



Telford and Wrekin Local Plan Review

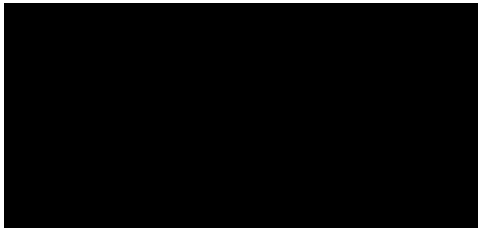
Main Modifications (Regulation 24) Consultation

Muxton Developer Consortium Representations

July 2026



Applicant's Details



Issued by



Project

Representations Relating to the Telford and Wrekin Local Plan Review Main Modifications (Regulation 24) Consultation

PLEASE NOTE:

This report (including any attachments) has been prepared with care and due diligence in response to our instruction to prepare and submit representations to Telford and Wrekin Council regarding the Local Plan main modifications consultation exercise. It is prepared solely for the purpose for which it is provided. Unless we provide express prior written consent, no part of this report should be reproduced, distributed or communicated to any third party. We do not accept any liability if this report is used for an alternative purpose to which it is intended, nor to any third party in respect of this report.



Representations

- 1.1 The following representations are made in response to the Telford and Wrekin Local Plan Review Main Modifications (Regulation 24) Consultation on behalf of the Muxton Developer Consortium.
- 1.2 Please note these representations will be submitted through the consultation portal as well as separately within this report.

MM003: Vision for the Borough

- 1.3 The definition of the term 'Forest Community' does not set out any firm principles or measurable goals or objectives which could be used to assess future development proposals in the town. The phrase 'extensive tree planting' must be defined more precisely before it can be used effectively as a principle within any other policy. The Muxton Consortium would suggest that 'extensive' be replaced with '*appropriate*'.

MM021: Policy S7 – Developer Contributions and Infrastructure Delivery

- 1.4 MM021 proposes amendments to Policy S7 (developer contributions and infrastructure delivery). For the sake of clarity, the first sentence of Point 1. should have the word '*infrastructure*' inserted between the words 'enhanced' and 'provision'. The words '*where necessary*' should be added to the end of the first sentence of Point 1.
- 1.5 In Point 1.c, the range of services and facilities to be funded remains ambiguous. The wording could be applied to any public service or facility within the proposed community, resulting in uncertainty over the extent to which contributions will be sought and how the policy will be applied in practice. On this basis, the Consortium requests that 1.c be amended to state, "*Ongoing revenue via commuted sums for the management and maintenance of open space and sustainable drainage features*".
- 1.6 With regard to Point 4, the Consortium's view is that the Council's proposal to claw back funding, where a scheme's gross development value exceeds updated costs and 'normal' profit, is unreasonable and unjustified. Such a clause will create uncertainty for developers wishing to invest in the area and is not reflective of the significant risks taken by developers when developing such sites. This is especially the case for the three sustainable communities, which will be built out over many years, likely encompassing a range of economic climates and much fluctuation in build costs.
- 1.7 The level of risk taken on by developers when progressing major schemes, such as the Muxton sustainable community, should not be underestimated. By way of example, Bloor's 2,000-home Sandon Gate scheme in Stafford has required an up front investment of c£50m (fees, land and infrastructure) to enable the first sales completion. It is not

expected to become cash positive until around three quarters of the dwellings are built and sold, which will not occur for more than a decade.

- 1.8 The principle of clawing back profit is not supported. However, were such a clause found to be sound, the Council's proposal to undertake a review upon the completion of 75% of housing units is unjustified by evidence, policy or regulations. Such a review could have a significant impact upon the completion of one or more of the three sustainable communities. On sites of this scale, even at the completion of 75% of dwellings, there is likely to remain several years of delivery, over which time the economic climate and market could change. Undertaking a review of viability at this stage would be unreasonable.
- 1.9 A more appropriate mechanism for schemes providing more than 500 dwellings would be to undertake phase-by-phase viability appraisals, with the affordable housing provision for each phase (within the policy requirement of 20%) to be adjusted accordingly. This method would ensure the most up-to-date costs and revenues were taken into account when undertaking viability appraisals. It would often mean that earlier phases might provide a lower amount of affordable housing (against a higher infrastructure burden), with the amount of affordable housing being viable increasing as the development progressed.
- 1.10 For schemes of 500 dwellings or less, any 'super profit' should be shared equally between the developer and the Council. There is no justification for a 70/30 bias in favour of the Council, given the fact that the Council is not taking on any of the risk.
- 1.11 The Muxton Consortium suggests the first sentence of Point 4. be reworded as follows: *"...the Council reserves the right to review viability developments upon completion, or in the case of strategic schemes of over 500 units, upon completion of each phase of development, as agreed with the developer before commencement".*
- 1.12 Finally, were such a clause to be retained in the adopted policy despite the concerns raised above, it is imperative that the policy also allows for developers to trigger a review, should economic and market conditions render the agreed developer contributions unviable. We would suggest wording along the following lines be added to the policy, *"If, at any stage in the delivery of a strategic scheme comprising more than 500 units, the developer has reason to believe that factors beyond their control have compromised the viability of the scheme, the developer may request a review of viability and contributions with the Council."*

