



The Planning Inspectorate

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# Report to Shropshire Council

by Claire Sherratt DipURP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 30 October 2015

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)  
SECTION 20

## **REPORT ON THE EXAMINATION INTO SITE ALLOCATIONS AND MANAGEMENT OF DEVELOPMENT (SAMDev) PLAN**

Document submitted for examination on 1 August 2014

Examination hearings held between 11 November and 18 December 2014

File Ref: PINS/L3245/429/9

## Abbreviations Used in this Report

AA	Appropriate Assessment
AHVA	Affordable Housing Viability Assessment
AMR	Annual Monitoring Review
AWP	Aggregates Working Party
CS	Core Strategy
DtC	Duty to Co-operate
FPC	Further Proposed Change
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
OAN	Objectively Assessed Need
PPTS	Planning Policy for Traveller Sites
PSA	Primary Shopping Area
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SUE	Sustainable Urban Extension

## Non-Technical Summary

This report concludes that the Shropshire Site Allocations and Management of Development Plan provides an appropriate basis for the planning of the County, providing a number of modifications are made to the plan. Shropshire Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Commitment to an early review of the Local Plan including a detailed review of the Green Belt boundary;
- Clarification that housing guidelines are not to be regarded as maximum figures;
- Set out clear policy approach to windfall developments in relation to housing guidelines – not to be regarded as ceiling (Policy MD3);
- Delete requirement for evidence to be provided to demonstrate a commitment to delivery to justify the renewal of a planning permission (Policy MD3);
- Delete the Community Cluster 'Tyrley, Woodseaves (Sutton Lane) and Woodeaves (Sydnall Lane)';
- Amended precise wording to policies concerning heritage assets to reflect the National Planning Policy Framework;
- Clarification of approach to windfall employment proposals;
- Amended wording of MD12 and various other policies to ensure appropriate protection of the integrity of various Special Areas of Conservation and Ramsar Sites in Shropshire in accordance with relevant legislation and national policy;
- Specify requirement for additional semi natural open space (minimum starting point of 30 m<sup>2</sup> per person) as suitable mitigation where additional recreational pressure on a SAC or Ramsar site;
- Require open space requirements for non-residential developments to be design led rather than based on employee numbers;
- Amend boundary to exclude any land forming part of the historic Registered Battlefield site from the Protected Employment Area at Battlefield Enterprise Park;
- Inclusion of Delivery and Monitoring triggers and outcomes;
- Requirement for a hydro-geological risk assessment to assess the potential impacts of proposed mineral workings;
- Amended wording to ensure that land to the east of ALB002 (Albrighton) and Shifnal (Policy S15.1 (4)) is safeguarded from all development that would prejudice the potential future use of this land and delete reference to

development that is appropriate in the Green Belt;

- Confirm that site LYD009 can be developed separately from adjoining site allocations LYD007 and LYD008 and confirm a requirement for a flood risk assessment to be provided on these sites due to presence of culverted watercourse;
- Delete any preference for development of greenfield land to the east of the A49 in Church Stretton;
- Amend development guidelines for site allocation OSW004 to require various design principles to be adhered to reflect the proximity of the site to the Old Oswestry Hill Fort, a scheduled ancient monument.
- Identify all sites where a site specific Flood Risk Assessment will be required to support the location & layout of development within a site;
- Delete unnecessary reference to new development on land west of Ellesmere Road in Shrewsbury area from Policy S16.1 (9); and, instead make reference to linkages between future development in this location and the funding of a North West Relief Road in the supporting text; and
- Delete criteria from Policy MD8 that relate to wind turbines to reflect the recent Written Ministerial Statement on onshore wind energy development.

## Introduction

1. This report contains my assessment of the Site Allocations and Management of Development (SAMDev) Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the framework) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Pre-Submission Draft (Final Plan) (March 2014) which is the same as the Pre-Submission Draft published for consultation in March 2014.
3. My report deals with the main modifications that are needed to make the SAMDev Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal and this schedule has been subject to public consultation for six weeks. Following the publication of a Written Ministerial Statement relating to onshore wind energy proposals, further modifications were suggested by the Council to reflect its contents (**FMM**). These further main modifications were subject to a four week publicity period. I have taken account of the consultation responses in coming to my conclusions in this report. I have made some amendments to the detailed wording of some of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken. I have highlighted these amendments in the report.

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
6. Shropshire is a large, diverse, predominantly rural inland county, situated in the far western corner of the West Midlands, on the border with Wales. To the south east, land between the River Severn and the Shropshire border forms part of the West Midlands Green Belt. The Duty to Co-operate Statement (CD11) shows the approach the Council has taken to fulfilling the legal requirements.

7. The Core Strategy (CS) was adopted in February 2011. The Inspector found that the Council complied with its duty in relation to the CS. Shropshire Council is now seeking to address the development needs of the area, as prescribed in the CS, within the Council administration area. Since the adoption of the CS the Council has continued to engage constructively, actively and on an on-going basis with neighbouring authorities and prescribed bodies on strategic cross boundary issues, including housing, employment, retail, minerals, waste, highways and transport, infrastructure and environmental networks. Core Document CD11 sets out the strategic issues considered and addressed together with details of the engagement with each of the thirteen neighbouring authorities and the key outcomes from this engagement. Shropshire Council is an active member of the West Midlands Aggregate Working Party (AWP). Engagement with AWP is supplemented through regular contact with other mineral planning authorities, neighbouring councils, the Marches LEP and local representatives of the minerals industry.
8. No neighbouring authorities have indicated that they are seeking the co-operation of Shropshire Council to accommodate any of their development needs in Shropshire. It has been suggested by some that Telford & Wrekin Council may not be able to accommodate their future needs. No such representation is made by Telford and Wrekin Council. Accordingly at this time, there can be no inference that the Council have not engaged constructively or actively with Telford and Wrekin Council.
9. To conclude, Shropshire Council has complied with the duty imposed on them.

## **Assessment of Soundness**

10. Part way through the SAMDev Plan consultation process the Council advised that it would no longer be posting letters to people individually as a matter of course but rather communicating electronically via emails, unless a specific request was made by an individual to continue to receive communications by post. Some parties have suggested that this served to disenfranchise some from the consultation process. However, there remained an opportunity to receive communications via post. The change of notification procedure and presentation of information was well publicised and documents continued to be made available (electronically) at various public places as set out in the Statement of Community Involvement (SCI).
11. The duty imposed on a local planning authority by section 19(3) is, in effect, a duty to act in accordance with its own SCI. It is not a duty to do anything more. Section 19(3) does not require the authority to satisfy either itself or the Inspector conducting the examination of its draft plan that all the residents of its area, or all the residents of a particular part of its area, or a minimum number or proportion of those residents, were in fact aware of the draft plan at any particular stage in its preparation. The question under section 20(5) (a) is simply whether the authority has complied with the SCI, the essential purpose of which is to set in place a workable strategy for consultation.
12. It is not accepted that members of the public were hindered from actively engaging in the consultation stages of the SAMDev Plan process as a result of the Council's decision to communicate electronically or that the Council has

fallen short of meeting its statutory obligations relating to public consultation, either generally or, in specific areas.

13. The Sustainability Appraisal (SA) has been criticised. It is suggested that the options considered and the reasons for discounting settlements for development, considering greater levels of growth within chosen settlements or the selection of individual sites is not clear. This is addressed in more detail in the main issues below.
14. The SAMDev Plan has two sections. The first contains the Development Management Policies which carry the prefix MD. The second contains the Settlement Policies; with each settlement area allocated a number and listed alphabetically (i.e. S1 Albrighton Area).

### **Main Issues**

15. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings, I have identified 12 main issues upon which the soundness of the Plan depends.

#### **Issue 1 – whether the overall approach and strategy adopted by the Council will be effective in meeting the requirements of the adopted Core Strategy and is justified having regard to the National Planning Policy Framework.**

16. Shropshire's approach seeks to balance top down strategic leadership and planning in the adopted CS with bottom up community led planning delivered by the SAMDev Plan, aided by community led planning through an adopted Neighbourhood Development Plan in Much Wenlock, Parish Plan reviews and a less formal approach to neighbourhood plans under the heading 'Community-led Plans'.
17. The CS sets out the strategic approach to deliver around 27,500 new homes, of which 9,000 will be "affordable housing", around 290 hectares of employment land, and accompanying infrastructure across Shropshire. Shrewsbury is the sub-regional centre and Shropshire's growth point and will be the focus for significant retail, office and employment development and accommodate approximately 25% of Shropshire's residential development. The Market Towns and other Key Centres will maintain and enhance their traditional roles in providing services and employment, together with around 40% of Shropshire's residential development over the plan period. The rural areas will become more sustainable through a "rural rebalance" approach, accommodating around 35% of Shropshire's residential development over the plan period. As well as these overall requirements, the CS sets out the broad range of dwellings and employment land to be provided for in the SAMDev Plan in each of the five spatial zones and identifies the indicative scale of development to be focused in the market towns and key centres. These include settlements within or on the edge of the Shropshire Hills Area of Outstanding Natural Beauty (AONB), where the requirement for additional development is considered to be in the public interest to meet the needs of the area and provide the exceptional circumstances required to support development within the AONB. It does not identify any need for the SAMDev Plan to review the Green Belt boundaries to accommodate any development.

