

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

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#### Matter 6, Issue 7

**Issue 7: Whether the policies for community infrastructure, culture and open space are positively prepared, justified, effective and consistent with national policy.**

#### **Policy CI1 – Community facilities**

Q129. Is the policy clear enough to be effective about (a) how demand arising from new development will be assessed; (b) application requirements in this respect; and (c) the basis for calculation of financial contributions towards off-site provision or up-grade of community facilities?

(a) - The Council consider policy CI1 to be clear enough to be effective with regards to how development created demand for community facilities will be assessed. As stated in paragraphs 12.7 and 12.9, the amount and type of provision will vary by development based on area, scale and existing demand. As noted in paragraph 12.8 community facility requirements will need to be discussed on a case-by-case basis at the planning application stage.

(b) - Supporting text 12.5 sets out a list of developments considered by the Council to be community facilities, as stated in CI1 applicants will be expected to retain these facilities. CI.1 also notes that in cases where development increases demand for facilities this must also be provided for either on or off site. Applicants will be expected to provide evidence to support the provision of offsite facilities over onsite provision per CI1.2.

CI1.4 clearly says out the circumstances under which the Council will accept loss or reduction of community facilities and what evidence would be required to prove such circumstances.

(c) - As stated in supporting paragraph 12.8, evidence documents such as the Infrastructure Delivery Plan (IS01) will be used as the basis the calculation of contributions.

Following consultation the Council suggests the following as an appropriate edition to the supporting text for policy CI1

*“12.11. All major development proposals will be expected to contribute to the provision of infrastructure, services, and facilities necessary to support sustainable development. Contributions will be secured, for community infrastructure, through planning obligations (Section 106 agreements), where site-specific mitigation is*

*required. In the absence of Supplementary Planning Documents (SPDs), the Council will determine the nature and scale of contributions based on National and Local guidance, that identify infrastructure needs and thresholds, guidance including the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), the Local Plan, the Infrastructure Delivery Plan (IDP), and viability assessments submitted by developers to ensure deliverability. In the instance of Play, Sport, Recreation and indoor sports contributions may be sought using the Councils Play Recreation and Open Space, Sport England's Playing Pitch calculators and Sport England's sports facilities calculator tool."*

Q130. Is part 4 positively prepared in relation to infrastructure providers' service transformation plans (e.g. the NHS)?

The Council finds that policy CI1.4a and b provide sufficient flexibility for infrastructure providers such as the NHS to enact transformation plans. CI1.4b states that loss or reduction can be acceptable where providers can demonstrate that there is alternative existing provision or development is proposed which would address the required need.

Following consultation, it is however considered that the following modification to CI1.4 to include the following could provide further clarity to this.

*"c. Where healthcare facilities are declared surplus or identified as part of an estates strategy or service transformation plan where it can be demonstrated within a 12 month period that investment is needed towards modern, fit for purpose infrastructure and facilities, the requirements under Points (d) or (e) will not apply."*

### **Policy CI3 – Provision and management of open spaces**

Q131. Is the policy clear enough to be effective in relation to (a) the basis for calculation of financial contributions towards off-site provision or enhancement of public open space; and (b) how part 4 will be applied to outline planning applications?

(a) - Yes, as written policy CI3 is clear that the Developer Contributions Strategy (for play, recreation and open space) (2022) will serve as the basis for developer contributions calculations, stated in paragraph 12.22 of CD01 – Local Plan Review. This is expanded on further in paragraph 12.24, which explains part of the methodology for the calculator.

The Council consider that the following rewording of the supporting text (12.25) could provide further clarity to the matter of expected developer contributions.

