

TELFORD & WREKIN COUNCIL

COUNCIL 11 JANUARY 2018

TELFORD & WREKIN LOCAL PLAN

REPORT OF THE ASSISTANT DIRECTOR: BUSINESS, DEVELOPMENT & EMPLOYMENT

LEAD CABINET MEMBER: COUNCILLOR RICHARD OVERTON

PART A) – SUMMARY REPORT

1.0 SUMMARY OF MAIN PROPOSALS

- 1.1 The Report recommends adoption of the Telford & Wrekin Local Plan (“the Local Plan”) following the conclusion of the Examination in Public. The adoption of the Local Plan will enable the Council to determine how and where development will take place in the Borough and will guide future planning decisions up to 2031. The Local Plan provides the Council and local community with greater certainty regarding future development within the borough through a robust and up to date development plan.
- 1.2 Having an adopted Plan in place provides confidence to the development market and local people promoting development in locations that support existing communities and enabling economic growth that creates new homes and jobs while maintaining one of the Borough’s key attractions – its ample, accessible greenspace. Policies in the plan will also enable delivery of accommodation that meets current and future need, supports provision of specialist and supported housing and the protection and enhancement of the Borough’s important cultural and heritage assets.

2.0 RECOMMENDATIONS

To recommend to full Council that:

- 2.1 **It accepts the recommendations set out in the Inspector’s report on the Examination of the Telford & Wrekin Local Plan (Appendix 1) and accepts his Schedule of Main Modifications (Appendix 2).**
- 2.2 **It agrees the further Local Plan Minor Modifications (Appendix 3 and 4).**
- 2.3 **The changes set out in the Inspector’s Schedule of Main Modifications (Appendix 2), the Minor Modifications (Appendix 3) and Second Schedule of Minor Modifications (Appendix 4) are made to the Telford & Wrekin Local Plan (Appendix 5) and that the Telford & Wrekin Local Plan (Appendix 5), as amended by incorporating these changes, is adopted by the Council.**
- 2.4 **The Policies Map (Appendix 7) is adopted to illustrate geographically the policies in the new Local Plan 2011-2031**

- 2.5 Delegated authority is given to the Assistant Director: Business, Development & Employment (and any other officer authorised by this Assistant Director) to exercise all of the Council’s post-adoption processing, publication and other powers regarding the adoption of the Telford & Wrekin Local Plan**
- 2.6 On adoption of the Telford & Wrekin Local Plan all saved policies contained within the following documents; Core Strategy, Wrekin Local Plan, Shropshire and Telford & Wrekin Joint Minerals Plan and Structure Plan and Central Telford Area Action Plan will be withdrawn.**

3.0 SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	<p>The adoption of the Local Plan will provide more certainty for the public, developers and officers in the making of local planning decisions. As such it will indirectly support Council’s priorities to:</p> <ul style="list-style-type: none"> • protect and create jobs as a 'Business Supporting, Business Winning Council'; • improve local people's prospects through education and skills training; and • ensure that neighborhoods are safe, clean and well maintained.
	Will the proposals impact on specific groups of people?	
	No	<p>The proposals do not impact on specific groups of people. An Equalities Impact Assessment screening report was produced, as part of the Integrated Appraisal of the Local Plan, no negative impacts were identified and as a result a full Equalities Impact Assessment was not required.</p> <p>With reference to the Councils duties under the Equalities Act 2010 it is not envisaged that there will be any disproportionate negative impacts as a result of implementing the recommendations set out in this report.</p>
TARGET COMPLETION/ DELIVERY DATE	As soon as practicable after adoption, officers will undertake all the required notifications, publications and other processes associated with and required under the relevant legislation.	
FINANCIAL/ VALUE FOR MONEY IMPACT	<p>Budgetary provision has been made to meet the estimated cost of the publication of the Local Plan and all associated obligatory procedural requirements following its adoption.</p> <p>The Infrastructure Delivery Plan (IDP) detailed and quantified the impact on the Borough’s infrastructure if all of the developments set out in the Local Plan were to be delivered. The IDP prioritises the infrastructure developments as either ‘critical’, ‘important’ or ‘desirable’. The changes set out in the Inspectors Main and Minor modification recommendations have not identified changes to the priorities of the infrastructure developments and there are no infrastructure works classified as ‘critical’ to the delivery of the Local Plan.</p> <p>The IDP does not commit the Authority to undertaking any works if sufficient funding cannot be secured from LEP Growth Deal funding,</p>	