## Relationship with the Core Strategy and objectively assessed need

18. There is concern amongst many that the SAMDev Plan does not provide sufficient housing to meet an up-to-date assessment of objectively assessed need. The CS headline figure of around 27,500 homes precedes the issue of the framework and was based on the Regional Spatial Strategy (RSS) Phase II Review Panel Report target, prior to the revocation of the RSS. Accordingly, it is suggested by some that the adopted CS and consequently the Site Allocations and Management of Development (SAMDev) Plan cannot be found to be consistent with the framework or based on an up-to-date objectively assessed need for housing in accordance with paragraph 47 of the framework.
19. The scope of the SAMDev Plan is solely to provide policies and to allocate sites to meet the requirements set out in the adopted CS. The SAMDev Plan is therefore giving effect to the CS. The statutory framework recognises that a development plan may be comprised of a number of different development plan documents. In this case, Shropshire Council must have regard to the adopted CS in preparing the SAMDev Plan document.
20. Local planning authorities are required to keep under review the matters which may be expected to affect the development of its area or the planning of its development. With this in mind, an updated Strategic Housing Market Assessment (SHMA) has been carried out but this did not inform the CS. It will however inform a review of the Local Plan. The Council has recently updated its Local Development Scheme (LDS) confirming that an early review of the Local Plan is to be undertaken later this year (2015).
21. Any review of the objectively assessed needs of the area is a matter for the review of the Local Plan which the Council intend to undertake. I find support for this approach in the case of *Gladman Development Limited v Wokingham Borough Council* [2014] EWHC 2320 (Admin), in particular paragraphs 58 – 72 of that High Court judgement. Paragraph 65 of the judgement clarifies that “Properly read, ... the framework does not require a development plan document which is dealing with the allocation of sites for an amount of housing provision agreed to be necessary to address, also, the question of whether further housing provision will need to be made”.
22. There is nothing in the statutory framework to suggest that a development plan document such as the SAMDev Plan cannot be adopted simply because the CS may need to be up-dated, potentially to include additional provision, including housing. Indeed it is important that an adopted Local Plan is in place without further delay to enable planned sites to come forward for development. To halt the SAMDev Plan examination process and wait for the outcome of the review would simply result in further uncertainty and delays.
23. The review will include housing requirements (including objectively assessed need), employment land requirements, the distribution of development and a review of Green Belt boundaries, as part of the consideration of strategic options to deliver new development in the review plan period which is likely to be 2016-2036. In line with the framework (paragraph 153), a Local Plan can be reviewed “in whole or in part to respond flexibly to changing circumstances”.



24. To reflect the Council's approach, an additional introductory paragraph should be inserted into the SAMDev Plan to signpost the LDS and explain the approach to a review (**MM2 & MM3**). Various other paragraphs will require consequential modifications to reflect the Council's commitment to review the Local Plan (**MM36**). These modifications are required to ensure the Council have a plan in place, without delay, that reflects the latest evidence base consistent with national policy.
25. The CS Policy CS1 indicates a target of "around 27500 dwellings". The figure of 27,500 homes is not therefore to be viewed as a ceiling. However, in places the SAMDev Plan refers to a 'target' or 'maximum' figure. Main modifications are therefore necessary to ensure the housing guidelines are considered flexibly, consistent with the CS and also national policy that seeks to boost the supply of housing (**MM15, MM17**).

#### Delivery of affordable housing

26. In a Written Ministerial Statement (WMS) of 28 November 2014, the Minister of State for Housing and Planning announced that the Government was making a number of changes to national policy with regard to Section 106 planning obligations. These included the introduction into national policy of a general threshold that prevents affordable housing contributions being sought on sites of 10 or fewer dwellings. Updated and new paragraphs 12-23 were added to the Planning Practice Guidance (PPG) section on planning obligations. The Council and interested parties were invited to make comments on the implications, if any, of these changes in relation to the SAMDev Plan. However, on 31 July 2015 the High Court issued judgement on a joint application by West Berkshire District Council and Reading Borough Council seeking to challenge the WMS and his subsequent alterations to the PPG. The judgement finds against the Secretary of State on several grounds. Rather than this judgment quashing the WMS itself, a Declaration Order was issued on 4 August 2015 confirming that the policies in the Statement must not be treated as a material consideration in development management and development plan procedures and decisions, or in the exercise of powers and duties under the Planning Acts more generally. Accordingly, it is no longer necessary to consider the implications of the WMS on the submitted SAMDev Plan.
27. CS Policy CS11 requires all new market housing developments to make appropriate contributions to the provision of local needs affordable housing. It sets out an aspirational target that over the first five years of the Plan Period, 33% of housing would be affordable housing. Subsequent targets will be set through the Housing Strategy for Shropshire. The CS set in place a viability assessment to inform the percentage of affordable housing that should be required. Having regard to the prevailing target rate set out in the Shropshire Viability Index, the current target rates of 10%, 15% and 20% apply differentially across the county. The aspirational target has not been met to date. However, the appropriate mechanism to ensure the delivery of affordable housing is set out in the CS and will be a strategic matter for the review of the LP to consider, rather than the SAMDev Plan.

## Identification of Community Hubs and Clusters

28. The Shropshire Council area covers approximately 320,000 hectares, 94% of which is classed as rural and only 6% urban. Almost 81,000 hectares are designated as the Shropshire Hills Area of Outstanding Natural Beauty (AONB). Rural rebalance is a key theme of the CS. To achieve this "rural rebalance", around 35% of Shropshire's residential development over the plan period is to be accommodated in the rural areas, predominantly in the Community Hubs and Community Clusters.
29. Some concern is expressed about the method of selection and choice of Community Hubs and Clusters. Paragraph (3) of regulation 18 requires the local planning authority, in preparing the local plan, to take into account any representation made to it in response to its invitations to make representations under paragraph (1). The SCI confirms that the Council will engage with key stakeholders, including representative bodies such as Parish and Town Councils as appropriate. It is felt by some, in the development industry in particular, that the Council have afforded too much weight to the views of the Town and Parish Councils. It is suggested that the options considered and the reasons for discounting settlements for development, considering greater levels of growth within chosen settlements or the selection of individual sites is not clear.
30. CS paragraph 4.10 confirms that in the rural areas, Shropshire Council is working with local communities to identify Community Hubs and Community Clusters that aspire to be stronger social, economic and environmentally sustainable communities. The supporting text to Policy CS4 confirms that rather than abandoning settlements that have lost services as perpetually 'unsustainable', this approach seeks to improve the sustainability of rural settlements and their hinterlands, even those that start from a low base. Shropshire Council will work with communities, including delivery stakeholders and landowners that wish to achieve this vision.
31. Furthermore, it confirms that Shropshire Council is adopting a "bottom up" approach, whereby it works with communities at the parish and village level in together undertaking an intelligent analysis of the nature of their local community and how their village functions, and how it can be improved. This is done through an interactive toolkit that starts with the Parish Plan or Village or Town Design Statement where available; secondly adds statistics compiled by Shropshire Council, such as Census data, to provide a quantitative basis for discussion; and thirdly engages with the local community in a Community Testing Event to arrive at an agreed view of how the community regards its current sustainability. This methodology will, the CS explains, provide quality evidence to help the planning authority make robust decisions on the designation of Community Hubs and Community Clusters. The CS text further confirms that a key consideration in identifying Community Hubs and Community Clusters is the views of the local community regarding whether they wish to put themselves forward for this status, whether singly or as a part of a networked group of settlements.
32. The strategy for identifying Community Hubs and Clusters was therefore already outlined within the CS. CS Policy CS4 and the approach to the rural areas were subject to SA in the preparation of the CS and considered through

the CS Examination in 2010. The Inspector concluded that 'with the proposed changes, Policy CS4 provides a positive, clearly expressed and sound basis for identifying community hubs and clusters, which is justified, effective and deliverable. It also recognises the particular needs and characteristics of Shropshire's rural settlements, directly reflects the localism agenda, and will help in rebalancing the rural settlements'.

33. The strategy employed by the Council throughout the SAMDev Plan process and set out in the CS is to embrace 'localism' and enable local communities, through Town and Parish Councils, to identify those settlements where additional development would be supported to achieve a stronger social, economic and environmentally sustainable community. This is consistent with one of the core planning principles set out in the framework which states that planning should be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Like neighbourhood planning, the SAMDev Plan process seeks to put communities at the heart of the process and to indicate the type and location of sustainable development needed. Council officers were involved in various Parish and Town Council meetings to give guidance and advice.
34. The strategy relies upon a rural settlement "opting-in" to receive development and to inform the scale and type of development considered to be appropriate and sustainable. 18 Place Plans cover the whole of Shropshire and incorporate the key priorities of their constituent communities as set out in each community's own action plan. In recognition of the fact that the needs of communities change over time, the approach is intended to leave the door open for communities who may want to be considered as "Community Hubs" or "Community Clusters" at a later date, in response to their changing circumstances, potentially through more frequent partial reviews of the SAMDev Plan.
35. The adopted strategy, embedded in the principles of localism, requires the views of the community to carry substantial weight to be effective. The Parish and Town Councils provide a voice at local level to indicate the wishes of the community. It is a strategy that purposely departs from the assessment of settlement selection solely based on those with the greatest level of services and facilities. This means that other larger rural settlements, which have in the past traditionally been considered as suitable for development, are now, in some cases, to be regarded as countryside for policy purposes.
36. Importantly the SA shows that there are no significant negative effects arising from the designation of any of the proposed Community Hubs and Clusters. It was also the case that significant positive effects were found for the majority of those identified. The effects assessed include providing a sufficient quantity of good quality housing to meet community needs; supporting a shift towards more sustainable forms of transport; reducing the needs of people to travel by providing access to key services.
37. The SA also indicated that effect on some of the environmental objectives differs depending on the individual Community Hub or Cluster. Although the assessment of the objectives was neutral at the strategic stage, the more detailed site assessment process reflects these variations. Where relevant they

are also carried forward into the development guidelines for allocated sites. The detailed and focused SA objectives are to protect and enhance Shropshire's landscape; preserve and enhance cultural and historical features; protect wildlife habitats; and reduce the potential risk of flooding.