*"The Council considers, **for the purpose of securing on and offsite infrastructure**, the use of child bed spaces in the calculation of requirements for play provision to be the most accurate measure of need. **The Council also use the***

***Play, Recreation and Open Space strategy, Sport England's Playing Pitch Calculator tool as well as latest available Council guidance to secure in on and offsite infrastructure provision."***

(b) - Part 4

*"The Council will, require development proposals to provide sufficient management and / or financial provision for the future management and maintenance in perpetuity of new and existing public open space which forms part of, or is created by, a development."*

The Council will expect that policy CI3.4 will be addressed through the completion of a Land Management Proposal. Given that public open space management often requires more detail than would be expected at the pre-application stage a management plan will not be required, but may be submitted before, the full permission or reserve matters stage of the planning process.

The Council find that stating this explicitly within supporting text paragraph 12.30 may be beneficial to the clarity and effectiveness of the plan.

Q132.Is the requirement in part 3 to accord with latest Council guidance soundly based? Policy CI4 – Leisure, culture and tourism

The Council considers that the requirement for new LEAP's and NEAP's to be designed in accordance with the latest Council guidance to be soundly based, provided the guidance is from an adopted document which does not seek to implement new planning policies (in line with paragraph 008 of the PPG)( [Plan-making - GOV.UK](#)).

Q133.Is the policy consistent with the national policy, including Framework paragraph 88?

Yes, the policy as currently drafted is consistent with NPPF. In relation to paragraph 88 in particular points C and D the policy (point 3) allows for the development of leisure, tourism and cultural facilities in other areas where it cannot be delivered in the boroughs centres, complying with points b and c of the policy. The Council recognise that a further modification may be required to distinguish between rural and urban leisure, tourism and cultural development.

The Council consider that this could be further emphasised by the inclusion of reference to ancillary development as well as indoor and outdoor within the policy.

Q134.Is there a tension between policies CI4 and EC3 or NE6 in relation to tourism and leisure development in rural areas? If yes, how should this be resolved for the Plan to be effective?

The Council do not find there to be a conflict between the strategies laid out between policies CI4, EC3 and NE6.

Policy NE6 relates specifically to the Shropshire Hills National Landscape as well as the two Strategic Landscape Areas within the borough. The Council considers that the protection of these landscapes must be a principal consideration for development within the area. Explicitly stating that development which are likely to have a significant adverse effect on the special qualities of the National Landscape will be resisted.

This is consistent with policy EC3.2d which states development will be supported where it would not have a detrimental impact on the character and quality of the rural area and nearby uses. Neither of these policies would constrain the application of policy CI4 unnecessarily whilst still maintaining the Councils commitment to protecting its natural habitats.

Similarly, policy EC3 requires applicants to provide evidence that their development would demonstrate from a rural location and be beneficial to that location. This sentiment is shared within policy CI4.1 as well as CI4.4 and 5 and is especially relevant given the prevalence of tourism within the borough related to its striking natural features.

Q135.To be effective, is it necessary for the policy to (a) provide for crosssubsidy of leisure development through other uses such as residential; (b) seek developer contributions towards restoration of the Shrewsbury & Newport Canals; and/or (c) refer to 'glamping'?

(a) - While the Council can foresee circumstances where cross subsidy for leisure development through uses such as residential could provide a benefit to the rural economy and provision of leisure and tourism developments within the borough, it is not considered to be a necessary inclusion to make the policy effective and should be treated on a case by case basis and in consideration of other infrastructure requirements necessary to make development happen, for example the provision of school places.

(b) - No, the Council does not find that explicitly stating that developer contributions will be sought in order to aid in the restoration of the Shrewsbury & Newport Canal is a necessary inclusion in order for the policy to be effective. The restoration of the canal is not necessary to make development happen as opposed to requirements, such as, provision of school places. The purpose of point 6 of the policy is to allow for protection of the general alignment of the canal and provide policy support to schemes, that require planning permission, that may come forward in the future. It should also be noted that policy CI4 is not included within Appendix D, which sets out policies the Council would use to secure developer contributions.

(c) - While the Council considers that glamping could be a justifiable form of development with the current wording of policy CI4 and its supporting text, it is considered that explicit reference to this form of development could provide further

clarity for applicants and decision makers. A modification in document CD08 has been suggested to reference glamping.