

SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

Representor unique Part A Ref *	A0499 Jim Orves A0028 MWTC A0088 MW Refresh Group A0231 Howard Horsley A0307 Alan Edwards A0416 Clive Morley
Matter	8 VIABILITY
Relevant questions nos.	Questions 15-16 and 18-19.
Abbreviations: SC – Shropshire Council; MWTC/TC – Much Wenlock Town Council; MW – Much Wenlock.	

1. **Question 15.**

We note that the viability assessments are pre-Covid and Ukraine; both these world events have had a profound effect on construction costs and development deliverability. Viability assumptions previously made for the Draft Plan are now out of date and easily challengeable. For Much Wenlock this would likely mean a further request from SC's chosen developer to increase the scale of the single housing site. SC has already increased the nominal 80 house site to 120 because of claims about commercial viability. This perverse outcome for the planning of the town may be further magnified if the developer tries to re-negotiate the Draft Plan allocation.

2. **Question 16.**

It appears that a single meeting was held in February 2020 when views were sought on a variety of viability/cost/value issues. We are surprised that Shropshire Council did not invite Neighbourhood Planning Authorities to develop a common understanding of the Viability issues for their NP and the Draft Plan as a whole.

3. **Question 18.**

We note there are a variety of tables that explore the financial effects of the full range of developer contributions and affordable housing %ages potentially sought.

4. Question 19.

4.1. Paras 72 & 73 demonstrate that a Typology 2 site in the south of Shropshire might deliver 20% affordable housing but a Typology 3 site cannot. The plan maker has to seek the landowner/developer of the marginal land to ask if they can deliver it or not. It is not clear if this explains the uplift of the MUW012VAR site from Typology 3 to 2.

4.2. We note the Viability consultants' report states (para 2.64) '*the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission*' as set out in paragraph 10-009-20190509 of the PPG. In para 3,18 it states '*Further, at the plan-making stage there are no detailed plans of the potential allocations to allow for site specific modelling*'. Despite this, SC has held sufficient discussions with the developer about the scheme, its viability and the type and scale of contributions to help determine their commercial considerations.

4.3. No open discussions with the TC or its community have been held to explore the issues for the town despite it being a justification for the scale of development. We would therefore question the Viability assessments.

5. Even on a superficial level the profitable margin for MW is likely to be very much higher. The developer for MUW012VAR is almost certainly Persimmon, given it constructed the existing, flood-vulnerable scheme at Hunters Gate. Persimmon has unveiled pre-tax profits of £966.8m for last year while making margins of 31.4% (see [Persimmon makes £66,000 profit per house | Construction Enquirer News.](#); dated March 2022, accessed 10th May 2022). It completed 14,551 homes in 2021 with an average selling price of £237,078 and an average profit of £66,442 per home. The average house price in MW is substantially higher than the average.

6. We can point to several unknowns that will affect Viability and the soundness of the Draft Plan. These relate to the scale and viability of proposals for MW:

- **Department for Transport Funds.** SC is actively engaging with the Department of Transport to address highways associated flood risk. The TC has not been provided with the consultants brief or details of the potential locations, but we are advised by SC that the study in MW is considering a site adjoining the A458 above MUW012VAR. This is the location for an attenuation pond identified in the Integrated

Urban Drainage Management Plan (2011) which showed that this part of the town/catchment is at high risk of flooding.

- In policy terms, the site should obviously be avoided. However, the logic is that delivery of a DfT-funded pond here may partially reduce the flood risk at MUW012VAR. In turn it would reduce the costs of flood mitigation and so the need for increased numbers of houses. If a whole catchment approach using natural flood management techniques was applied, the risk of flooding would reduce. Together, these could provide a sound context for making viable development decisions.
- **Lack of clarity on development contributions.** The community has not been engaged in discussions about viability (despite promises from Wenlock Estates/Berrys in 2017; see Matter 1 submission). It is very unclear as to what is expected by way of contributions from developers in MW to address known weaknesses in local infrastructure and affordable housing.
- **Unnecessary costs.** Thirdly, the developer suggests that a roundabout is a necessary element of their scheme for traffic calming in the town. This is unsupported by any proposal from the community or SC itself. It doesn't feature in the MWNP, Shropshire Council's *Much Wenlock and Surrounding Area Place Plan 2019-2020* or its Local Transport Plans. The roundabout isn't necessary from a highways perspective. We can infer that it is a proposal to enable further future development schemes. The removal of the roundabout would almost certainly reduce the scale of the development i.e. the need for additional houses to pay for the scheme.

7. We have expressed concerns about lawfulness of the Draft Plan under Matter 1. In addition, it has been claimed by both SC and the developer that the new roundabout on the A458 Bridgnorth road is "**needed** for gateway and calming purposes." It is also proposed that this new roundabout will provide access and egress to the MW0012 residential development. A new roundabout in this location is not mentioned anywhere in the Place Plan and, for the avoidance of doubt, the introduction of a brand-new roundabout is never actually a requirement, or *needed*, for gateway or calming schemes; in fact, a roundabout in this location on the A458 would introduce additional noise, be detrimental to air quality, require street lighting and generate its own significant environmental impact whilst attempting to introduce an improved one in Much Wenlock.

8. Sensible gateway and/or calming schemes have been designed by Shropshire Council Highways and are found in many other places in the UK. Numerous case-studies and technical reports exist and are easily referenced; speed reduction can be as simple as moving a 30mph sign; reinforced with additional signing (e.g. countdown signing), road narrowing (with road markings) and landscaping that confirms a change to the driving environment. The Town Council is in discussion with SC Highways to implement a gateway calming scheme which does not need a roundabout nor rely on an associated housing development.

9. In addition, the traffic volumes likely to be generated by the proposed development at MW00012 do not require the construction of a roundabout to manoeuvre them safely on to the A458. The roundabout is an unnecessary over-design which, as indicated above, will be detrimental to the town rather than the 'betterment' claimed by the agents. The computer-modelling program PICADY will demonstrate that a simple, well-designed T-junction will provide sufficient highway capacity for the development traffic to gain access to the A458.

10. Gain must be for a planning purpose and not for any ulterior purpose, and must fairly and reasonably relate to the development. If Shropshire Council tried to impose an unnecessary roundabout onto the developer, it is most likely they would appeal the condition. The benefit does not satisfy the criteria for 'material considerations' set out in *Newbury District Council v Secretary of State for the Environment* [1981] AC 578 or under either the Town and Country Planning Act 1990 as amended or the Planning and Compulsory Purchase Act 2004.

11. The same could be inferred of the whole housing site proposal; SC has stated it has chosen this particular site because it offers them the opportunity to fix an existing flooding problem. In policy terms it is unacceptable due to the high flood risk, yet the Draft Plan cites the opportunity of funding retrospective works. This has encouraged SC to agree, first, to its location and, second, to an expansion of 50% without reference to the wider purpose of the local plan to address the whole settlement. [See: case of [R \(on the application of Wright\) v Resilient Energy Severdale Ltd & Anor](#) [2019] UKSC 53].

12. Even in the absence of any information being shared, we can conclude that, post-Ukraine, the Viability assessment for the Draft Plan leaves open too many questions that claims of commercial viability require even larger scale development. The Draft Plan is not based on sound evidence, it has not come forward through meaningful engagement that has

made sufficient information available, and it also suggests unnecessary infrastructure as an inducement.