MM032: Policy CC5 – Flood Risk Management and Sustainable Drainage Systems

- 1.13 This modification proposes a new criterion between 1c. and 1d. requiring investigation of the capacity of existing drainage assets to ensure development will not overload such assets. This implies that planning permission could be refused where an existing asset is deemed to be overloaded, even where there is opportunity to improve, bypass or replace the asset. The wording should be amended so that it reads, *"...has been undertaken to*

ensure that any potential overloading of the asset can be mitigated or otherwise overcome."

MM040: Policy NE3 – Biodiversity Net Gain

- 1.14 The Consortium supports the replacement of 'should deliver' with 'should aim to provide' in relation to the percentage of BNG to be applied to major development. This change will introduce more flexibility for the developers of the sustainable communities.

MM067: Introduction to Policy HO2

- 1.15 The Muxton Consortium welcomes the decision to include the three sustainable communities within the urban area of Telford. This will remove the need to provide unnecessary justification for the development of these sites during the planning application process.
- 1.16 The Consortium also welcomes the intention to provide clarity on consultation requirements for the Design Brief and Masterplan through an addendum to the Council's Statement of Community Involvement (SCI).
- 1.17 However, it is important that the required approach established through the SCI is proportionate, given the significant consultation already undertaken for each sustainable community during the Local Plan preparation process. This consultation has established the broad parameters for the development and has established that further consultation will be undertaken specifically in relation to individual planning applications.

MM069: Policy HO2 – Sustainable Communities, SC2 Land North East of Muxton

- 1.18 The Consortium considers draft Policy HO2 – SC2 to meet the tests of soundness under Paragraph 36 of the National Planning Policy Framework (December 2024) and supports the policy in principle. However, parts of the policy, as currently drafted, remain ambiguous and internally inconsistent with other policies of the Plan. These require amendment to ensure HO2 can be applied effectively and consistently upon adoption of the Plan.
- 1.19 The name of the SC2 sustainable community should be amended to '*Land North West of Muxton*' in order to better reflect its true location in relation to the existing settlement of Muxton.
- 1.20 The first sentence of the second paragraph in the vision section should be amended to read, "*Site SC2 will deliver a well-connected, comprehensive and well-served community to the north west of Muxton*".
- 1.21 The second and sixth paragraphs of the vision refer to "two local centres". The masterplan for the Muxton sustainable community has always shown three local centres. The third local centre is needed to ensure that all residents can enjoy facilities within a reasonable walking and cycling distance of home.

- 1.22 In the third paragraph, the requirement for SC2 to be delivered in accordance with the Plan's vision for Telford as a 'Forest Community' includes reference to 'extensive tree planting and landscaping on the site to create a community set in the landscape'. The use of the term 'extensive' is unquantifiable in terms of the scale and extent of planting expected. It, therefore, introduces a degree of ambiguity and uncertainty as to how this requirement will be applied in decision-making. The Muxton Consortium asks that 'extensive' be replaced with '*appropriate*', recognising also that other policies of the Plan (such as NE4 – Development Greening Factor) will inform the extent of tree planting on site. The wording of HO2 also needs to align with NE4 and with other policies throughout the Plan.
- 1.23 In the fourth paragraph of the vision, the first sentence restricts the acceptable uses for employment land to only B2, B8 and E(g) uses. This is inconsistent with the requirements of Policy EC1, which provides some flexibility around other employment-generating uses beyond B2, B8 and E(g) within Strategic Employment Areas (SEAs). Flexibility is important to allow employment areas to provide a range of complementary employment activities and to respond to changing market demands over the Plan period in accordance with paragraph 86 of the NPPF. The Muxton Consortium requests that the words 'and will consist of B2, B8, E(g) uses' be deleted. Should the Council still wish to include a restriction on use classes, we would ask that any restriction be limited to retail E(a). Other 'E' uses, subject to appropriate technical assessment, could be suitable on employment sites and would help deliver a broader range of employment opportunities for the local community. On the Venning Barracks site itself, sui generis uses which allow for ongoing (albeit non-residential) military uses could also be suitable.
- 1.24 The reference, in the fourth paragraph of the vision, to the amount of employment land to be delivered on Venning Barracks needs to be quantified to ensure the total of 5.6 hectares can be met appropriately across the site. The masterplan for the allocation includes a parcel of employment land attached to the easternmost local centre. The quantum of land required for this parcel cannot be confirmed until the extent of provision on Venning Barracks has been quantified.
- 1.25 The policy wording as proposed could be interpreted as being restrictive of employment land provision outside the local centres or the Venning Barracks site. A more flexible approach must be taken to ensure the employment land requirement can be met by developing appropriate pockets of employment land over the lifetime of the development.
- 1.26 A review of the Muxton masterplan has been carried out (see attached). This confirms that delivering the 'majority' of the 5.6 hectare employment requirement on Venning Barracks is unlikely to be achievable, due to the limited capacity of that site. Whilst some bespoke small-scale provision of E uses in local centres might be appropriate, it is clear that, to meet the 5.6 hectare target, another employment parcel is required. The policy should be revised to enable such a parcel to come forward. In relation to use classes, the policy

should be flexible enough that a range of employment uses, 'E' uses and sui generis uses can be provided on this additional parcel, in order to ensure its viability.