38. None of the settlements put forward as Community Hubs or Clusters performed poorly against these sustainability criteria such that they were not carried forward into the submission plan. All could be accommodated and so it was not therefore necessary to assess which were to be preferred when appraised against each other. Individual sites within Community Hubs and Clusters were again driven by the preferences of the community. They were subject to SA although the SA objectives were modified to allow a more meaningful assessment of proposed sites to be undertaken.
39. The SA is not intended to be the one definitive and determinative factor in deciding on suitable locations and sites for development. It considers the potential outcomes of the reasonable alternatives to inform the SAMDev process. Policies CS5, MD7a and MD7b cover countryside settlements. These policies have also been subject to SA.
40. One anomaly relates to the settlements of Tyrley, Woodseaves (Sutton Lane) and Woodeaves (Sydnall Lane) that were originally put forward as a Community Cluster and included in the submitted SAMDev Plan. Some procedural inaccuracies with the Parish Council's decision in this regard have since come to light and the original decision of the Parish Council cannot be relied upon as accurately reflecting the wishes of the community. The Parish Council has since confirmed that the correct position is that these settlements are not to be regarded as opting-in to be a Community Cluster. Main modifications are necessary to delete this to ensure the plan reflects the adopted strategy for the rural area, is justified and positively prepared (**MM6, MM158**).
41. A number of representations express concern that the guideline for growth, particularly having regard to housing numbers, has already been achieved and exceeded in some of the Community Hubs and Clusters. On this basis, it is suggested by some, including Parish Councils, that where this is the case that the settlements are now withdrawn from the SAMDev Plan. Whilst the start date of the plan period is 2006, the base date for the housing guidelines for Community Hubs and Clusters is 2011, unless specified within the Plan. It is therefore not surprising that in some instances, four years on, permissions and developments have moved forward at a pace faster than the preparation and examination of the plan. However, that is not to say that the continued inclusion of these settlements as Community Hubs and Community Clusters is no longer sound. At some stage, over the lifetime of any Local Plan, it can be expected that the development anticipated within it will have come to fruition. Any proposals for further windfall development would need to be assessed having regard to Policy MD3.
42. A number of additional Community Hubs and Clusters have been put forward by the development industry, along with potential sites. However, there is no accompanying evidence to suggest that any of these have sufficient support from the relevant community. To include additional Community Hubs and

Clusters without such support would wholly undermine the Council's strategy which is underpinned by community support through a 'bottom-up' approach.

43. A main modification is required to Policy MD1 to clarify the process for designation of Community Hubs and Clusters in the future which would be through a review of the SAMDev Plan or through a formal Community-led Plan or Neighbourhood Plan (**MM3**). This is necessary to ensure the plan is positively prepared and effective.

#### Reliance on windfalls

44. A significant proportion (some 35%) of the remaining housing requirement is expected to come forward through windfalls during the plan period. This is a high reliance on windfall development. The Council has updated its housing supply figures during the examination process, enabling Table MD1 of the SAMDev Plan to be updated to give the up-to-date position as at 31 March 2014. Against the overall housing requirement of around 27,500 dwellings, 8,280 have been built and 4,565 are identified as commitments on sites with planning permission, leaving some 14,655 dwellings to be provided. Of these, the proposed allocations (that do not have planning permission already), have an estimated capacity to accommodate in the region of 9,593 dwellings. The remainder, some 5,062 dwellings, are therefore still required to come forward as windfalls over the remainder of the plan period.
45. Reliance on windfalls to achieve the housing requirements of the area clearly does not provide the same level of certainty and commitment as secured through planned allocated sites. However, historically windfall development has been a major component of housing land supply in Shropshire. Many Community Hubs and Clusters, whilst supporting sustainable levels of growth, are seeking to achieve that growth through smaller scale developments commensurate with the scale of the settlement. A high proportion of the windfall requirement (approximately 67%) would be needed in the rural areas to achieve the guidelines for development set out in Community Hubs and Clusters. Whilst some small sites have been allocated, in many cases, the small scale development is to come forward as windfall development on sites of less than five dwellings which fall under the SHLAA threshold of identified sites. This approach in many Community Hubs and Clusters is consistent with the higher proportion of windfall development needed in the rural areas. Furthermore, historically some 42% of completions took place in the rural areas over the previous 10 years which is higher than the 35% of the overall amount of residential development that Policy CS1 expects the rural areas to accommodate. The CS expectation is based on testing the realism that these trends will continue and I have insufficient evidence to reach any different conclusion. Affordable housing exception schemes and the conversion of rural buildings are significant sources of windfall supply in the rural areas. In such circumstances the reliance on windfall development is proportionate and justified.
46. To conclude on the first issue, the overall approach and strategy adopted by the Council will, in principle, be effective in meeting the objectives of the adopted CS and is justified having regard to the national policy so far as it is relevant to the SAMDev Plan.

**Issue 2 – whether the SAMDev Plan will meet the housing requirements set out in the Core Strategy and will provide a 5 year housing land supply when assessed against it.**

47. Policy CS10 of the CS concerns the managed release of housing land. It confirms that the availability of housing land will be kept under review, maintaining a continuous supply of suitable sites to deliver the overall housing target. Although the SAMDev Plan contains guidelines for the amount of housing to be delivered in specific settlements, for the purposes of establishing whether the authority can demonstrate a five year housing land supply, it is the overall supply in Shropshire that is to be assessed.
48. It was suggested that the Council should not include care home type accommodation in their supply calculations if these were not included in the housing requirement calculations that informed the CS headline figure of around 27,500 dwellings. To do so, would artificially reduce the overall housing supply. CS Policy CS1 was prepared within the context of the RSS review. The RSS evidence base makes no specific reference to whether the RSS target figures included or specifically excluded care home accommodation. It was however informed by the DCLG household projections. A review of the methodology document for the 2006 based projections indicates that the proportion of the population aged 75 and over who live in nursing homes was deducted from the total population before household numbers are calculated. In arriving at the housing requirement for the plan period, the household growth was therefore discounted to take into consideration change in the nursing home populations for the over 75s.
49. Accordingly, the Council has revisited the housing supply data. It has deleted care homes and retirement type housing schemes from the supply calculations where they comprise a bedroom only or provide non self-contained units. It is reasonable to include care home accommodation within the 5 year housing land supply where it is in the form of self-contained units. Shropshire Council has been very cautious in its consideration of which extra care/care home facilities can be included within the supply, giving consideration to the details of a particular scheme rather than simply the description of development which may be misleading. By way of an example, a proposed development at Holyhead Road, Bicton is included in the supply. The planning application submitted on this site (14/05707/FUL received on the 22/12/2014) describes the scheme as the "erection of 85 extra care apartments with communal facilities; associated landscaping, car parking and external works". The applicant has since submitted an application for relief from CIL as it is considered to be 100% affordable housing. It is therefore reasonable for

these units be included in the supply of homes. The Council provided updated figures to the examination in November 2014<sup>1</sup>.

50. The PPG confirms that local planning authorities should consider both the delivery of sites against the forecast trajectory and also the deliverability of all the sites in the five year supply. The CS was not adopted until 2011, some five years into the plan period. Shropshire's Five Year Land Supply Statement for 2009 indicated that there was, at that time, in excess of 6.6 years supply of deliverable housing land and so a need to only identify further land in order to meet housing requirements after 2016. This was based on a residual approach to calculating the five year supply i.e. total requirement minus completions divided by number of years remaining to produce a residual annual average (1406 dwellings per annum). Furthermore the 2011 AMR calculated the five year housing requirement based on the same residual based calculation.
51. Paragraph 5.5 of the explanatory text to CS Policy CS10 explains that the policy sets out phasing measures in order to enable the managed release of housing land to meet targets in Policy CS1. Development will be phased, it confirms, in five year time bands as follows:
- 2006/2011 – 1190 dwellings per annum  
2011/2016 – 1390 dwellings per annum  
2016/2021 – 1390 dwellings per annum  
2021/2026 – 1530 dwellings per annum
52. This phasing is based on anticipated housing trajectories as set out in the Implementation Plan and reflects timing constraints due to the need for infrastructure to be put in place. Phasing will be subject to review, linked to monitoring through the SHLAA and the Five Year Housing Land Supply Statement. Furthermore, the Housing Trajectory at Figure 8 of the CS reflects these phasing bands.
53. The Council's Five Year Housing Land Supply Statement (EV5a) is based upon the position on 31 March 2014, with the housing requirement assessed against these phased time bands. This is the Council's preferred method of calculation (scenario 1). Although the future 5 year requirement is marginally greater than the annualised approach (+75 homes), the overall lower housing requirement between 2006 and 2014 gives a figure of 10,120 homes to March 2014, compared to an annualised housing requirement of 11,000 homes for the same period. It follows that the shortfall since 2006 is similarly reduced if assessed against the lower phased housing requirement (a shortfall of 1,840

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<sup>1</sup> Note for Inspector - 17 November 2014 and updated sites spreadsheet that provides an update to Appendix B submitted by the Council in response to the Inspector's Matters and Issues (Matter 2).

dwellings compared to 2,720<sup>2</sup>). The annualised figure to achieve a requirement of around 27,500 homes is 1,375

54. On the basis of the phased band methodology, the Council calculated availability of a 5.47 year supply of housing land, including a 20% buffer for persistent under delivery (document EV5a (August 2014)). This was updated (October 2014), as part of the response to the Matters and Issues. Using the same scenario 1 methodology, the Council calculated a 5.48 year supply. Further to this, the Council revised its calculations again (November 2014 calculations), reviewing some sites that were included in the supply calculation in light of discussions at the hearing sessions. This most recent assessment calculates a supply of 5.41 years. These calculations are set out in the table below:

#### Five Year Housing Land Supply Statement

		August 2014	October 2014	November 2014
A	Dwellings on sites with planning permission	5286	4956	4565
B	Selected resolution to grant	1227	1264	1263
C	Residential Care Homes	205		135
D	SUE	509		489
E	SHLAA Sites	724		1125
F	SAMDev	2590		2799
G	Affordable housing	179		34
H	Windfall Sites	598	598	598
	Delivery Framework C+D+E+F+G	(4207)	4275	4582
		11318	11093	11008

		August 2014	October 2014	Nov 2014
A	Total Deliverable Land Supply	11318	11093	11008

<sup>2</sup> Based on the Council's November 2014 updates.



