

Telford and Wrekin Main Modifications to the Publication Version of the Local Plan
Public consultation 8th June to 5pm Monday 20th July

Word consultation response form

Please use this form if you wish to comment on the Telford and Wrekin Main Modifications to the Publication Version of the Local Plan. Further information can be found on the Councils website at www.telfordandwrekinlocalplan.co.uk

This form may be scanned or returned via e-mail to: LocalPlan@telford.gov.uk

Alternatively, forms can be posted to; Strategic Planning Team, Telford & Wrekin Council, Southwater One, TF2 2FH

How we will use your information

The information you have provided will be used to inform Main Modifications to the Publication Version of the Telford and Wrekin Local Plan. We will only publish anonymised responses, parts of responses, or a summarised version of responses and will ensure individual survey respondents cannot be identified. This information is being processed under DPA – Schedule 2 (2a) (GDPR 2018 -Article 6 (1)e).

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We are asking for your personal details to allow us to contact you where we require clarification/further information. You do not have to include your personal details but not doing so might affect the council's ability to act on the information you have provided.

Personal Details

Title	Mr
First Name	Joseph
Last Name	Cramphorn
Address	
Commenting on behalf of (if relevant)	Defence Infrastructure Organisation (DIO)
Organisation (if relevant)	Savills
Telephone	
Email	

NOTE: The questions below are numbered 1 to 7. Please attach any typed or written responses related to the questions below when submitting this form.

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Q1: Which proposed Main Modification does this comment relate to? Please state clearly the modification reference (*for example MM008*):

MM04

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☒ Sound

☐ None of the above



Q3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

Alternatively, if you wish to support the legal compliance or soundness of the Main Modification, please also use this box to set out your comments.

We support the inclusion of the following text within paragraph 3.10 of the Local Plan Priorities:

"As well as sites such as Parsons and Venning Barracks which represent a significant opportunity to regenerate brownfield land."

This rightfully recognises Parsons and Venning Barracks position as one of the largest brownfield regeneration opportunities in the Borough.



Q4: Please set out what change(s) you consider necessary to make the Main Modification legally compliant and/or sound, having regard to the test you have identified above where this relates to soundness.

You will need to say why the change(s) will make the Main Modification legally compliant and/or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

N/A

Q5: Do you have any comments on the Integrated Assessment Report Addendum, in respect to this particular Main Modification? Please provide them in the box below:



Click or tap here to enter text.

Q6: Do you have any comments on a Proposed Revision to the Policies Map? Please provide them in the box below:



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Q7: Do you have any comments on one of the Councils Additional Modifications? Please provide them in the box below:

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Q1: Which proposed Main Modification does this comment relate to? Please state clearly the modification reference (*for example MM008*):

MM011

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☐ Sound

☐ None of the above

Q3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

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The following additional criteria is proposed to be added to Policy NE2:

"Development should have regard to the principles set out within the latest adopted Shropshire and Telford & Wrekin Local Nature Recovery Strategy."

Regard should only be had where such principles are relevant. There is potential for onerous, or indeed potentially erroneous designations to be made in the LNRS, which in turn feeds into the principles set out in the LNRS.

There is no need to reference the LNRS directly in this context, as under the Environment Act 2021, Local Planning Authorities (LPAs) are legally required to "have regard" to these strategies, making them a material consideration in the determination of planning applications in any case.

The decision maker may choose not to have regard to the LNRS if there is evidence for it being onerous and / or erroneous.



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The text: "Development should have regard to the principles set out within the latest adopted Shropshire and Telford & Wrekin Local Nature Recovery Strategy." should be removed, as this is an unnecessary replication of an existing requirement in the Environment Act 2021.



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Click or tap here to enter text.



Q6: Do you have any comments on a Proposed Revision to the Policies Map? Please provide them in the box below:

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MM013

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☒ Sound

☐ None of the above

Q3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

Alternatively, if you wish to support the legal compliance or soundness of the Main Modification, please also use this box to set out your comments.

We support the inclusion of a new criteria in Policy S3 as follows:

"The allocation of employment land on Sustainable Communities sites in accordance with Policy HO2"

This provides recognition of sites such as Parsons and Venning which are located within the Sustainable Communities, but contain employment land. Venning barracks, for example is located within the Strategic Employment Area (SEA).