- 1.27 The first sentence in the eighth paragraph should begin, *"In line with Policy S6, the Sustainable Community should be designed..."*
- 1.28 For the avoidance of doubt, the first sentence in the tenth paragraph of the vision should be amended to read, *"The site will provide two primary schools, each with the capacity for up to two-form entry and nursery provision"*.
- 1.29 The delivery section of the policy begins with the words, "Any application on the site will be required to co-ordinate uses across the site, based on effective community engagement". Whilst unlikely to be intended, the requirement for land uses to be based upon the outcome of a community engagement exercise could create unreasonable expectations and unworkable design challenges. The Consortium requests that the wording be changed to, *"having regard to"* or similar.
- 1.30 Reference is made in the second paragraph of the delivery section to the Design Brief and Masterplan being approved before the first planning application is determined. It is not clear whether members or officers will be approving the Brief and Masterplan, and the approval mechanism is not stated. It would be helpful for clarification to be provided, either in the policy itself or in the supporting text.
- 1.31 Delivery Point 1. relates to infrastructure delivery. The proposed wording is generally supported. However, it is important that land value is also accounted for to establish the fair and equitable apportionment of contributions between all relevant parties for shared infrastructure, both within a single community (such as primary schools) and between the sustainable communities (most notably the secondary school). This should be included in the policy wording and in the supporting text.
- 1.32 Delivery Point 3. requires the Design Brief and Masterplan to provide, 'A design vision which establishes design principles'. This is supported by the Muxton Consortium and is considered an appropriate level of detail for a Design Brief prepared at an early stage of the design process. However, there is an inconsistency between the policy wording here and the glossary which, in its definition of the Brief and Masterplan, refers to 'street hierarchy' and 'development blocks'. This goes beyond 'design principles' and requires a level of detail not necessary to include in a Design Brief. Reference is also made to the National Design Guide being a template for the Design Brief. However, the National Design Guide illustrates the Government's view on good design and does not perform the role intended by the Council.
- 1.33 The Consortium is concerned that this approach leaves no room for creative interpretation and flexibility to respond to site-specific and / or changing circumstances through the life of the development. The Design Brief should not, therefore, include more detailed or prescriptive design guidance / coding in relation to, for example, development character,

built form and densities or the design of SUDS and public open space. These are matters for the individual planning applications themselves, through the preparation of design and access statements.

- 1.34 This approach will ensure there is an overarching framework for the delivery of the allocation that still allows for a site-specific approach to be taken to deliver interesting places that address specific constraints and opportunities and create places with a strong sense of identity.
- 1.35 The Consortium, therefore, requests the wording of the Glossary be amended to remove reference to 'street hierarchy, etc.', 'the National Design Guide' and 'development blocks'.
- 1.36 Delivery Point 7. states that the Green Infrastructure Strategy should incorporate the Council's vision for a 'forest community'. As set out elsewhere in these representations, the definition of 'forest community' is not well enough defined to inform the development of policies and strategies such as the Green Infrastructure Strategy.
- 1.37 Delivery Point 8. requires development to have regard to the 'Council's adopted Playing Pitch and Outdoor Recreation Strategy, using Sport England's Pitch Calculator'. Whilst the Consortium's Playing Pitch Strategy has been developed using the Sport England Pitch Calculator, this metric could change in time and could, therefore, become inconsistent and out of date. The policy also does not reference what information the play provision should be based upon.
- 1.38 It is suggested, therefore, that references to the appropriate evidence documents and to future updates of these should be included in the supporting text, or a suitable cross reference be added to the Local Plan's open space policies, including Policy CI3. This will ensure HO2 does not become out of date and the expectations for the site remain clear.
- 1.39 The delivery section of the policy requires a Framework Section 106 Agreement to be approved before the grant of any planning permission. No detail in relation to the content or provisions for such an agreement has been provided to date, and it is unclear how such an agreement would work in practice. As currently written, the policy suggests that all matters need to be agreed between all parties across all three sustainable communities before any planning permission can be granted. This is clearly unreasonable and unworkable.
- 1.40 The Consortium proposes that a single Memorandum of Understanding be agreed between all parties with land interests in the three sustainable communities on matters of key infrastructure. Each individual planning application would then have its own Section 106 Agreement that would be set out as follows:
- Part A – securing proportionate contributions from all three communities towards any infrastructure needs common to all communities (such as the new secondary school on SC3).