B	Five Year Housing Requirement	10339	10127	10180
C	Surplus / Deficit	+979	+966	+828
D	Number of years supply	5.47 years	5.48 years	5.41 years

55. The Council's assessment is challenged by some from the development industry on three main grounds; firstly that five year housing land supply should not be calculated on the basis of the phased bands set out in the CS, but on an annualised approach; secondly, that the shortfall arising since 2006 forms part of the housing requirement against which the additional 20% buffer should be calculated; and finally, that some of the sites included in the Council's assessment cannot be regarded as deliverable within the five year period. It is suggested that the Council can only demonstrate as little as 3.72 years supply.
56. Policy CS10 did include the phasing bands referred to above in the submission version of the CS but following discussions at the CS hearing they were deleted from the policy and instead incorporated into the supporting text at paragraph 5.5. It is necessary to understand the background to the changes made in order to decide if the Council's preferred approach to calculating the required 5 year housing land supply (scenario 1) is justified.
57. The Inspector's report states: "As submitted, the policy includes details of the phasing of housing supply over 5-year periods, based on current completions, commitments, remaining allocations, sites identified in the SHLAA, and the release of the SUEs and other sites in the SAMDev Plan. The proposed phasing takes a slightly more optimistic view than the WMRSS Phase 2 Revision, supported by more recent work on the SHLAA. There are some challenges to this phasing, from both house builders and the CPRE, some arguing for different phasing and others arguing for its deletion. In response Shropshire Council proposes to transfer this element of the policy to the explanatory text. This makes the policy less prescriptive, yet retains the broad phasing of housing in the text of the CS to guide the SAMDev and the housing trajectory in the LDFIP (Local Development Framework Implementation Plan), and assist in monitoring. This is a reasonable compromise, particularly since Shropshire Council does not wish to unduly constrain the delivery of housing." The Inspector did not suggest that the phasing bands should be deleted; they remain part of the development plan "to guide the SAMDev and the housing trajectory". This main modification simply ensured that the phasing bands could not act as a ceiling and restrict delivery within the various 5 year bands. The phasing bands still provide the baseline for monitoring purposes, related to the housing trajectory.
58. Paragraph 5.4 of the CS was also amended to clarify that the five year supply of housing land will be assessed against the total Plan target and that the purpose of the policy (my emphasis) is to guide the phased allocations in the SAMDev DPD and will not impact on assessment of five year supply in accordance with PPS3. It is important to note that this paragraph refers to the policy, not the explanatory text. It does not therefore relate to the phasing bands contained in paragraph 5.5 that follows.

59. The policy itself requires new housing sites identified in the SAMDev Plan to be released having regard to, amongst other criteria, the need to maintain a 5 year supply of housing land; the delivery of the levels of development required in each spatial zone and the aim of achieving 60% of overall development on brownfield land. The broad requirements for each spatial zone are set out in CS Policy CS1. Paragraph 5.4 simply clarifies that these considerations (i.e. the levels of development anticipated in the individual spatial zones) have no bearing on the assessment of the 5 year housing land supply which is to be calculated against the total Plan target.
60. The CS was of course adopted prior to the publication of the Framework. The Council explained that it agreed to these changes to the CS prior to the publication of the Framework, the need to include a buffer in the five year supply and the clarification in the PPG that the shortfall should be addressed in the five year period, all of which have implications for the calculation of a five year supply which would not have been anticipated at the time of the CS adoption.
61. As previously explained, the purpose of the SAMDev Plan is to give effect to the CS. The purpose of the housing trajectory in the CS is to illustrate the expected rate of housing delivery over the plan period, demonstrating how the Council will maintain delivery of a five-year supply of housing land to meet their housing target. It reflects timing constraints and was accepted by the Inspector. The phasing is to be subject to review, linked to monitoring through the SHLAA and the Five Year Housing Land Supply Statement. The CS therefore provides justification for the Council's preferred approach (scenario 1) for demonstrating how the SAMDev Plan will maintain delivery of a five year supply of housing land and meet the overall housing requirement. To do otherwise would not properly reflect the CS. The use of the phasing bands set out in the CS as the base requirement against which the five year housing land supply position is to be calculated is therefore justified.
62. The framework makes clear that the buffer, whether it is 5% or 20%, is to ensure choice and competition in the market for land and that it should be supply brought forward from future years of the plan period. There is no dispute that the 20% buffer applies. However, the Council approach is to calculate the 20% buffer based on the Plan's base housing requirement for 5 years only, with the shortfall accumulated to date added subsequently. The Council find support for this approach in two appeal decisions relating to housing developments in Shropshire. Notwithstanding the appeal decisions referred to by the Council, which were determined by the Inspectors on the basis of the evidence before them at that time, it is general practice to apply the buffer to both the 5 year base housing requirement and any shortfall that has accumulated during the plan period. There are examples of this from around the country (examination reports as well as appeal decisions), with perhaps one of the more recent examples being the report to Cheshire West and Chester Council (whose Plan is now adopted on this basis).
63. In reality, the Council's concern that this would increase the overall total housing requirement over the lifetime of the plan is unlikely to come to fruition. The current housing land requirement for five years must sensibly include the under-provision thus far. The 20% buffer should therefore be

calculated on the combined figure as this represents the overall housing land requirement and will give the Council the best opportunity of fulfilling its housing requirements and meeting the framework's objective of boosting housing supply. The buffer should serve the same purpose for the totality of the 5 year housing requirement. This results in a 5.2 year supply of housing land, as per the table below.

		November 2014
A	Total Deliverable Land Supply	11008
B	Five Year Housing Requirement	10548 <sup>3</sup>
C	Surplus / Deficit	+460
D	Number of years supply	5.2 years

64. As set out in the framework, a five year supply is also central to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development. Footnote 11 of the framework confirms that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.
65. The Council explains that the five year housing land supply statement has been informed by discussions with the site promoters and developers. In accordance with the PPG, deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years. The PPG clarifies that if there are no significant constraints to overcome such as infrastructure, sites not allocated within a development plan or without planning permission, can be considered capable of being delivered within a five-year timeframe.
66. The inclusion of some sites in category A (sites with planning permission) that are more than 3 years old has been challenged, particularly outline planning permissions where it appears that no reserved matters application has been subsequently made within the standard time limit. The Council confirms, giving some examples to reinforce its position, that many of the permissions included have longer periods for the submission of reserved matters or commencement than the standard 3 year time limit and so remain extant.

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<sup>3</sup> 6950 (Plan's housing requirement) + 1840 (shortfall) + 20 % ('the buffer') = 10548.

Others that were referred to have since received full planning permission as part of another scheme. The Council considers many sites have simply not come forward as a result of the economic downturn, rather than any physical constraints preventing delivery and are now expected to progress as the market improves.

67. The Council also includes some sites with a resolution to grant planning permission but awaiting the completion of section 106 agreements. These sites are clearly available and suitable for development given the Council's resolution to grant planning permission. The Council has been careful to only include those with a reasonable prospect of being delivered in five years as established by a thorough case review, with others being subject to a 10% reduction. Indeed some 76.48% of the dwellings included in this category have since received planning permission, thus demonstrating that the Council's inclusion of some selected sites that benefited from a resolution to grant on 31 March 2014, in the five year housing land supply, is robust and justified.
68. In a recent appeal decision, the Inspector did not accept that a site known as the Former Dairy Site, School Road, Ruyton XI Towns (80 units) should be included in the five year housing land supply as the site remains in full use for commercial purposes which does cast some doubt over its delivery within 5 years. The outline planning permission, dated 23 December 2011, allowed 5 years for submission of reserved matters and is therefore still extant. The Council confirmed at the hearing that recent correspondence from the agent suggests that the site is to be marketed in spring 2015 with an anticipated application for reserved matters approval late 2015/early 2016. On balance, based on the evidence before me at the time of the hearings, there appears to be a reasonable prospect that housing will be delivered on the site within five years and for the site to be included in the five year supply at this time. In any event, 80 units would not be significant to the calculation of housing supply.
69. There can be no certainty trying to predict the number of planning applications that will be implemented. A discount of 10% across the whole district is considered to be fair and reasonable, particularly as the Council has applied lower average build rates in the north than the south and central area when calculating the five year supply.
70. To conclude, the Council has carefully selected those sites that it considers can be included in the five year housing land supply (as updated November 2014), taking a cautious approach. The SAMDev Plan addresses the housing allocations necessary to ensure delivery of the required scale of housing consistent with the CS and while it would be preferable for the Council to have a greater supply of housing land, the housing requirement figure and the spatial strategy for delivering it are a matter for the review of the Council's CS in due course.

