated policies). It is evident that mostly positive effects are predicted (particularly for socio-economic factors), which suggests that the IIA broadly supports the development strategy. Where there are negative effects predicted, these are mostly minor and this partly reflects mitigation and enhancement measures that have been taken into consideration. Whilst there are residual significant effects upon soil and land, these effects are unavoidable.

A series of recommendations were presented in an interim IIA at Regulation 18 stage, with several of these leading to policy refinements (See CD06, Table 10.1, pages 108 – 109). Where the Council felt that modifications needed to be made to plan policies, this is clarified.

Mitigation and enhancement measures were considered again during the appraisal of the draft Plan at Reg19 stage (See Table 10.2, pages 110-111). The Council has refined policies in response to these recommendations (as highlighted in Table 10.2). No additional changes to the Plan are considered necessary in response to the IIA.

Whilst the issue of soil and land remains a significant negative effect, this is unavoidable given the objective of delivering housing and employment land to meet identified needs and limited brownfield land supply. For context, the Sustainable Communities sites are represent 2.8% of the higher-grade agricultural land in the borough.

The IIA highlights the potential for inequalities to widen in some locations given that there is less focus on growth to the south of Telford (compared to the rest of the town), due to land constraints. Whilst the IIA recommends that these issues are considered and monitored, it does not indicate that further changes to the plan are

necessary. There are justified reasons that growth in these locations is more limited (compared to north Telford for example) such as:

- South Telford being constrained by the Midlands Green Belt to the east, which lies within Shropshire, the River Severn to the south and the Wrekin Landscape area to the west.
- South Telford has seen the majority of development in the borough in recent years with over 7,000 homes delivered.

The Council also acknowledges that health inequality is a priority that can (and will) be addressed through the Infrastructure Funding Statement and broader Council policy and investments.

Q8. Is the methodology in the SA sound and is it consistent with relevant guidance including the National Planning Practice Guidance (PPG)?

The IIA has been undertaken by AECOM, who are recognised industry specialists in undertaking sustainability appraisal throughout the plan-making process, from inception through to adoption. The methods used are driven by legislative requirements, national guidance (i.e. the PPG) and relevant case law and have been tested at more than 20 Local Plan examinations.

The IIA therefore provides a robust, independent assessment of the Local Plan.

Key legislative requirements are set out within the table below, with a summary of how the IIA addresses each point.

<b>Requirements / guidance notes</b>	<b>How does the IIA address these points?</b>
<i>An outline of the contents and main objectives of the plan or programme, and of its relationship with other relevant plans and programmes.</i>	<p>The Scoping Report contains this information.</p> <p>Section 1 of the IA report outlines the contents and main objectives of the plan.</p> <p>Section 2 of the IA Report provides a summary of the scoping process and outcomes.</p>
<i>The relevant aspects of the current state of the environment and the likely evolution thereof without</i>	Scoping Report and scoping summary within Section 2 of the IA Report.

Requirements / guidance notes	How does the IIA address these points?
<i>implementation of the plan or programme.</i>	Woven within appraisal findings throughout the IA Report
<i>The environmental characteristics of areas likely to be significantly affected.</i>	<p>Scoping Report and scoping summary within Section 2 of the IA Report.</p> <p>Woven within appraisal findings throughout the IA Report.</p>
<i>Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Council Directive 79/409/EEC on the conservation of wild birds(a) and the Habitats Directive.</i>	<p>Scoping Report and scoping summary within Section 2 of the IA Report.</p> <p>Woven within appraisal findings throughout the IA Report.</p>
<i>The environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation.</i>	<p>Scoping Report and scoping summary within Section 2 of the IA Report.</p> <p>Woven within appraisal findings throughout the IA Report.</p>
<i>The likely significant effects on the environment, including short, medium and long-term effects, permanent and temporary effects, positive and negative effects, and secondary, cumulative and synergistic effects.</i>	Woven throughout the IA Report in various appraisal findings including consideration of options, policies, sites etc.
<i>The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme.</i>	Section 10 of the IA Report summarises the mitigation measures identified throughout the IA process and how the Council responded.