- Part B – securing proportionate contributions from each community towards common infrastructure specific to that community i.e. between members of the Muxton Consortium for primary schools.
- Part C – providing for any infrastructure requirements specific to the application in question, for example play equipment or highway junctions.

1.41 This approach has been used effectively to deliver significant development sites involving numerous parties elsewhere (an example can be provided if helpful). It avoids the complexities of agreeing a single Section 106 Agreement between several parties who may be at different stages in the planning process. NB some sites are being promoted without a developer on board and will need to go to market. This may introduce additional parties at late stages compared to other sites.

MM074: Policy HO4 – Affordable Housing Requirements

1.42 The Muxton Consortium notes the reduction to the affordable housing requirement within the Telford built-up area – including the sustainable communities – from 25% to 20%. While this reduction would improve the prospects of delivery of the SC2 allocation with a policy-compliant level of affordable housing, the Consortium remains concerned that 20% will be challenging, given its experience of the cost of infrastructure delivery for sites of this scale. The Council's evidence to support 20% is based upon infrastructure contributions of £15,000 per dwelling, which is expected to be insufficient to cover the infrastructure costs. The Muxton Consortium will, therefore, continue to work with the Council and with stakeholders to understand fully the cost and level of infrastructure required, and will keep under review its ability to deliver a policy-compliant level of affordable housing.

1.43 In Point 1.a, the reference to 'without public subsidy' should be removed from the policy. It is ambiguous and inoperable, given that a decision-maker will not know, at the point an application is determined, whether or not public subsidy will be used to deliver affordable housing during the lifetime of the development.

1.44 Where viability appraisals are submitted at the planning application stage, proposed new point b requires applicants to demonstrate they have made reasonable endeavours to make up the shortfall in affordable housing by applying for public subsidy (grant funding) to bridge the viability gap. Applicants are not able to apply for grant funding ahead of securing planning permission and, therefore, will not be able to comply with this part of the policy. The Consortium requests that the proposed wording be deleted.

MM081: Policy HO11 – Self-Build and Custom Housebuilding

1.45 The Muxton Consortium notes the reduction in the requirement from 5% to 3%. However, it considers this still to be unduly onerous. There is no evidence to demonstrate that at least 3% of plots on housing schemes of one hundred dwellings or more should be provided for self-build or custom-build plots. The EHDNA 2025 states that, as of October 2023, the

Council had received a total of 137 entries on its Self Build Register since 2016 (and it is understood that this is cumulative, with no entries removed when needs have been met or the party is no longer interested). The 3% requirement would equate to 81 plots in the Muxton sustainable community alone. When replicated across other allocations, this would lead to a significant oversupply of plots, far in excess of any evidence of need.

- 1.46 The Consortium considers it unlikely that plots contained within large residential schemes will be sought by those with an aspiration to carry out a self-build or custom-build project. Further, there are practical issues relating to the delivery of plots on large housing sites, such as restrictions on working hours and the delivery of materials, which may make the development of self-build plots unviable or unachievable.
- 1.47 Point 2. should be amended to state that developments over one hundred dwellings should provide self-build or custom-build plots in proportion to the evidence of need in the vicinity of the site at the time the application is determined.

MM088: Policy DD1 – Design Criteria

- 1.48 There is a degree of inconsistency between the proposed wording in HO2 and the proposed wording in Policy DD1 in respect of the ‘forest community’. In MM069, the third paragraph in the ‘Vision’ section requires development to be delivered in line with the vision for Telford as a ‘forest community’, whereas MM088 1.c requires development to respect the forest community principles. As there are no forest community principles within the Local Plan, Point 1.c should be amended to state, *“Respects the landscape setting, topography, and vision for Telford as a Forest Community...”*.

MM118: Policy ML1 – Mineral Safeguarding

- 1.49 The Consortium welcomes the inclusion of the words, “Sites have been allocated for development in the Local Plan”, in a new Point 1.f. This supports the Council’s requirement to deliver new homes in the plan period, and in the case of the Muxton sustainable community, reflects the potential amenity impacts that extraction would have on existing and proposed residential development.

Comments

Event: Telford & Wrekin Council Main Modifications Consultation

Agent Name: Mr PJ Triplow

Agent Organisation: Berrys

Agent Position: Principal Planner

Agent Email: [REDACTED]

Consultee Organisation: Muxton Developer Consortium

Consultee Address: [REDACTED]
[REDACTED]

Consultation point: 4.1 MM003 (Vision for the borough)

Question 1: Which Main Modification does this comment relate to?

MM003

Question 2: Do you consider that this Main Modification is:

Legally Compliant

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

The definition of the term 'Forest Community' does not set out any firm principles or measurable goals or objectives which could be used to assess future development proposals in the town. The phrase 'extensive tree planting' must be defined more precisely before it can be used effectively as a principle within any other policy.

Question 4: 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.

The Muxton Consortium would suggest that 'extensive' be replaced with 'appropriate'.