### **Issue 3 – Whether the SAMDev Plan makes satisfactory provision to meet the accommodation needs of the gypsy and traveller community and travelling showperson's**

71. National policy is found in the Planning policy for traveller Sites (PPTS) which is to be read in conjunction with the framework. Local planning authorities should, in producing their Local Plan, identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets; and identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15.
72. CS Policy CS12 is a criterion based policy for the consideration of windfall sites and refers to the provision of new sites in the SAMDev Plan. At the time of the CS examination and adoption there was an identified need for 79 pitches, a transit site and 4 Travelling Showperson's plots. These figures were derived from a Gypsy and Traveller Accommodation Assessment (GTAA) published in 2008.
73. Notwithstanding Policy CS12, no additional sites are allocated in the SAMDev Plan. The Council relies upon the recently published Shropshire GTAA (2014 GTAA) (updated January 2015) to support the case that there is no longer a need to identify any specific site allocations. Using the DCLG-approved model as advocated in Gypsy and Traveller Accommodation Assessment Guidance (DCLG, 2007) for calculating pitch requirements, the 2014 GTAA research demonstrated a shortfall of 5 pitches across Shropshire, excluding an allowance for turnover, to accommodate gypsies and travellers over five years and the need for a further 12 pitches to 2026/27 arising from newly formed households within the county. The turnover of pitches on Council owned sites would, the Council asserts, address these requirements.
74. Further research carried out following discussions at the hearing indicates that not all of the pitches included in the supply of sites benefit from planning permission. The GTAA has been updated to reflect the actual number of authorised pitches. On the basis of the up-to-date information, there is a need for 165 pitches over five years. There are 146 pitches with planning permission<sup>4</sup>, resulting in a shortfall of 19 pitches. A further planning permission for 6 pitches has since been granted (reference 14/04248/FUL). Accordingly, the revised shortfall is 13 pitches, rather than 5. The GTAA

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<sup>4</sup> 146 pitches are identified in the updated GTAA (Jan 2015). These include a planning permission for 2 pitches at Park Hall caravan site secured after the original GTAA survey was carried out. I have identified 1 additional pitch at Lacon Street, Prees that has not been included. The relevant permission at Lacon Street permits 4 caravans to be stationed on the site, notwithstanding a reference to 2 caravans in the description of development. It is considered this equates to 2 pitches. Only 1 pitch was included in the Council's Table 1 and the updated GTAA.

indicates a further 12 pitches will be required between 2019/20 to 2026/27 based on future household formation.

75. 34 existing pitches were vacant at the time of the initial GTAA survey. These include 10 pitches at Park Hall and 10 vacant pitches at Craven Arms Caravan site, Long Lane. Both of these are Council owned sites that are being extended and / or refurbished. Based on historic trends, the likely turnover of pitches on the Council owned sites, would amount to 7 pitches annually. The additional 12 vacant pitches were identified on a private site at Warrant Road Caravan Park 2. No allowance is made for turnover on private sites which is more difficult to establish.
76. It also became apparent that a number of historic permissions do not restrict occupancy of sites to gypsies and travellers. Nevertheless, in most cases the questionnaire surveys carried out confirm continued occupation by gypsies and travellers. However no questionnaire surveys were conducted at Warrant Road Caravan Park 2, a large private site with no occupancy restriction conditions imposed. This site benefits from two planning permissions equating to 25 pitches, 12 of which were recorded as vacant. The owner of this site is understood to be allowing occupation by both the gypsy and traveller community and the settled population for Park Homes and currently refurbishing the site. At this time it is considered that these vacant pitches cannot be relied upon as being available in the future for the gypsy and traveller community.
77. If all of the 13 existing pitches at Warrant Road are occupied by gypsies and travellers (which is unlikely) but the 12 vacant pitches are not available to the gypsy and travelling community in the future, the Council will still be in a position to comfortably demonstrate a five year supply of pitches and sufficient supply for the remainder of the plan period, having regard to the expected turnover of pitches on Council owned sites. Furthermore, it seems unlikely that all 13 pitches at Warrant Road are occupied by gypsies and travellers and so household formation rates generated by these pitches are likely to be less than calculated in the GTAA. This gives flexibility within the assessment of need.
78. A travelling showperson's site will be displaced as a result of new development. However, negotiations are on-going to relocate the site, with measures having already been put in place in the interim to ensure a site is available during the transition.
79. To conclude, the evidence confirms that it is not necessary for the SAMDev Plan to make further provision to meet the accommodation needs of the gypsy and traveller community and travelling showpersons.

**Issue 4 – Whether the land situated between the Battlefield Brook and the A5124 link road in Shrewsbury should be included as part of the designated Protected Employment Area known as Greenhills Enterprise Park.**

80. Policy MD4 stipulates how employment land and development will be delivered as part of the management of a portfolio of employment land and premises

and to maintain a reservoir of available sites. The portfolio of land and premises includes the committed and allocated sites identified in policies S1 to S18. Policy MD9 (Protected Employment Areas) secures the protection of existing employment areas for Class B and appropriate sui generis employment uses in accordance with the significance of the site. As required in Policy CS14, the protection of existing employment areas is based on evidence of the purpose, viability and redevelopment potential of the sites.

81. The proposed Protected Employment Area to the south of the A5124 link road includes parcels of land that were included in the Shrewsbury and Atcham Borough Local Plan for employment and an area of land known as Greenhills Enterprise Park (GEP). The GEP broadly equates to an area that was the subject of a 'hybrid' planning permission in 2002 ('the 2002 permission') approving highways infrastructure works in detail and employment development plots in outline. It is viewed by the Council as the final land parcel of the extensive Battlefield Enterprise Park. Full planning permission was subsequently secured for a Food Enterprise Centre on plot 5a and a Mercedes car dealership on plot 1.
82. A large swathe of land to the north of the Battlefield Link Road is designated as a Registered Battlefield site. The designation includes two triangular parcels of land which are now, following the construction of the link road, south of it. These two parcels are also included in the proposed Protected Employment Land allocation. The Designation Department within Historic England has conducted a national review of all Battlefields in England including the Battle of Shrewsbury 1403. In the process of this review, Historic England (West Midlands) advised that the Battlefield designation boundary should remain unchanged to protect the views into and out of the Registered Battlefield and to protect its setting by allowing a mature screening belt to be provided to screen development. The Designation Department within Historic England have determined that the boundary of the Registered Battlefield in Shrewsbury should not be changed and the land parcels remain part of the designation. There is therefore a clear conflict if these parcels of land are to remain as Protected Employment Land. A modification is proposed and necessary to ensure the Protected Employment Land allocation fully excludes the two parcels of land to the south of the link road that still form part of the Registered Battlefield. This modification is necessary to ensure that the plan is justified and effective (**MM216**).
83. It has been suggested by one representor that, with the exception of plots 1 and 5a, this GEP land is not 'existing' employment land and should not have been assessed as such or included in the protected area. There is no dispute that the land in question is not part of an existing allocated employment site in an existing Local Plan, being identified as open countryside in the Shrewsbury and Atcham Local Plan. The inclusion of this land in the SAMDev Plan as protected employment land would therefore represent a policy shift in the designation of this land from countryside to being part of an existing employment area. The thrust of the representation is that to regard this land as existing employment land and include it as part of the wider employment area in this way, circumvents the need for an assessment of employment use on the setting of the Registered Battlefield site and correct SA.

84. The evidential basis for the Council including all the GEP land within the Protected Employment Area was that it was thought to benefit from an extant grant of planning permission(s). The history of the relevant 2002 permission is complex. It appears that the former Shrewsbury and Atcham local planning authority did intend to grant a hybrid permission that would enable the implementation of infrastructure works and structural landscaping on the discharge of conditions 2 and 20 respectively. However, in reality, the permission required other conditions to also be discharged before any development commenced. These other conditions were not discharged. It is now accepted by the Council that the outline permission has lapsed due to the failure of a developer to submit a reserved matters application for plots 2, 3, 4 and 5b; there is no extant planning permission on the land. Between 2004 and 2005, the land was engineered to recognisable plots 1, 2, 3, 4, 5a and 5b. The area was bunded and structurally landscaped and the plots were accessed with estate roads and serviced with electricity sub-station, street lighting and all utility services. These works remain in place. This development proceeded in advance of all of the pre-commencement conditions (that go to the heart of the permission) being fulfilled. It was not therefore authorised by the 2002 permission. As such, the 2002 permission failed to ever take effect. The Council's evidential basis for inclusion of the land is therefore incorrect.
85. The question therefore arises whether there is any evidence base to justify the inclusion of the land as part of the Protected Employment Area. There is no definition of an 'existing' employment area in the CS (or the SAMDev Plan) which limits inclusion of sites within such an area to those with an extant planning permission for employment purposes only. As required in CS Policy CS14, the protection of existing employment areas is based on evidence of the purpose, viability and redevelopment potential of the sites.
86. In support of the continued identification of the land as part of the Protected Employment Area, the Council reiterate that the employment uses on plots 1 and 5a did take effect as a result of full planning permissions granted subsequently, establishing the use of the land as a recognisable employment location. These plots are located off Vanguard Way clearly linking this area to the Battlefield Enterprise Park.
87. In 2002 there was a clear acceptance through the grant of planning permission that employment development was appropriate on this land as a matter of principle. This was reinforced by later planning permissions on three plots and the implementation of two of those permissions on plots 1 and 5a. The land has been fully serviced to provide individual plots and access provided to service those plots. It must also be recognised that it was always the intention of the 2002 permission that works of this nature could be implemented without the need for a subsequent reserved matters application. These operations were carried out in 2004/5 using Capital Grant funding in the full knowledge of the Council. Perhaps not surprisingly, given the intent of the 2002 permission, there has been no recourse to take any enforcement action and these works have become lawful through the passage of time.
88. Taking all these factors into account, the purpose of the land has clearly been established as being part of the employment area through the engineering operations and the authorised development that has taken place on two of the plots. The plots continue to be marketed for employment purposes



demonstrating their development potential. There is no evidence to suggest that development on the GEP would not be viable. The continued protection of the land for employment purposes therefore remains justified on this basis.

89. Surveys that have been carried out by the site promoters clarify that flooding and wildlife considerations are not likely to preclude the future development of the serviced plots. Future applications would of course still need to be assessed having regard to the proximity of the site to the Registered Battlefield and the impact development would have on its significance, having regard to the Planning Guidance for the Registered Battlefield (to be incorporated into the Historic Environment Supplementary Planning Document (SPD)).