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MM017

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☒ Legally compliant

☐ Sound

☐ None of the above

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The proposed modification states that sustainability statements are required which are "commensurate to the scale of development".

However, we consider that this wording should be expanded to also state that information submitted in respect of a sustainability statement should also be "commensurate to the scale of development, and type of application being submitted (Outline, Hybrid or Full)".

This is because the type of application being submitted will also influence the amount / detail of information available, and in addition certainty regarding the agreed details submitted.



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To ensure that the policy is effective, the proposed modification: "commensurate to the scale of development" should be amended to read:

"commensurate to the scale of development, and type of application being submitted (Outline, Hybrid or Full)"



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MM018

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☐ Sound

☐ None of the above



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Para 4.47 is proposed to be amended to include reference to the Climate Change SPD. This document is dated 2023, and is not aligned to be supplementary of the policy requirements of the emerging Local Plan, and it's requirements have not been tested through the viability appraisal. Reference to the Climate Change SPD within the Local Plan should therefore be removed.



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To ensure that the policy is suitably justified, there is a requirement to remove reference to the "Climate Change SPD".

The SPD was not produced to be supplementary to the policies of the emerging Local Plan, so should therefore carry limited weight.



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MM021

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☐ Sound

☐ None of the above

Q3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

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The modification relates to a proposed clawback mechanism within the policy, in relation to Section 106 agreement.

It is not clear how such a clawback mechanism is considered acceptable in line with Section 106, and the CIL 122(2) Regulations.

122(2) states that: "a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms"

Compliance with this legal test will be determined at the point of determination of the application, and signing of a related Section 106 agreement to secure such obligations.

it is therefore not clear how such a clawback contribution would be necessary to make the development acceptable in planning terms, if it has already been decided at the point of determination that this is the case. Viability considerations do not change the conclusion drawn in this respect.



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Reference to a "clawback mechanism" for contributions should be removed from the policy.

This is to ensure compliance with CIL Regulation 122(2). This ensures that the policy is both legally compliant and reasonably justified.



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Personal Details

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Last Name	Cramphorn
Address	
Commenting on behalf of (if relevant)	Defence Infrastrucutre Organsiation (DIO)
Organisation (if relevant)	Savills
Telephone	
Email	

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MM031

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☐ Sound

☐ None of the above

Q3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

Alternatively, if you wish to support the legal compliance or soundness of the Main Modification, please also use this box to set out your comments.

The revised wording of the supporting text to Policy CC4 states that: "Applicants for new residential development will be expected to demonstrate their proposal can achieve the optional technical standard that is in force at the time their application is submitted."

It is not clear how this Local Plan can require compliance with a standard that is yet to be announced. As the standard is unknown, the requirement to comply is unjustified.

PPG (Housing: Optional Technical Standards) states that such optional technical standards must be assessed against existing evidence base, consultations with the local water and sewerage company and consideration of the impact on viability and housing supply of such a requirement.

This must be undertaken now, rather than post adoption of the plan (when the nature of such requirement will become known)



Q4: Please set out what change(s) you consider necessary to make the Main Modification legally compliant and/or sound, having regard to the test you have identified above where this relates to soundness.



You will need to say why the change(s) will make the Main Modification legally compliant and/or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is not clear how this Local Plan can require compliance with a standard that is yet to be published. As the standard is unknown, requirement to comply with the requirement is unjustified.

Reference to future (unknown) optional standards should be removed. PPG requires such optional standards to be tested through the Development Plan making process. This is not possible if unknown requirements are to be imposed retrospectively post adoption.



Q5: Do you have any comments on the Integrated Assessment Report Addendum, in respect to this particular Main Modification? Please provide them in the box below:

Click or tap here to enter text.



Q6: Do you have any comments on a Proposed Revision to the Policies Map? Please provide them in the box below:

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Q1: Which proposed Main Modification does this comment relate to? Please state clearly the modification reference (*for example MM008*):

MM021

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☐ Sound

☐ None of the above

Q3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

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The modification relates to a proposed clawback mechanism within the policy, in relation to Section 106 agreement.

It is not clear how such a clawback mechanism is considered acceptable in line with Section 106, and the CIL 122(2) Regulations.