Consultation point: 5.17 MM021 (Policy S7 Developer contributions and infrastructure delivery)

Question 1: Which Main Modification does this comment relate to?

MM021

Question 2: Do you consider that this Main Modification is:

Legally Compliant

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as

precise as possible.

MM021 proposes amendments to Policy S7 (developer contributions and infrastructure delivery).

In Point 1.c, the range of services and facilities to be funded remains ambiguous. The wording could be applied to any public service or facility within the proposed community, resulting in uncertainty over the extent to which contributions will be sought and how the policy will be applied in practice.

With regard to Point 4, the Consortium's view is that the Council's proposal to claw back funding, where a scheme's gross development value exceeds updated costs and 'normal' profit, is unreasonable and unjustified. Such a clause will create uncertainty for developers wishing to invest in the area and is not reflective of the significant risks taken by developers when developing such sites. This is especially the case for the three sustainable communities, which will be built out over many years, likely encompassing a range of economic climates and much fluctuation in build costs.

The level of risk taken on by developers when progressing major schemes, such as the Muxton sustainable community, should not be underestimated. By way of example, Bloor's 2,000-home Sandon Gate scheme in Stafford has required an up front investment of c£50m (fees, land and infrastructure) to enable the first sales completion. It is not expected to become cash positive until around three quarters of the dwellings are built and sold, which will not occur for more than a decade.

The principle of clawing back profit is not supported. However, were such a clause found to be sound, the Council's proposal to undertake a review upon the completion of 75% of housing units is unjustified by evidence, policy or regulations. Such a review could have a significant impact upon the completion of one or more of the three sustainable communities. On sites of this scale, even at the completion of 75% of dwellings, there is likely to remain several years of delivery, over which time the economic climate and market could change. Undertaking a review of viability at this stage would be unreasonable.

A more appropriate mechanism for schemes providing more than 500 dwellings would be to undertake phase-by-phase viability appraisals, with the affordable housing provision for each phase (within the policy requirement of 20%) to be adjusted accordingly. This method would ensure the most up-to-date costs and revenues were taken into account when undertaking viability appraisals. It would often mean that earlier phases might provide a lower amount of affordable housing (against a higher infrastructure burden), with the amount of affordable housing being viable increasing as the development progressed.

For schemes of 500 dwellings or less, any 'super profit' should be shared equally between the developer and the Council. There is no justification for a 70/30 bias in favour of the Council, given the fact that the Council is not taking on any of the risk.

Finally, were such a clause to be retained in the adopted policy despite the concerns raised above, it is imperative that the policy also allows for developers to trigger a review, should economic and market conditions render the agreed developer contributions unviable.

Question 4: 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.

For the sake of clarity, the first sentence of Point 1. should have the word 'infrastructure' inserted between the words 'enhanced' and 'provision'. The words 'where necessary' should be added to the end of the first sentence of Point 1.

The Consortium requests that Point 1.c be amended to state, "Ongoing revenue via commuted sums for the management and maintenance of open space and sustainable drainage features".

The Muxton Consortium suggests the first sentence of Point 4. be reworded as follows: "...the Council reserves the right to review viability developments upon completion, or in the case of strategic schemes of over 500 units, upon completion of each phase of development, as agreed with the developer before commencement".

We would also suggest wording along the following lines be added to the policy, after Point 4., "If, at any stage in the delivery of a strategic scheme comprising more than 500 units, the developer has reason to believe that factors beyond their control have compromised the viability of the scheme, the developer may request a review of viability and contributions with the Council."

Consultation point: 6.10 MM032 (Policy CC5 Flood risk management and sustainable drainage systems)

Question 1: Which Main Modification does this comment relate to?
MM032

Question 2: Do you consider that this Main Modification is:
Legally Compliant

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

This modification proposes a new criterion between 1c. and 1d. requiring investigation of the capacity of existing drainage assets to ensure development will not overload such assets. This implies that planning permission could be refused where an existing asset is deemed to be overloaded, even where there is opportunity to improve, bypass or replace the asset.

Question 4: 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.

The wording of the proposed new criterion between 1 c. and 1d. should be amended so that it reads, "...has been undertaken to ensure that any potential overloading of the asset can be mitigated or otherwise overcome."

Consultation point: 7.6 MM040 (Policy NE3 Biodiversity Net Gain)

Question 1: Which Main Modification does this comment relate to?

MM040

Question 2: Do you consider that this Main Modification is:

Legally Compliant
Sound

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

The Consortium supports the replacement of 'should deliver' with 'should aim to provide' in relation to the percentage of BNG to be applied to major development. This change will introduce more flexibility for the developers of the sustainable communities.

Consultation point: 9.4 MM067 (Introduction to Policy HO2)

Question 1: Which Main Modification does this comment relate to?

MM067

Question 2: Do you consider that this Main Modification is:

Legally Compliant
Sound

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

The Muxton Consortium welcomes the decision to include the three sustainable communities within the urban area of Telford. This will remove the need to provide unnecessary justification for the development of these sites during the planning application process.