**Issue 5 - Whether the SAMDev Plan will be effective in delivering the employment land requirements set out in the CS.**

90. The CS identifies a requirement for 290 hectares of employment land. Policy CS1 requires the SAMDev Plan to make provision for the employment needs in towns, key centres and rural areas having regard to the differing pressures, opportunities and constraints in the spatial zones. The distribution of employment development is reflected in the broad ranges given in CS Policy CS1 for the five spatial zones, and the indicative scale of development recommended in the Employment Land Review (ELR) (EV7).
91. CS Policy CS13 requires a responsive and flexible supply of employment land to be planned for and managed in a range and choice of sites in appropriate locations. Some 67 ha of employment land was developed for employment purposes between 2006–2013. The 2012 – 2013 AMR confirms an additional total land portfolio of 296 hectares between 2013 - 2018, of which 169 hectares are site allocations. An additional windfall allowance of 66 hectares results in a healthy strategic land supply of 429 hectares of employment land available during the plan period. Furthermore the identified reservoir of readily available sites (167 hectares) for the period 2013 to 2018 far exceeds the requirement set out in CS Policy CS14 to maintain a steady supply above 72 hectares.
92. The ELR identified three key distributional issues to be addressed in the SAMDev Plan: (a) provision in the north west must provide sufficient encouragement to demand in Oswestry town; (b) provision in the East must reflect the realistic opportunities and potential for development in Bridgnorth; and (c) provision in the north east should seek to more fully exploit the potential of the principal settlements of Market Drayton and Whitchurch to offer better opportunities to promote the Shropshire economy as a whole.
93. The SAMDev Plan seeks to raise the profile of Shrewsbury as a business investment location, in accordance with CS Policy CS13, principally through Policy S16 which sets out a robust development strategy for the County town focusing around two SUEs and two significant employment allocations to the east of the town. These allocations will combine the provision of employment land with housing and will serve the expansion needs of existing successful business parks, the provision of services and the delivery of strategic and key infrastructure for both the SUEs.

94. The support for environmental technologies and creative and cultural industries is generally supported within the Shrewsbury strategy of Policy S16 as the primary centre for these sectors. The tourism economy has a more widespread effect. The strategies for the Market Towns and Key Centres require protection of those characteristics which contribute to the tourism economy. Shropshire is also seeking to develop its linkages between the land based industries by promoting 'added value' enterprises in food and drink production and processing.
95. CS Policy CS15 already establishes the strategic framework for Shropshire's town centre planning policy. It sets out Shropshire's network of town centres from Shrewsbury as the Strategic Centre, Principal Centres (Bridgnorth, Ludlow, Market Drayton, Oswestry and Whitchurch) and District Centres (Albrighton, Bishop's Castle, Broseley, Church Stretton, Cleobury Mortimer, Craven Arms, Ellesmere, Highley, Much Wenlock, Shifnal, Wem, and Minsterley/Ponstesbury). Policies CS15 and CS2 also established the Riverside and West End areas of Shrewsbury as priority town centre locations for delivering a proportion of the comparison retail target of 80,000 square metres of gross floorspace over the plan period (2006-2026).
96. Since the adoption of the CS, the Riverside scheme for approximately 25,000 square metres of additional A1 floorspace has been approved in 2012 (12/00409/EIA). Ignis Asset Management acting on behalf of the New Riverside scheme has confirmed their intention to develop the site in the medium to long term. In addition to the Riverside scheme there has also been around 15,000 square metres gross floorspace of comparison retail commitments in Shrewsbury since 2006 (Shrewsbury Retail Study 2014 Update, appendix A table 13).
97. The recent update to the Shrewsbury Retail Study in 2014 (EV87) has used the most up-to-date Experian data to forecast expenditure capacity, taking account of comparison retail commitments since 2006. This updated position now considers there to be no quantitative need for additional comparison retail floorspace between 2012 and 2026. The policy principles set out in CS15 continue to be appropriate as a framework for decision making, although it is reasonable that the targets expressed in the CS must be considered in the context of the recent evidence. In light of the up-to-date study, it is considered the allocation of further sites in Shrewsbury, especially in out of centre locations, would potentially harm the prospect of delivery on the Riverside scheme. This is a reasonable and justified approach at this time pending the review of the Local Plan which will enable an opportunity for the up-to-date Retail Study to be subject to scrutiny and the longer term comparison retail needs of Shrewsbury to be assessed.
98. Policy MD4 is specific to managing employment development. The policy introduction specifically refers to policies CS14 and CS19 but the strategic context to Policy MD4 is more far reaching. The Council proposed a new introductory sentence to accurately identify the strategic context to the management of employment development and the key objectives for implementing the policy (**MM19**). Similarly Policy CS13 should be included in the list of policies that the AMR is addressing by maintaining a portfolio of employment land and premises (**MM21**).

99. Policy MD4 is only permissive of suitable 'small-scale' employment windfall sites MD4 (1) (ii). A modification is proposed to delete the reference to 'small-scale' in the policy and explanatory text to ensure the plan is positively prepared and effective in the delivery of suitable employment windfall sites of a scale commensurate with particular settlements having regard to the need to support economic growth in rural areas (**MM20**).
100. To offer more flexibility to the consideration of the suitability of 'other employment generating' uses on portfolio sites it is suggested by the Council that a restriction that these other uses should only provide products or services that do not require access for visiting members of the public is too restrictive. A preferred assessment is that a use should 'preferably provide products and services that remove the need for access for visiting members of the public'. This would also be reflected in modifications to Policy MD9 that relates to protected employment areas. These modifications are necessary to ensure the policy is sufficiently flexible to be effective in generating suitable employment uses (**MM22 & MM59**).
101. Policy MD9 protects existing employment land. Paragraph 4.82 clarifies that a greater degree of protection will be afforded to existing employment areas, especially those where the area accommodates key strategic or local employers. Portfolio sites in Policy MD4 will be treated more flexibly. The Council propose a modification to better reflect the policy intention to afford a greater degree of protection to 'strategic or significant local employers'. This is necessary to ensure the SAMDev Plan is justified (**MM58**).
102. To avoid repetition in the explanatory text to Policy MD9 the Council propose to delete paragraphs 4.90-4.95 inclusive (see MM60). Notwithstanding the schedule of proposed modification, this amendment would have no bearing on the soundness of the SAMDev Plan and would be more appropriately considered as an additional modification by the Council.
103. To conclude, the SAMDev Plan will be effective in delivering a sufficient supply of land for economic development, in both quantitative and qualitative terms, to meet the identified needs of the area over the plan period.

**Issue 6 – whether the SAMDev Plan contains a clear strategy to ensure that development will not result in any adverse effects on internationally designated sites.**

104. Shropshire is particularly rich in internationally and nationally designated wildlife sites, which have the highest level of protection. These include sites of European importance that comprise 5 sites designated as Special Areas of Conservation (SACs) and wetlands of international importance designated as Ramsar Sites which include 'meres and mosses' scattered across the northern and central parts of Shropshire. These European sites are protected by the Conservation of Habitats and Species Regulations 2010 (as amended). All SACs and almost all Ramsar sites are also Sites of Special Scientific Interest (SSSI). Appropriate Assessment (as required by the European Habitats Directive) will be necessary for any development proposals that are likely to have a significant effect on a European site (either alone or in combination with other plans or projects). If a proposed development is likely to have a significant effect on a European Site, then any possible pathways must be

analysed to determine if it would have an adverse effect on the integrity of the site. Following any mitigation measures, if the adverse effect cannot be completely removed then planning permission should be refused.

105. The Final Plan Habitats Regulations Assessment (HRA) indicates that development in the Bishop's Castle and Craven Arms areas and the allocation of the Wood Lane mineral site in the Ellesmere area may cause significant effects on internationally designated sites; specifically the River Clun SAC (designated for freshwater pearl mussel) and in the Ellesmere area on the integrity of the Cole Mere Ramsar site and also on the Fenns, Whixall, Bettisfield, Wem and Cadney Mosses SAC / Ramsar site. It also highlights the need to assess the nature and scale of recreational pressure arising from the planned extra housing in the Ellesmere, Wem and Whitchurch areas on other Natura 2000 sites.
106. If adverse effects can be sufficiently reduced or overcome through mitigation measures, such that the integrity of a site is not adversely affected, then planning permission may be granted subject to the necessary conditions being attached and/or the requisite section 106 being signed and sealed. Where the HRA has concluded that there are pathways for impacts on the integrity of the Natura 2000 sites, proposed changes to policies have been recommended. These relate to applications within the River Clun catchment, certain other housing allocations and the leisure/tourism allocation at Ellesmere.
107. The HRA sets out a range of mitigation measures to remove those adverse effects, and thus ensure that development can proceed as planned for. Mitigation measures are also included in interim planning guidance, management plans, Place Plans and CS policies. However, Natural England is concerned that the submitted SAMDev Plan does not provide appropriate mechanisms to secure the necessary mitigation. A Statement of Common Ground between the Council and Natural England therefore sets out a number of main modifications that are necessary to make the SAMDev Plan sound.
108. Importantly, all of the affected designated sites have management plans in place that are to be regularly updated. An exception is the River Clun SAC Action Plan which is expected to be complete by the end of 2015. However, the River Clun Nutrient Management Plan (Final version) forms part of the SAMDev Plan evidence base (EV110). The necessary mitigation requirements can be linked to the remedial actions necessary to remove the impact of development as set out in these plans.
109. Main modifications are required to Policy MD12 to make the approach to determining applications clear. The starting point is where a proposal is likely to have a significant effect on an internationally designated site a project-level HRA will be required. Planning permission will be refused where a HRA indicates an adverse effect on the integrity of an internationally designated site which cannot be avoided or fully mitigated. Where mitigation can remove an adverse effect, measures will be required in accordance with other policies and the remedial actions set out in the relevant management plan for the designated site and the priorities set out in Place Plans where appropriate. Finally, the policy shall, in accordance with legislation, confirm that where no alternative solution exists and where significant adverse effects remain on the types of natural assets listed in the policy, development will only be permitted

where it can be demonstrated that there is no satisfactory alternative means of avoiding such impacts and the social or economic benefits of the proposal outweigh the harm to the asset. Consequential main modifications are required to the explanatory text to expand on the type of detail required and the type of project level mitigation that may be appropriate. These main modifications are necessary so that the policy is consistent with national policy, particularly paragraph 118 of the Framework and reflects the HRA (**MM67, MM68**).