122(2) states that: "a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

(a) necessary to make the development acceptable in planning terms"

Compliance with this legal test will be determined at the point of determination of the application, and signing of a related Section 106 agreement to secure such obligations.

it is therefore not clear how such a clawback contribution would be necessary to make the development acceptable in planning terms, if it has already been decided at the point of determination that this is the case. Viability considerations do not change the conclusion drawn in this respect.



Q4: Please set out what change(s) you consider necessary to make the Main Modification legally compliant and/or sound, having regard to the test you have identified above where this relates to soundness.

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Q1: Which proposed Main Modification does this comment relate to? Please state clearly the modification reference (*for example MM008*):

MM037

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☐ Sound

☐ None of the above



Q3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

Alternatively, if you wish to support the legal compliance or soundness of the Main Modification, please also use this box to set out your comments.

Reference is made to assessment of the potential impact of proposals on trees, hedgerows and woodlands "within or adjacent to the development site".

It is not clear how "adjacent" is defined in this context, and the limit of such an area of consideration.



Q4: Please set out what change(s) you consider necessary to make the Main Modification legally compliant and/or sound, having regard to the test you have identified above where this relates to soundness.



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The term: "adjacent" should be defined in the policy text. It is not clear what the scope of area to include in an "adjacent" area is.

Adjacent is defined in the Cambridge Dictionary as: "very near, next to, or touching" There is potentially subjectivity around what would be defined as "very near" in this context, and this should be clearly defined in the policy to ensure suitable clarity and precision of the policy requirement.



Q5: Do you have any comments on the Integrated Assessment Report Addendum, in respect to this particular Main Modification? Please provide them in the box below:

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MM044

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☐ Sound

☐ None of the above

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This modification states that: "The Council is developing guidance" in relation to the Greening Factor.

That guidance is not available for review, and therefore there is no suitable justification that the Greening Factor is deliverable, as key requirements related to it's implementation are unknown.

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Reference to future guidance should be removed, and any requirements for the implementation of the Greening Factor included in the emerging Local Plan.

This is required to ensure that the plan is suitably justified, and ensure that due regard is given for the potential implications of the Greening Factor for the deliverability and viability of development sites.



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Q1: Which proposed Main Modification does this comment relate to? Please state clearly the modification reference (*for example MM008*):

MM069

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☐ Sound

☐ None of the above

Q3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

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There are three elements of the proposed policy wording which we consider make the policy unsound. They are:

Reference to two primary schools being required on Site. This is ahead of there being an accurate picture of what the current education need in the area is, and therefore the level of requirement for new provision. Reference should instead be made to land being made available for primary school provision and / or contributions made to off site provision with details to be confirmed at the application stage, and secured through a suitably worded S106 agreement.

For consistency, reference should be included in the text to the potential for "Sui Generis - Military Uses" to take place on the North Telford Strategic Employment Area component of the Site.

Any guidance to inform the design Brief and/ or Masterplanning of SC2 will be prepared following consultation with the public and landowners.



Q4: Please set out what change(s) you consider necessary to make the Main Modification legally compliant and/or sound, having regard to the test you have identified above where this relates to soundness.

You will need to say why the change(s) will make the Main Modification legally compliant and/or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Reference to: "two primary schools" should be replaced with: "land for primary school provision".

The list of uses in the North Telford Strategic Employment Area should be expanded to include reference to "Sui Generis - Military Uses"



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MM133

Q2: Do you consider that this Main Modification is:

☒ Legally compliant

☐ Sound

☐ None of the above



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The proposed appendix D includes reference to the use classes at SC2 - Land North East of Muxton.

It lists the following use classes for the allocation: B2, B8, E(g).

It should be noted that part of SC2 at Venning Barracks is included within the SEA. MM050 proposes a new paragraph after Policy EC1, which make clear that employment uses in the SEA include "Sui Generis - Military Uses".

By extension, reference should therefore be made to sui generis uses being provided in SC2.



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Reference should therefore be made to "Sui Generis - Military Uses" taking place with SC2.

This is required to ensure that the policy is effective in aligning with the uses which are deemed acceptable in the SEA.



Q5: Do you have any comments on the Integrated Assessment Report Addendum, in respect to this particular Main Modification? Please provide them in the box below:

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