The Consortium also welcomes the intention to provide clarity on consultation requirements for the Design Brief and Masterplan through an addendum to the Council's Statement of Community Involvement (SCI).

However, it is important that the required approach established through the SCI is proportionate, given the significant consultation already undertaken for each sustainable community during the Local Plan preparation process. This consultation has established the broad parameters for the development and has established that further consultation will be undertaken specifically in relation to individual planning applications.

Consultation point: 9.6 MM069 (Policy HO2 Sustainable Communities, SC2 Land North East of Muxton)

Question 1: Which Main Modification does this comment relate to?

MM069

Question 2: Do you consider that this Main Modification is:

Legally Compliant

Sound

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

The Consortium considers draft Policy HO2 – SC2 to meet the tests of soundness under Paragraph 36 of the National Planning Policy Framework (December 2024) and supports the policy in principle. However, parts of the policy, as currently drafted, remain ambiguous and internally inconsistent with other policies of the Plan. These require amendment to ensure HO2 can be applied effectively and consistently upon adoption of the Plan.

The name of the SC2 sustainable community should be amended to 'Land North West of Muxton' in order to better reflect its true location in relation to the existing settlement of Muxton.

The second and sixth paragraphs of the vision refer to "two local centres". The masterplan for the Muxton sustainable community has always shown three local centres. The third local centre is needed to ensure that all residents can enjoy facilities within a reasonable walking and cycling distance of home.

In the third paragraph, the requirement for SC2 to be delivered in accordance with the Plan's vision for Telford as a 'Forest Community' includes reference to 'extensive tree planting and landscaping on the site to create a community set in the landscape'. The use of the term 'extensive' is unquantifiable in terms of the scale and extent of planting expected. It, therefore, introduces a degree of ambiguity and uncertainty as to how this requirement will be applied in decision-making.

In the fourth paragraph of the vision, the first sentence restricts the acceptable uses for employment land to only B2, B8 and E(g) uses. This is inconsistent with the requirements of Policy EC1, which provides some flexibility around other employment-generating uses beyond B2, B8 and E(g) within Strategic Employment Areas (SEAs). Flexibility is important to allow employment areas to provide a range of complementary employment activities and to respond to changing market demands over the Plan period in accordance with paragraph 86 of the NPPF.

The reference, in the fourth paragraph of the vision, to the amount of employment land to be delivered on Venning Barracks needs to be quantified to ensure the total of 5.6 hectares can be met appropriately across the site. The masterplan for the allocation includes a parcel of employment land attached to the easternmost local centre. The quantum of land

required for this parcel cannot be confirmed until the extent of provision on Venning Barracks has been quantified. The policy wording as proposed could be interpreted as being restrictive of employment land provision outside the local centres or the Venning Barracks site. A more flexible approach must be taken to ensure the employment land requirement can be met by developing appropriate pockets of employment land over the lifetime of the development.

A review of the Muxton masterplan has been carried out (see attached). This confirms that delivering the 'majority' of the 5.6 hectare employment requirement on Venning Barracks is unlikely to be achievable, due to the limited capacity of that site. Whilst some bespoke small-scale provision of E uses in local centres might be appropriate, it is clear that, to meet the 5.6 hectare target, another employment parcel is required. The policy should be revised to enable such a parcel to come forward. In relation to use classes, the policy should be flexible enough that a range of employment uses, 'E' uses and sui generis uses can be provided on this additional parcel, in order to ensure its viability.

The delivery section of the policy begins with the words, "Any application on the site will be required to co-ordinate uses across the site, based on effective community engagement". Whilst unlikely to be intended, the requirement for land uses to be based upon the outcome of a community engagement exercise could create unreasonable expectations and unworkable design challenges.

Reference is made in the second paragraph of the delivery section to the Design Brief and Masterplan being approved before the first planning application is determined. It is not clear whether members or officers will be approving the Brief and Masterplan, and the approval mechanism is not stated. It would be helpful for clarification to be provided, either in the policy itself or in the supporting text.

Delivery Point 1. relates to infrastructure delivery. The proposed wording is generally supported. However, it is important that land value is also accounted for to establish the fair and equitable apportionment of contributions between all relevant parties for shared infrastructure, both within a single community (such as primary schools) and between the sustainable communities (most notably the secondary school). This should be included in the policy wording and in the supporting text.

Delivery Point 3. requires the Design Brief and Masterplan to provide, 'A design vision which establishes design principles'. This is supported by the Muxton Consortium and is considered an appropriate level of detail for a Design Brief prepared at an early stage of the design process. However, there is an inconsistency between the policy wording here and the glossary which, in its definition of the Brief and Masterplan, refers to 'street hierarchy' and 'development blocks'. This goes beyond 'design principles' and requires a level of detail not necessary to include in a Design Brief. Reference is also made to the National Design Guide being a template for the Design Brief. However, the National Design Guide illustrates the Government's view on good design and does not perform the role intended by the Council.