110. Mitigation measures that would reduce the nutrient loading of the River Clun include adding phosphate stripping to the sewage treatment works that do not currently have it, diverting treated effluent from Bishop's Castle and Bucknell Sewage Treatment Works out of the Clun catchment, encouraging mitigating land management practices and installing Sustainable Urban Drainage (SUDs) features for roads and developments. Improvements to the water treatment infrastructure are planned between 2015 and 2019 to reduce phosphate discharges. In addition, Cole Mere and White Mere are vulnerable to changes in water levels and quality. Various policies stress that mitigation measures will be required to remove hydrological and water quality impacts on the integrity of the River Clun SAC in accordance with Policy MD12.
111. In the Ellesmere area the Cole Mere and Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses sites, with open public access, are vulnerable to impacts from increased recreational pressure. Wem is within 7km of Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC/Ramsar site and therefore new residential development may also generate additional recreational pressure on the site (alone or in-combination). Similarly, Whitchurch is within 2km of Brown Moss SAC. The additional dwellings proposed at Whitchurch, Tilstock, Ash Parva and Prees Heath are within 5km of the SAC and so may act in combination to result in a cumulative impact from recreation on Brown Moss SAC. Suggested mitigation measures include provision of sufficient alternative semi-natural public open space in accordance with Policy MD2 on Sustainable Design) and/or contributions to visitor management measures at the RAMSAR sites in line with adopted Core Strategy Policies CS8, CS9, CS17 and the management or action plan for the designated site as well as the priorities set out in the Place Plans.
112. Main Modifications are required to Policy MD2 to ensure that such appropriate mitigation is secured. Particular consideration will be given to the need for alternative semi-natural open space to be provided using 30 square metres per person as a starting point (**MM10**). These proposed changes to Policy MD2 are necessary to enable development to proceed in the Ellesmere, Wem and Whitchurch areas.
113. The Mineral Allocation HRA (CD6, Appendix 6) provides a detailed assessment of potential impacts from the Wood Lane North sand and gravel site extension which concludes that the safeguards in Policies MD5, MD12 and MD17, to be applied at the planning application stage, are sufficient to ascertain that development will not adversely affect the integrity of Cole Mere. Following the production of a Statement of Common Ground with Natural England (NE) (EV93), further modifications are suggested by the Council to Policy MD5 and the explanatory text in response to the Final Plan HRA to ensure that detailed information and an analysis of water quality and on impacts arising from

sedimentation, hydrological changes and dust on the Cole Mere Ramsar site and the White Mere Ramsar site are submitted to support a project-level HRA. These modifications are necessary to ensure the legislative requirements relevant to Ramsar sites are complied with and satisfactory mitigation measures put in place (**MM25 and MM32**). These issues have been addressed in the supporting documents that accompany a planning application for the working of the Wood Lane North site.

114. Policy S14.2 sets out that the potential for impacts on the integrity of the Montgomery Canal SAC from development within Llanymynech in the Oswestry Area will need to be assessed and that mitigation measures will be required for any hydrological impacts in line with Policy MD12.
115. Various consequential main modifications are required to the relevant settlement policies referred to above to avoid repetition and instead to signpost the need to adhere to Policy MD12 (**MM13, MM95 - MM98, MM100, MM104, MM107, MM108, MM109, MM110, MM132, MM133, MM136, MM138, MM139, MM140, MM142, MM145, MM146, MM147-FMM3, MM150-FMM4, MM151, MM152, MM153, MM168, MM171 – MM173, MM179, MM198, MM199, MM200-FMM5, MM201, MM202, MM204, MM206 – MM209**).

**Issue 7 - Whether the SAMDev Plan will ensure the necessary infrastructure is provided to support the level of development proposed.**

116. In accordance with the framework, Shropshire Council has worked closely with a wide range of service providers to prepare the SAMDev Plan, assessing the quality and capacity of existing infrastructure to meet the demands of the projected growth and to identify any requirements for additional new infrastructure provision. The outcome of this collaborative work has directly informed the settlement strategies within the SAMDev Plan, which set out specific infrastructure requirements where applicable, and forms the basis of the LDF Implementation Plan and accompanying Place Plans which are recognised in both the CS and the SAMDev Plan as an important delivery mechanism for the Local Plan.
117. The LDF Implementation Plan and accompanying Place Plans (CD5) detail the infrastructure requirements and investment priorities needed to deliver the scale and location of growth identified within each settlement. As such, gaps in existing and planned infrastructure provision are identified and assessed in terms of the required timing for any new provision, along with information on the anticipated cost, potential funding sources and lead delivery partners, wherever information is available. Where these information gaps relate to the provision of 'critical' infrastructure, the Council has worked closely with the relevant service provider to seek confirmation that the planned level and location of development can be accommodated. On-site infrastructure requirements are identified (where relevant) in the development guidelines for individual sites. Shropshire's Implementation Plan and Place Plans identify the latest infrastructure investment priorities for each area and will play a leading role in determining the most appropriate targets for investing financial contributions, including Community Infrastructure Levy (CIL).

118. To ensure infrastructure requirements are fully identified and planned for, the LDF Implementation Plan and Place Plans are updated annually through a formal period of consultation between September and January. This annual review cycle ensures the infrastructure plans are regularly updated to reflect changing needs and priorities. It also means that the Place Plans are an important part of Shropshire's localised planning approach, whereby service providers and local communities, via the town and parish councils, are continually engaged in prioritising infrastructure and investment needs within each community, thereby ensuring the delivery of more sustainable places. Importantly, the Place Plans have also been used throughout the preparation of the SAMDev Plan to establish that there are no insurmountable issues relating to infrastructure provision for the identified site allocations and to identify where and when future investment is required by partner organisations.
119. The SAMDev Plan does recognise the need to control development in relation to 'critical' infrastructure delivery and Policies MD2 (Sustainable Design) and MD8 (Infrastructure Provision) therefore seek to ensure alignment with the investment cycles of infrastructure providers. As such, a policy requirement is included within Policies MD2 and MD8 for new development to consider appropriate phasing where a 'critical' infrastructure requirement has been identified. The individual settlement policies further support this approach by setting out specific 'critical' infrastructure requirements for each area, where they are known, along with a need to consider appropriate phasing in such cases. The SAMDev Plan cross refers to the LDF Implementation Plan and accompanying Place Plans which, as 'living' documents, provide a flexible means of capturing and prioritising Shropshire's infrastructure requirements.
120. Policy MD8 sets out the type of considerations that will be taken into account when considering proposals for new strategic infrastructure. To ensure Policy MD8 is effective, consideration should be given to the potential for adverse impacts on natural and heritage assets rather than only 'recognised' natural and heritage assets, which are not defined and therefore open to interpretation (**MM55 & MM57**). In addition, the supporting text at paragraph 4.71 should, in accordance with the views of Historic England, signpost policy MD13 that seeks to protect, conserve and sympathetically enhance heritage assets to ensure the SAMDev Plan is effective. As agreed in the Statement of Common Ground with the Environment Agency, it is necessary to include ecology in the list of matters to which particular attention should be paid in cases involving hydro-electric energy schemes to ensure the policy is effective (**MM56**).

### **Issue 8 – Whether the SAMDev Plan will facilitate the sustainable use of minerals?**

121. The mineral resources currently worked in Shropshire are aggregates (sand and gravel and crushed rock), building stone, brick clay, fire clay and coal. These resources supply both local markets and a wider area, particularly in the case of crushed rock and fire clay where materials supply regional and national markets. National policy guidance requires Shropshire to maintain an adequate and steady supply of aggregates during the Plan period, taking account of the existing production guidelines established by the AWP. The CS establishes that sufficient crushed rock aggregate resources are already

available from permitted sites, but that additional sand and gravel resources need to be allocated to provide for flexibility and local competition during the period up to 2026.

122. Shropshire Council has identified three preferred site allocations which could help to meet the sand and gravel production shortfall. The effect of these allocations, together with a small allowance for windfall capacity, generates a modest surplus which reflects potential deliverability constraints on some of the existing site commitments in the early part of the Plan period. These sites are all extensions to existing sand and gravel sites. The allocated sites are proposed to come forward in two phases. Wood Lane extension (Ellesmere) is included in phase 1 and Gonsall (Condoover) and Morville extensions in phase 2. In the Council's view, these sites provide the best balance between the need for comprehensive working and the potential for cumulative impacts from the concentration of mineral working near existing sites. Proximity to the market for the materials concerned has also been taken into account. An explanatory paragraph is required within the supporting text to justify this phased approach which is necessary to address potential cumulative impacts that could arise at Morville where an existing site and the proposed preferred allocation are both served by the same access road (**MM31**). These sites will ensure sufficient landbanks are maintained.
123. In the context of representations concerning the potential need to make additional provision to replace existing production in South Staffordshire, the draft Staffordshire Minerals Local Plan indicates (paras 2.21 & 7.9) that Staffordshire County Council considers that it can maintain an adequate and steady supply of sand and gravel aggregates from sites in its area during the proposed Plan period to 2030 and that no change in the current pattern of supply is anticipated which would require additional resources from Shropshire to compensate for reduced production in South Staffordshire. The SAMDev Plan does not rely, to any significant extent, on reserves in site commitments which have remained unworked.
124. A Statement of Common Ground has been agreed between the Council and the Minerals Products Association (MPA) which has led to a number of suggested modifications to Policy MD5 which concerns sites for sand and gravel working. Schedule MD5b lists those sites to be considered when monitoring demonstrates that the further controlled release of reserves is required. MD5 (2) states that applications for earlier development of these sites will be considered on their merits. Particular regard will be had to three criteria, the first of which is the need for minerals development to maintain an adequate and steady supply of sand and gravel. This is contradictory given the applications being considered against this criteria are those knowingly being made for the "earlier" development of these sites i.e. before the monitoring demonstrates that they are required. This should be deleted to ensure the policy is positively prepared (**MM23**).
125. As currently worded in the submission draft plan, proposals for mineral working falling outside the allocated areas will be permitted where developers can demonstrate a number of criteria are satisfied. These include (i) that the proposal would meet an unmet need or would prevent the sterilisation of the resource; and (ii) the proposal would not prejudice the development of the allocated sites; *and* (iii) there would be significant environmental benefits as a



result of the exchange or surrender of existing permissions or the site might be significantly more acceptable overall than the allocated sites. It is accepted by the Council that a developer should only need to satisfy (i) and (ii) or (iii). This modification is required to ensure Policy MD5 is positively prepared (**MM24**).

