

Consultation Response – Wappenshall Consortium

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

MM088

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.

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. HO2 SC3 third paragraph under the Vision requires development in line with the vision for Telford as a Forest Community, whereas Policy DD1 c. requires development to respect the forest community principles. As there are no forest community principles within the Plan, Policy DD1 c. should be amended to state 'Respects the landscape setting, topography, and Vision for Telford as a Forest Community'.

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See answer to Question 3

Question 5: 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.

N/A

Question 6: Do you have any comments on a Proposed Revision to the Policies Map? Please provide them in the box below.

N/A

Question 7: Do you have any comments on one of the Councils Additional Modifications? Please provide them in the box below.

N/A

NEW RESPONSE

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

MM021

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.

MM021 proposes amendments to Policy S7 (Development Contributions and Infrastructure Delivery). To improve clarity within the policy, Criteria 1. first sentence should have the word 'infrastructure' inserted between the words 'enhanced' and 'provision' for clarity. Criteria 1. first sentence should insert 'where necessary' at the end of the sentence. The inclusion of 'via commuted sums' to clarify when contributions will be sought towards on-going revenue for

services and facilities within 1. c. of the policy remains ambiguous and could be applied to any public service or facility within the proposed development. This will result in uncertainty insofar as the extent to which contributions are sought, and how the policy may be applied in practice. On this basis, the Consortium request that Criterion c. is amended to state 'On-going revenue via commuted sums for the management and maintenance of open space and sustainable drainage features'. In respect of criteria 2., in order to be clearer it should read 'Contributions will be collected through Section 106 agreements and will be secured at appropriate trigger points to be agreed with the Council.' In respect of criteria 4., the Wappenshall Consortium raised concerns in its representations to the Regulation 19 consultation as to the application of a review mechanism, and those concerns remain. Such a policy will create uncertainty for developers wishing to invest in the area, and it is not reflective of the significant risks they take when developing such sites, especially the Sustainable Communities which take place over a significant number of years across which time the economic climate can experience significant turbulence. The Council's proposal to undertake a review at 75% completion of the housing units is entirely unjustified by evidence, policy or regulations and could have a significant impact on the completion of strategic scale development sites in the Borough. On sites of significant scale, such as the Sustainable Communities, even at 75% of housing units being completed there is likely to remain several years of delivery over which time the economic climate and market can change. Therefore, undertaking a review of viability at this stage would be unreasonable. A more appropriate mechanism for schemes in excess of 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 ensures the most up to date costs and revenues are taken into account when undertaking viability appraisals. It will often mean that earlier phases provide a reduced amount of affordable housing as the infrastructure burden is higher, with the amount of affordable housing being viable increasing as the development progresses. Finally, were such a clause to be retained in the adopted policy despite the significant concerns raised above, it is imperative that it also allows for developers to trigger a review should the economic and market conditions make the approved developer contributions unviable. The Wappenshall Consortium suggest the first sentence of Criteria 4 is re-worded as follows: 'For major developments (10 homes or more), where a viability case has been made to the Council at the planning application stage, the Council reserves the right to review viability developments upon completion, or in the case of strategic schemes of over 500 units on completion of each phase of development as agreed with the Council prior to commencement of development.'

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N/A

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N/A

Question 7: Do you have any comments on one of the Councils Additional Modifications? Please provide them in the box below.

N/A

NEW RESPONSE

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

MM074

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 Wappenshall Consortium note the reduction in the Affordable Housing Requirements (ref: MM074) in the Telford built-up area, including the Sustainable Communities allocations from 25% to 20%. Whilst the reduction improves the prospects of delivery of the SC3 allocation with a policy compliant level of affordable housing, the Wappenshall Consortium remain concerned that 20% will be challenging given their experience of the cost of infrastructure delivery for sites of this scale and the need for further information on the specific infrastructure and site costs in this case. The Council's evidence to support 20% is based on contributions of £15,000 per dwelling which is expected to be insufficient to cover the infrastructure costs. The Wappenshall Consortium will therefore continue to work with the Council and stakeholders to fully understand the level of infrastructure required and its costs, and any site specific costs, and keep under review their ability to deliver a policy compliant level of affordable housing as work progresses in preparing a planning application. The Wappenshall Consortium note the reference within the affordable housing requirement to '20% without public subsidy'. The reference to 'without public subsidy' should be removed from the policy as it is ambiguous and inoperable as it is unclear how a decision maker will be able to know at the point of determining an application whether or not public subsidy will be used during the lifetime of the development to deliver affordable housing. Where viability appraisals are submitted at the planning application stage, 1. b. b. of the Policy 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 Wappenshall Consortium request the proposed wording is deleted.

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N/A

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N/A

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N/A

NEW RESPONSE

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

MM081

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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 Wappenshall Consortium note the modification to Policy H011 – Self-Build and Custom Housebuilding (ref: MM081) to reduce the requirement from 5% to 3% is acknowledged, however the Wappenshall Consortium consider that this is still unduly onerous and remains unevidenced. There is no evidence to demonstrate a requirement of at least 3% of plots on housing schemes of at least 100 dwellings to be provided for self-build or custom housebuilding serviced plots. This would equate to over 90 plots at the Wappenshall Sustainable Community (SC3) alone, and when replicated across other allocations and residential schemes of at least 100 dwellings, this would lead to a significant over supply of plots far in excess of any evidence of need. In any case, it is considered unlikely that plots on larger residential schemes are going to be desirable to those with an aspiration to carry out a self-build or custom housebuilding project. Further, there are practical issues relating to the delivery of plots on larger housing schemes such as working practices and delivery of materials which require consideration, along with the potential for impact on development viability. Policy HO11 2. should be amended to state that developments over 100 dwellings should provide self-build or custom housebuilding plots having regard to the evidence of need in the area of the Site at the time of determination of the application. This is consistent with the Consortium's Matter 6 Hearing Statement.