The Consortium is concerned that this approach leaves no room for creative interpretation and flexibility to respond to site-specific and / or changing circumstances through the life of the development. The Design Brief should not, therefore, include more detailed or prescriptive design guidance / coding in relation to, for example, development character, built form and densities or the design of SUDS and public open space. These are matters for the individual planning applications themselves, through the preparation of design and access statements.

This approach will ensure there is an overarching framework for the delivery of the allocation that still allows for a site-specific approach to be taken to deliver interesting places that address specific constraints and opportunities and create places with a strong sense of identity.

Delivery Point 7. states that the Green Infrastructure Strategy should incorporate the Council's vision for a 'forest community'. As set out elsewhere in these representations, the definition of 'forest community' is not well enough defined to inform the development of policies and strategies such as the Green Infrastructure Strategy.

Delivery Point 8. requires development to have regard to the 'Council's adopted Playing Pitch and Outdoor Recreation Strategy, using Sport England's Pitch Calculator'. Whilst the Consortium's Playing Pitch Strategy has been developed using the Sport England Pitch Calculator, this metric could change in time and could, therefore, become inconsistent and out of date. The policy also does not reference what information the play provision should be based upon.

The delivery section of the policy requires a Framework Section 106 Agreement to be approved before the grant of any planning permission. No detail in relation to the content or provisions for such an agreement has been provided to date, and it is unclear how such an agreement would work in practice. As currently written, the policy suggests that all matters need to be agreed between all parties across all three sustainable communities before any planning permission can be granted. This is clearly unreasonable and unworkable.

The Consortium proposes that a single Memorandum of Understanding be agreed between all parties with land interests in the three sustainable communities on matters of key infrastructure. Each individual planning application would then have its own Section 106 Agreement that would be set out as follows:

- Part A - securing proportionate contributions from all three communities towards any infrastructure needs common to all communities (such as the new secondary school on SC3).
- Part B – securing proportionate contributions from each community towards common infrastructure specific to that community i.e. between members of the Muxton Consortium for primary schools.
- Part C – providing for any infrastructure requirements specific to the application in question, for example play equipment or highway junctions.

This approach has been used effectively to deliver significant development sites involving numerous parties elsewhere (an example can be provided if helpful). It avoids the complexities of agreeing a single Section 106 Agreement between several parties who may be at different stages in the planning process. NB some sites are being promoted without a developer on board and will need to go to market. This may introduce additional parties at late stages compared to other sites.

Question 4: 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.

The first sentence of the second paragraph in the vision section should be amended to read, "Site SC2 will deliver a well-connected, comprehensive and well-served community to the north west of Muxton".

In the third paragraph of the vision, the Muxton Consortium asks that 'extensive' be replaced with 'appropriate', recognising also that other policies of the Plan (such as NE4 – Development Greening Factor) will inform the extent of tree planting on site. The wording of HO2 also needs to align with NE4 and with other policies throughout the Plan.

In the fourth paragraph of the vision, the Consortium requests that the words 'and will consist of B2, B8, E(g) uses' be deleted. Should the Council still wish to include a restriction on use classes, we would ask that any restriction be limited to retail E(a). Other 'E' uses, subject to appropriate technical assessment, could be suitable on employment sites and would help deliver a broader range of employment opportunities for the local community. On the Venning Barracks site itself, sui generis uses which allow for ongoing (albeit non-residential) military uses could also be suitable.

The first sentence in the eighth paragraph should begin, "In line with Policy S6, the Sustainable Community should be designed..."

For the avoidance of doubt, the first sentence in the tenth paragraph of the vision should be amended to read, "The site will provide two primary schools, each with the capacity for up to two-form entry and nursery provision".

In the first paragraph of the delivery section, the Consortium requests that the words, "...based on effective community engagement," be changed to, "...having regard to effective community engagement" or similar.

With regard to the proposed Design Brief, the Consortium requests that the wording of the Glossary be amended to remove reference to 'street hierarchy, etc.', 'the National Design Guide' and 'development blocks'.

Regarding playing pitches, it is suggested that references to the appropriate evidence documents and to future updates of these should be included in the supporting text, or a suitable cross reference be added to the Local Plan's open space policies, including Policy CI3. This will ensure HO2 does not become out of date and the expectations for the site remain clear.

Consultation point: 9.10 MM074 (Policy HO4 Affordable housing requirements)

Question 1: Which Main Modification does this comment relate to?

MM074

Question 2: Do you consider that this Main Modification is:

Legally Compliant

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

The Muxton Consortium notes the reduction to the affordable housing requirement within the Telford built-up area - including the sustainable communities - from 25% to 20%. While this reduction would improve the prospects of delivery of the SC2 allocation with a policy-compliant level of affordable housing, the Consortium remains concerned that 20% will be challenging, given its experience of the cost of infrastructure delivery for sites of this scale. The Council's evidence to support 20% is based upon infrastructure contributions of £15,000 per dwelling, which is expected to be insufficient to cover the infrastructure costs. The Muxton Consortium will, therefore, continue to work with the Council and with stakeholders to understand fully the cost and level of infrastructure required, and will keep under review its ability to deliver a policy-compliant level of affordable housing.