Requirements / guidance notes	How does the IIA address these points?
<p><i>An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information.</i></p>	<p>Section 4 of the IA Report outlines the approach to considering and establishing reasonable alternatives.</p> <p>Section 5 discusses the approach to identifying and appraising reasonable alternatives for housing strategy.</p> <p>Section 6 discusses the approach to identifying and appraising reasonable alternatives for employment strategy.</p> <p>Section 7 discusses alternatives in relation to 'sustainable communities'.</p> <p>Section 8 discusses individual site options.</p> <p>Difficulties encountered in the assessment process are outlined in the method sections (for example paras 3.2.2, 3.2.5, 3.2.6 and 3.3.11), and also throughout the appraisal text itself (for example through acknowledgment of uncertainties in the accuracy of predicted effects).</p>
<p><i>A description of the measures envisaged concerning monitoring in accordance with regulation 17.</i></p>	<p>Section 11 discusses monitoring. Indicators will be finalised upon Adoption of the Plan.</p>
<p><i>A non-technical summary of the information provided under paragraphs 1 to 9.</i></p>	<p>Separate document prepared (Exam ref: CD04)</p>

**Issue 3: Has the Habitat Regulations Assessment (HRA) been undertaken in accordance with the Regulations and is it robust?**

Q9. Have the requirements of the Conservation of Habitats and Species Regulations 2017 as amended, as explored through subsequent case law, been satisfied in the preparation of the Plan?

The Habitat Regulations Assessment report (HRA) (CD05) is considered robust and has been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), as well as relevant case law.

Section 2 of the report describes the HRA Tasks, which are guided by the Regulations. Task 1 is a Screening for Likely Significant Effects, followed by the Appropriate Assessment stage, and then whether Avoidance and Mitigation is required.

Section 3 of the report sets out the Task 1 assessment for all relevant impact pathways for European sites: recreational pressure, increased water demand and impact on water quality, and atmospheric pollution.

The Legislation section recognises judgements, including People Over Wind and Sweetman v Coillte Teoranta (European Court of Justice case C-323/17), which are incorporated into the assessment.

One of those impact pathways (increased water demand and impact on water quality) is then taken forward to appropriate assessment (Task 2) in Section 4 of the report. In Section 4 it is determined that abstraction for public water supply has been fully assessed in the HRA of Severn Trent Water's Water Resource Management Plan which concluded no adverse effect on integrity. Regarding surface water runoff impacts on Midlands Meres & Mosses Phase 2 Ramsar site the HRA refers to policies regarding SUDS in Policy CC5 of the Local Plan to draw a conclusion of no adverse effect on integrity. As 'mitigation' this policy is only considered at the appropriate assessment stage of HRA in accordance with case law.

Section 5 of the HRA then considers the impacts of the plan in combination with other plans and projects, as required by law.

Q10. Is it clear how the HRA has influenced the approach in the Plan?

The HRA (CD05) was undertaken in a timely manner at formative stages of plan-making, ensuring that any issues could be identified prior to the plan being finalised.

As set out in Sections 4 and 6 of the HRA report, no changes were required to the Local Plan in order to protect European sites. Therefore, there was no requirement for changes in approach to be made within the Plan in response to the HRA.

Q11. Does the HRA recommend modifications to the Plan? If so, have these been made/are they being proposed by the Council?

As set out in Sections 4 and 6 of the HRA report (CD05), no recommendations are made for changes to the Local Plan.

The Council consulted at each stage of the plan making process with Natural England (NE). NE have not raised any significant issues throughout plan preparation that would have necessitated any modifications to the plan.

#### **Issue 4: Has the Plan been prepared in accordance with other legal and procedural requirements?**

##### Q12. Does the Plan conform with the Local Development Scheme?

Yes, the Local Plan conforms with the Local Development Scheme (LDS) (CD12). The current LDS was adopted in January 2025 and it contains a Local Plan timetable in section 4. This confirms that earlier plan making stages have now been completed and the Council met the timetable for the Publication Stage consultation in Spring 2025. The timetable confirms that the Submission stage of the plan would be subject to and subject to Planning Inspectorate timescales.