		<p>central government grant, private funding and developer contributions, although the Authority may choose to use council prudential borrowing to bridge the funding gap for projects, either on a temporary basis whilst funding is secured or to facilitate developments which are of strategic importance. There is currently no budget provision for this and any Council prudential borrowing would add pressure to both the capital and revenue budgets in future years. Projects will be brought forward for funding approval as the subject of separate reports, if necessary.</p> <p>AEM 06/11/17</p>
LEGAL ISSUES		<p>Adoption of the Local Plan is a non-executive function to be exercised by full Council.</p> <p>Once adopted, the Local Plan will form part of the Council's development plan for the Borough and planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise</p> <p>Section 23 of the Planning and Compulsory Purchase 2004 Act enables the Council to adopt the Local Plan with the Inspector's main modifications.</p> <p>Section 23 also enables the Council to adopt the Local Plan with additional modifications which (taken together) do not materially affect the policies that would be set out in the Local Plan if it was adopted with the main modifications but no other modifications. However, there is no scope for the Council to adopt the Local Plan without all of the main modifications or with other modifications which would have a material effect on the policies recommended by the Inspector. The only other option at this stage (besides deferral) is for the Council to decide not to adopt which is not being recommended.</p> <p>As soon as reasonably practicable after adoption of the Local Plan the Council will have to undertake a series of obligatory procedural steps including ones relating to preparation and publication of certain documents, making certain documents available for inspection and sending certain documents to specified people including the Secretary of State.</p> <p>After adoption of the Local Plan, any person aggrieved by the Local Plan may make an application to the High Court to challenge under Section 113 Planning and Compulsory Purchase Act 2004. Any such application for judicial review would need to be made within 6 weeks of adoption and would be on the ground that the document is not within the appropriate power or a procedural requirement has not been complied with.</p> <p>(IR – 02.11.17)</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	The Inspector found the Plan legally compliant. However, this remains subject to judicial review for 6 weeks after the date of adoption.
IMPACT ON SPECIFIC WARDS	Yes	Borough wide impact.

PART B) – ADDITIONAL INFORMATION

4.0 BACKGROUND

- 4.1 The Council has a legal obligation to “keep under review matters which may be expected to affect development” in the borough. This requires the Council to keep its development plan documents up-to-date. The current suite of development plan documents for the Borough are: Wrekin Local Plan, the Core Strategy, the Shropshire and Telford & Wrekin Joint Minerals Plan and Structure Plan. The Central Telford Area Action Plan covers the town centre and surrounding area.
- 4.2 The new Telford & Wrekin Local Plan (the Local Plan) will supersede this set of documents, setting out how and where development will take place in the Borough, and guiding future planning decisions up to 2031. In order to be adopted by the Council, and therefore carry full weight as the development plan in the making of planning decisions, it must first be found ‘sound’ by an independent Inspector at an Examination in Public. The tests of soundness against which the Inspector is assessing the Plan are set out in the National Planning Policy Framework (NPPF).
- 4.3 The Council submitted its draft Plan to the Secretary of State in June 2016. The Examination hearings took place over January and February 2017.
- 4.4 The Inspector has now issued his report (Appendix 1). In issuing his report, the Inspector accepts the ‘proportional’ distribution of new development between Telford, Newport and the rural area. He also accepts that there is no evidence to suggest that there are any constraints in terms of infrastructure that would prevent delivery of the plan. He has also endorsed the Council’s approach to the provision of affordable housing and supported the Council’s economic growth ambitions.
- 4.5 The examination of a Local Plan may conclude that, even with modifications a Plan is not sound and cannot be adopted. Alternatively and more commonly Inspectors will recommend modifications which respond to discussion at the examination and comments received during consultation, requirements of Government policy as well as the Inspector’s professional view. In relation to the T&W Local Plan the Inspector has concluded that, subject to a number of modifications, the Plan is sound and can be adopted. He sets these out in his Schedule of Main Modifications (Appendix 2). The modifications relate to the version of the Plan that was consulted on in February 2016 (the ‘Publication’ version). There a total of 95 main modifications, which is fewer than many other Local Plan examinations, examples include; South Worcestershire 261, Shropshire 218, Stafford 110 and Bromsgrove 101.
- 4.6 Adoption of the Local Plan will provide the Council with greater certainty regarding future development within the Borough and will help resist speculative development through a robust and up to date Local Plan. Getting the Local Plan in place will support local communities across the Borough providing new homes, services and jobs and supporting our High Streets and Borough Towns. It also provides confidence to developers and investors supporting the Council’s economic growth ambitions, it will enable delivery of:
- More affordable housing
 - Infrastructure to support development, including better roads, schools and play areas
 - More jobs by attracting new employers to the area and providing space for existing employers to expand
 - Protection and enhancement for green infrastructure such as parks, nature reserves and open space
 - Strong planning policies which will help shape and direct development

- Improvements to public transport services with connections to local and town centres
- Regeneration of brownfield land

5.0 **MODIFICATIONS TO THE LOCAL PLAN**

5.1 The Inspector's report summarises the modifications he requires to the Plan before it can proceed to adoption. The key areas are:

- *Establishing a housing requirement of approximately 17,280 dwellings following an increase in the objective assessment of the Borough's housing needs.*

This represents an increase of only 11% increase on what was originally submitted and, on an annual basis represents an additional 86 homes per year over the 20 year plan period. The Inspector confirms that the Council still retains a 5 year land supply.