Where viability appraisals are submitted at the planning application stage, proposed new point b requires applicants to demonstrate they have made reasonable endeavours to make up the shortfall in affordable housing by applying for public subsidy (grant funding) to bridge the viability gap. Applicants are not able to apply for grant funding ahead of securing planning permission and, therefore, will not be able to comply with this part of the policy.

Question 4: 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.

In Point 1.a, the reference to 'without public subsidy' should be removed from the policy. It is ambiguous and inoperable, given that a decision-maker will not know, at the point an application is determined, whether or not public subsidy will be used to deliver affordable housing during the lifetime of the development.

In proposed new point b, the Consortium requests that all wording relating to public subsidy be deleted.

Consultation point: 9.17 MM081 (Policy HO11 Self-build and custom housebuilding)

Question 1: Which Main Modification does this comment relate to?

MM081

Question 2: Do you consider that this Main Modification is:

Legally Compliant

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as

precise as possible.

The Muxton Consortium notes the reduction in the requirement from 5% to 3%. However, it considers this still to be unduly onerous. There is no evidence to demonstrate that at least 3% of plots on housing schemes of one hundred dwellings or more should be provided for self-build or custom-build plots. The EHDNA 2025 states that, as of October 2023, the Council had received a total of 137 entries on its Self Build Register since 2016 (and it is understood that this is cumulative, with no entries removed when needs have been met or the party is no longer interested). The 3% requirement would equate to 81 plots in the Muxton sustainable community alone. When replicated across other allocations, this would lead to a significant oversupply of plots, far in excess of any evidence of need.

The Consortium considers it unlikely that plots contained within large residential schemes will be sought by those with an aspiration to carry out a self-build or custom-build project. Further, there are practical issues relating to the delivery of plots on large housing sites, such as restrictions on working hours and the delivery of materials, which may make the development of self-build plots unviable or unachievable.

Question 4: 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.

Point 2. should be amended to state that developments over one hundred dwellings should provide self-build or custom-build plots in proportion to the evidence of need in the vicinity of the site at the time the application is determined.

Consultation point: 10.2 MM088 (Policy DD1 Design Criteria)

Question 1: Which Main Modification does this comment relate to?

MM088

Question 2: Do you consider that this Main Modification is:

Legally Compliant

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

There is a degree of inconsistency between the proposed wording in HO2 and the proposed wording in Policy DD1 in respect of the 'forest community'. In MM069, the third paragraph in the 'Vision' section requires development to be delivered in line with the vision for Telford as a 'forest community', whereas MM088 1.c requires development to respect the forest community principles. As there are no forest community principles within the Local Plan, Policy DD1 will need to be amended.

Question 4: 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.

Point 1.c should be amended to state, “Respects the landscape setting, topography, and vision for Telford as a Forest Community...”.

Consultation point: 14.1 MM118 (Policy ML1 Mineral Safeguarding)

Question 1: Which Main Modification does this comment relate to?
MM118

Question 2: Do you consider that this Main Modification is:

Legally Compliant

Sound

Question 3: Please give details of why you consider this Main Modification is not legally compliant and/or unsound. Please be as precise as possible.

The Consortium welcomes the inclusion of the words, “Sites have been allocated for development in the Local Plan”, in a new Point 1.f. This supports the Council’s requirement to deliver new homes in the plan period, and in the case of the Muxton sustainable community, reflects the potential amenity impacts that extraction would have on existing and proposed residential development.



- LEGEND**
- Site Boundary
 - Residential
 - Retained Residential
 - Primary School
 - Mixed-use Local Centre
 - Extra Care
 - Mobility Hub*
 - Employment
 - Open Space
 - Natural Grassland/Wildflower
 - Informal Play/Seating/Information Areas
 - Pitched Sports
 - Allotments
 - SUDS
 - Existing Watercourse
 - Existing Vegetation
 - Reinstated Hedgerow
 - Proposed Trees
 - Proposed Woodland/Buffer Planting
 - Children's Play - LEAP
 - Children's Play - NEAP
 - Key Focal Space
 - Nodal Space
 - Primary Street
 - Secondary Street
 - Tertiary Street
 - Public Footpath
 - Footpath/cyclepath
 - Informal Footpath
 - View Corridor

*Mobility hubs are accessible spaces where public, shared, and active forms of travel are co-located alongside public realm and community facilities to facilitate safe, convenient and active journeys.

TOTAL ALLOCATION LAND BUDGET	AREA Ha
Residential (inc retained)	74.5 (c.2,830 units @ 38dph)
Employment	5.6
School	4.8
Mixed-use Local Centre	1.8 (could inc resi)
Extra Care	0.7
Pitched Sports	9.2
Multi-functional POS	80.9
Highways	4.1
Total	c.181.6