##### Q13. The Plan period is 2020-2040. Is this sufficient and in accordance with national policy?

In order to comply with the requirements of the National Planning Policy Framework (NPPF) paragraph 22, the Council has suggested a modification to the plan to amend the plan date from 2020-2040 to 2021-2041.

##### Q14. Does the Plan comply with the Statement of Community Involvement and have the minimum consultation requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 been met?

Yes, the Local Plan complies with the Statement of Community Involvement (SCI) (CD13). The requirements set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 have been met. At the Regulation 19 Publication stage the plan was available for a period of seven weeks for the public and stakeholders to make representations.

##### Q15. Does the Plan accord with Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 and national policy in respect of climate change?

Yes, the Local Plan accords with Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 and national policy in respect of climate change. Addressing climate change is a key theme of the plan and forms a key part of the vision and priorities (Priority 1) as well as Strategic Policy S5. The Plan includes a chapter on climate related development management policies to help provide clarity for planning applications coming forward.

Q16. Is it clear from the Plan how it relates to any other plans that form the Development Plan for the area?

Paragraph 2.18 and 2.19 and figure 3 in the Publication Version of the Local Plan clearly set out the Neighbourhood Plan documents that form part of the overall Development Plan. Paragraph 2.19 goes on to state that *“Plans contain locally distinctive policies for the neighbourhood plan area that decision makers must take into account when determining planning decisions for that area.”*

Q17. Has the public sector equality duty been met in the preparation of the Plan?

Under the Equality Act 2010, Local Authorities, have a statutory duty to comply with the Public Sector Equality Duty (PSED).

The Council has paid due regard to the aims of the PSED in a number of ways when preparing the Local Plan, including;

- Members and officers preparing the plan are aware of their requirements under s149 of the Equality Act 2010.
- Gathering information regarding those affected by the plan, including demographic and socio-economic information to help inform the decision making related to the plan. This is most clearly shown in the Integrated Impact Assessment but conscious consideration is shown throughout documentation.
- An Equality Impact Analysis has been completed identifying the potential impact of decisions both positive and negative on those who share and do not share specific protected characteristics with proposed mitigations.
- Specific housing policies related to an aging population have been included in the plan including policy HO6 Supported and Specialist Housing. Policy HO3 Housing Mix and Quality clarifies that the Council is planning for a range of housing needs including care leavers. Broader policies also support the provision of play, recreation open spaces which benefits young people and the need for new community facilities in the Sustainable Communities sites.

Throughout the plan development Members and Officer have been cognisant of the need to meet the PSED aims. Here are some practical examples:

- The Local Plan Website, [www.telfordandwrekinlocalplan.co.uk](http://www.telfordandwrekinlocalplan.co.uk), was developed and tested with members of the local community to ensure that was suitably accessible. Their feedback shaped the approach and the layout of the website further enhanced by the use of Reachdeck, an accessibility toolbar that offers reading support for people with disabilities and for those where English is a second language.
- Consultation events occurred across the borough in local spaces that were accessible to residents nearby. This reduced the barrier to participation for older people and people with disabilities whilst bringing people together.

Q18. Does the Plan comply with all other relevant legal requirements, including those in the 2004 Act (as amended) and the 2012 Regulations?

Yes, the Local Plan complies with all other relevant legal requirements including the 2004 Act. The Council has reviewed matters which may be expected to affect the development of the area or planning of its development. This includes reviewing the development needs of the borough through the EHDNA (EH01), availability of land within through two call for sites processes and other constraints and opportunities (including infrastructure).

The Regulation 22 Statement (CD07) describes the process the Council has undertaken in the preparation of the Local Plan including consultations arrangements. This confirms that the plan making process has been undertaken in line with the Councils published Statement of Community Involvement (CD13).