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N/A

NEW RESPONSE

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

MM068 and MM069

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

Sound

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 Wappenshall Consortium consider that the proposed modifications to Policy HO2 – SC1 and SC2 (ref: MM068 and MM069) risks undermining the delivery of the necessary secondary school required to serve these two allocations. The wording of HO2 SC1 and SC2 in the Publication Version included: “Contributions to the provision of a secondary school on a separate site at SC3 as identified in the Infrastructure Delivery Plan”. This is proposed to be deleted in the modifications but should be retained in order to make it clear that SC1 and SC2 are required to make contributions towards its delivery (both land and build costs). The Wappenshall Consortium do not therefore support this proposed modification, and request that the policies align with the Consortium’s Statement in Respect of the Telford and Wrekin Local Plan Examination Matter 4 – Strategic Policies (Other than Housing) namely the wording inserted as follows “Contributions will be required towards land and build costs for the provision of a secondary school on a separate site at SC3 as identified in the Infrastructure Delivery Plan”. Land will not be released for a secondary school unless those contributions for land and build costs are secured by the Council across all SCs, and there cannot be any ambiguity in this regard within the policy.

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MM068 and MM069

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Sound

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N/A

NEW RESPONSE

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

MM070 & MM147

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 Wappenshall Consortium consider draft Policy HO2 - SC3 to meet the tests of soundness under Paragraph 36 of the Framework (December 2024) and is supported in principle. However, in part the policy as currently drafted (ref: MM070) remains ambiguous and internally inconsistent with other policies of the Plan, and requires amendment to ensure it is capable of effective and consistent application upon adoption of the Plan. There are also a number of typographical errors in the policy which need amending before adoption, for example the second sentence of the first paragraph. Third paragraph under Vision: The requirement for the

Site 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 and therefore introduces a degree of ambiguity and uncertainty as to how this requirement will be applied in decision-making. The Wappenshall Consortium request 'extensive' is replaced with 'appropriate', recognising also that other policies of the Plan (such as NE4) will inform the extent of tree planting on site. Fourth paragraph under Vision: Firstly, the first sentence restricts the acceptable uses on the 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) uses 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. e) of the NPPF. The Wappenshall Consortium request the words 'consist of B2, B8, E(g) uses, and' be deleted. Secondly, the policy states the employment land will form a 'strategic employment site'. To be consistent with Policy SC1, the Wappenshall Consortium request this be amended to 'Strategic Employment Area'. The first sentence would therefore be amended to read 'The employment land will form a Strategic Employment Area for the purposes of the Local Plan.' Penultimate paragraph under Vision: To make the requirement for primary schools clearer, the Wappenshall Consortium request the requirement is amended to insert the word 'each' before 'with', i.e. 'The site will provide two primary schools, each with the capacity for up to two form entry and nursery provision.' Final paragraph under Vision: To make the mechanism for compensating for the provision of land for a secondary school for all SCs consistent with other parts of the policy, the word 'Framework' should be inserted. The sentence would read 'Land to deliver for a Secondary School will also be provided on site to serve the needs of this and the other allocated Sustainable Communities (SC1 and SC2), with an appropriate mechanism in place within a Framework Section 106 Agreement to compensate for provision of land and build cost over.' First paragraph under Delivery: The second sentence of this paragraph references 'brief' for the first time in the policy. It would be clearer for 'brief' to be replaced with 'Design Brief and Masterplan' to align with the description in the preamble to the policy. Second paragraph under Delivery: Reference is made to no planning application being determined prior to the approval of the Design Brief and Masterplan. It is not clear who approves the Brief as it is not set out within the policy or its supporting text, and it would be helpful for clarification to be provided in the supporting text that Officers will approve the final Brief and Masterplan, as stated by the Council during the Hearing Session. Third paragraph under Delivery and Glossary: Point 1. third bullet point under the third paragraph requires the Brief to contain the apportionment of contributions for the infrastructure required to bring forward the allocation in its totality. It is important that land value is also referenced here to establish the fair and equitable apportionment of contributions between all relevant parties for shared infrastructure within a single allocation (e.g. a primary school), and between the Sustainable Communities (i.e. the secondary school). This is required to establish the fair and equitable apportionment of contributions between all relevant parties. The text should be amended to read 'The apportionment of contributions for the infrastructure required (land and build costs) to bring forward the allocation in its totality.' Point 4. under the third paragraph requires the Design Brief and Masterplan to address 'A design vision which establishes design principles'. This is supported by the Wappenshall Consortium and considered an appropriate level of detail for a Design Brief prepared at an early stage of the design process (ahead of full applications and reserved matters) for large scale strategic sites. However, there is an inconsistency between the policy wording here and the glossary which in the 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, but the National Design Guide illustrates the Government's view on good design and does not perform the same purpose as intended by the Council. The Wappenshall Consortium are concerned that this leaves no room for creative interpretation and flexibility to respond to site specific planning applications and / or changing circumstances through the life of the development. The Brief should not, therefore, include more detailed or prescriptive design guidance or coding in relation to, for example, development character, built forms and densities, or street, SUDS and public open space design. They are matters for the individual planning applications themselves, initially through the preparation of a Design and Access Statement, but also potentially a Design Code prior to the detailed design process. This approach will ensure that there is an overarching framework for the delivery of the allocation that still allows for a site specific approach to be undertaken to deliver interesting places that address the site specific constraints and opportunities and deliver places with a strong sense of identity. The Wappenshall Consortium are therefore very concerned as to the level of detail to be required, and requests the wording of the Glossary is amended to remove reference to 'street hierarchy, etc.', 'the National Design Guide', and 'development blocks'.

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