- *Not requiring a proportion of the housing requirement to be assigned to meet needs of the Greater Birmingham and Black Country Housing Market Area.*

The Inspector's recommendations effectively place an onus on the Greater Birmingham and Black Country Authorities to provide a stronger evidence base to determine that 'out of Housing Market Area authorities' such as Telford should potentially contribute. This does not commit the Council to accept in-migration, but for it to remain in dialogue with neighbouring authorities around this issue, which is a requirement of the Council's existing 'duty to cooperate'.

- *Establishing the sites to be allocated for new housing and employment development.*

Thirteen out of the seventeen proposed residential site allocations remain within the Local Plan, these collectively represent two thirds of the units originally allocated within the plan (3,499 dwellings). The Inspector has introduced a requirement to prepare a further Housing Site Allocations Local Plan to identify additional sites up to 2031. The Inspector has supported all the employment site allocations including the site of the proposed Newport Innovation Park recognising the Borough's success in attracting new investment and capacity for growth. The Inspector made no comments on the merits of any of the original housing site allocations.

- *Clarification that the Local Plan's housing requirement is not a maximum limit.*

The Inspector has sought to clarify the dwelling figure of 17,280 as "*approximate rather than a target*". The change is designed to reflect central Government's policy aim of 'significantly boosting the supply of housing'. In making the change the Inspector has also recognised the need for some flexibility given the Council is achieving building completion rates of over 1,000 units per year.

5.2 The Inspector has also recommended some changes to development management policies, these have been summarised below:

- *Addition of detailed development requirements for the Priorslee Sustainable Urban Extension.*
- *Clarification of the approach to Gypsies and Travellers in accordance with national policy.*
- *Clarification of the approach to main town centre uses in accordance with national policy.*
- *Deletion of the support for major hotel development in the Ironbridge Gorge World Heritage Site.*
- *Addition of safeguarding for the line of the Shrewsbury & Newport Canal.*
- *Strengthening of protection for the Shropshire Hills Area of Outstanding Natural Beauty.*

- *Deletion of the Lilleshall Village Strategic Landscape.*
- *Updating of built heritage policies to accord with national policy.*
- *Clarification of mineral policies, including the introduction of buffer zones to mineral safeguarding areas and the addition of updated information on the supply of aggregates and sand and gravel.*

5.3 In addition to the Inspector's Main Modifications a number of editorial changes have been identified during the process. These are set out in the Schedule of Minor Modifications (Appendix 3) and Second Schedule of Minor Modifications (Appendix 4). The legislation requires that these can only be made if they do not "...*materially affect policies ...*" it is anticipated that some further small editorial changes may be necessary, for example, re-numbering policies and paragraphs for consistency.

6.0 NEXT STEPS

6.1 Subject to Cabinet approval a recommendation will be made to adopt the Local Plan at full Council in January 2018. If adopted, a final version of the adopted Local Plan will be published. A draft of this final version, combining Appendices 2, 3, 4 and 5 will be appended to the Full Council report for information as Appendix 6. The Policies Map which illustrates geographically the policies in the new Local Plan 2011-2031 will also be published and will be appended to the Full Council Report as Appendix 7.

7.0 PREVIOUS MINUTES

7.1 Cabinet and full Council report - 7 and 21 January 2016

8.0 BACKGROUND PAPERS

Appendices:

Appendix 1 – Inspector's Report on the Examination into the Telford & Wrekin Local Plan

Appendix 2 – Inspector's Schedule of Main Modifications

Appendix 3 – Telford & Wrekin Council Schedule of Minor Modifications

Appendix 4 – Telford & Wrekin Council Second Schedule of Minor Modifications

Appendix 5 – Telford & Wrekin Local Plan (Publication Version)

Appendix 6 – Draft consolidated version of the Local Plan combining Appendices 2, 3 and 4 will be appended to the Full Council Report but is not appended to this Cabinet report

Appendix 7 - Telford & Wrekin Local Plan Policies Map

Local Plan Examination Library:

A3 TWLP Integrated Appraisal – Submission Version

http://www.telford.gov.uk/downloads/file/4362/a3_twlp_intergrated_appraisal_-_submission_version

A3a TWLP IA Appendices – Submission Version

http://www.telford.gov.uk/downloads/file/4363/a3a_twlp_ia_appendices_-_submission_version

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