126. The Environment Agency considers the effect of a proposed minerals development on hydrogeology in addition to hydrology should be a key consideration in determining applications for development on the Wood Lane North extension site. A main modification is necessary to ensure the policy secures effective mitigation against adverse environmental impacts (**MM26**).
127. The latest available data for sand and gravel sales in Shropshire can be updated to present the latest position (**MM29**). Existing 'permitted sites' include those for which the Council has resolved to grant planning permission subject to completion of a legal agreement (**MM28**). As agreed in the Statement of Common Ground with the MPA, table 5.2 should be presented in an easier format to demonstrate how the sand and gravel shortfall has been assessed (**MM30**). A correction is required in Table 5.3 (**MM33**). These main modifications are necessary to provide clarification and ensure the SAMDev Plan policies are justified, having regard to the supporting evidence.
128. Policy MD17 gives support to applications for mineral development where applicants can demonstrate that potential adverse impacts on the local community and Shropshire's natural and historic environment can be satisfactorily controlled. The policy sets out those matters that particular consideration will be given to and the type of detailed information to be included in an application. To reflect the Statement of Common Ground with Historic England and to reflect national policy, when determining an application particular consideration will also be given to protecting, conserving and enhancing the significance of heritage assets including archaeology (**MM85**).
129. A number of main modifications are sought by the Council that have been agreed with the MPA to ensure the policy is effective and positively prepared. In addition to the extent to which the proposed development contributes to the comprehensive working of mineral resources and appropriate use of high quality materials, consideration is to be given to evidence of the quantity and quality of minerals (**MM84**). Where necessary, rather than 'impose' output restrictions they should be 'agreed with the operator' (**MM86**). MD17.5 is relevant to sustainable proposals for the working of building stone. This should be specified (**MM87**). By way of explanation to justify the approach set out in policy a new paragraph explaining that minerals are a finite resource and that applications should be accompanied by appropriate evidence to demonstrate the quantity and quality of mineral is required (**MM89** (listed as MM99 in the published consultation material in error)).
130. Mineral working has the potential to impact on both groundwater and surface water as a result of removal of materials, de-watering activities and restoration activities. A modification is sought by the Council in agreement with the Environment Agency to add a paragraph to the explanatory text explaining the potential implications and type of assessment necessary to enable consideration of the effects of a development on environmental

features supported by groundwater, for example wetlands, watercourses, ponds or existing water supplies (**MM88**). This will ensure the policy is effective. A further paragraph highlighting the benefits that a restored site can make to the objectives of the Water Framework Directive by helping to achieve good ecological status by 2027 and supporting multi-functionality in after use schemes has been agreed with the Environment Agency and Council to ensure the policy is positively prepared (**MM90**).

131. Policy MD17 is concerned with the management of minerals sites and their effects. However, the monitoring indicators are based on levels of production. To ensure that the monitoring indicator is effective a modification is required, as proposed by the Council, to monitor the proportion of planning consents in which the policy is referenced (**MM91**).

132. Lafarge Tarmac objects to proposed main modifications MM27 that relates to Morville Quarry extension. It is acknowledged that the Statement of Common Ground with Natural England did not refer to any need for a site restoration scheme to be designed to deliver significant wildlife benefits as indicated although previous representations did. The minerals site assessment at stage 2a acknowledges that the site has potential to deliver biodiversity benefits upon restoration, a consideration that contributed to the selection of the site. A requirement to include a restoration scheme that includes significant wildlife benefits is therefore justified (**MM27**).

133. To conclude, the preferred allocations, together with the proposed windfall policy, provide sufficient certainty and flexibility to maintain an adequate and steady supply of sand and gravel consistent with the established production guideline without the need for additional allocations.

### **Issue 9 – whether the SAMDev Plan is consistent with national policy relating to onshore wind turbines, in light of the recently published Ministerial Statement**

134. On 18 June 2015, the Secretary of State published a Written Ministerial Statement (WMS) regarding onshore wind turbine development. The WMS sets out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications. When determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the proposed development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the proposal reflects the planning concerns of affected local communities and therefore has their backing.

135. In applying these new considerations, suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Policy MD8 sets out criteria that proposals for Infrastructure Provision, including wind energy proposals, would need to meet. The SAMDev Plan does not allocate suitable areas for wind energy development. In light of the WMS, such a criteria-based policy would not be effective or consistent with national planning policy. In short, it would be

impossible for any wind energy proposal to be permitted even if all the criteria were satisfied because neither the SAMDev Plan nor any neighbourhood plans identify "suitable areas" for such development.

136. The Council suggest that the preferred way forward, to avoid any further delays is to modify Policy MD8(4)(i) so that Policy MD8 does not include criteria against which wind turbine applications would be assessed and instead that the wind turbine proposals will be considered against the WMS. Main Modifications are necessary to this end to ensure that the SAMDev Plan accords with the WMS (**FMM1 & FMM2**).

**Issue 10 – whether the management of development policies (not previously referred to) are positively prepared, justified and effective.**

137. A number of modifications are suggested by the Council. Whilst none alter the main thrust of the policies, some are nevertheless necessary to ensure individual policies are sound. These are referred to below.

**Policy MD2 – Sustainable Design**

138. Policy MD2 relates to Sustainable Design. The framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Policy MD2 requires, amongst other criteria, that developments achieve local aspirations for design as set out in locally produced formal documents. Whether or not local aspirations are achieved is a rather subjective judgement, particularly where no formal documents exist. Furthermore, there could be tensions between 'local aspirations for design' and what is regarded to be 'locally distinctive or valued character', also to be satisfied, which may lead to some difficulties in the application of the policy. To be effective, it is considered that developers should be required to 'respond positively' to local design aspirations set out, thereby allowing a degree of flexibility alongside an assessment of locally distinctive or valued character (**MM7**). This would not undermine the great importance that the framework attaches to the design of the built environment.

139. Some changes are required to ensure the precise policy wording is consistent with national planning policy both in relation to the protection of heritage assets (**MM8**) and the incorporation of SUDS in developments (**MM9 & MM11**).

140. For non-residential developments it is considered that a requirement to provide open space based solely on the estimated number of future employees is not justified. For example, the nature of the business operation may require a large building but nevertheless generate a need for only a low number of employees. In such circumstances the area of open space required may well be disproportionate in terms of design and locational context. To be justified and effective the requirement to provide open space should be design-led (**MM12**).

## Policy MD3 – Delivery of Housing Development

141. Policy MD3 provoked considerable response and discussion about its practical application and effectiveness. A modification is required to make it clear that Policy MD3 is concerned with the delivery rather than management of housing to ensure consistency with the CS. Furthermore, development guidelines for allocated sites are set out in the settlement policies and so there is no need to refer to them within this policy, not only to avoid repetition but to ensure Policy MD3 is clear and effective in relation to sustainable windfall developments. The reference to allocated sites in MD3 (1) (ii) should be deleted (**MM14**).
142. In relation to applications to renew an existing permission, Policy MD3.2 requires evidence of an intention to develop the application site within three years. This simply adds a further burden on a developer that is counter-productive to the clear objective set out in the framework to boost housing supply and speed up the planning process. There is no such requirement in the framework and no local justification for its application here (**MM14 & MM16**).
143. The policy sub-section dealing with settlement guidelines is worded in both the sub-heading title and wording to imply that there is an intention to only match the guideline figure and not exceed it. However it is a "guideline" not a maximum or minimum figure, consistent with the CS policy to secure 'around' 27,500 dwellings. Its application should therefore be flexible and worded positively to reflect this (**MM14**). Modifications are also required to the supporting text to clarify the approach to settlement housing guidelines (**MM17**). This is necessary to ensure the policy is positively prepared and consistent with national policy.
144. One criterion of Policy MD3 requires evidence of community support. There is no explanation of how this is to be assessed. It is ambiguous and open to wide interpretation. For example, would the lack of any objection be an indicator that there is community support for a scheme? If a development gains some support as well as objections, is this nevertheless evidence of community support? Objections may be brought forward that are not material planning considerations or supported by evidence. It is a policy requirement open to many interpretations and not justified. It could potentially render an acceptable development, in planning terms, nevertheless contrary to the development plan. The starting point for determining a planning application is the development plan and the SAMDev Plan has been subject to extensive consultation and community influence. Representations made in response to an application proposal or appeal will be considered in any event. The inclusion of this criterion is not justified and the policy not positively prepared. It should be deleted (**MM14**).
145. A further criterion is suggested that clarifies that regard can be made to the cumulative impact of developments in a settlement. I do not share concerns that this would be in conflict with the presumption in favour of sustainable development. It enables the capacity of the settlement to accommodate cumulative growth to be assessed, in addition to the economic, social and environmental role of a particular scheme. This is not a new concept or contrary to the principles of sustainable development. The likelihood of other

developments being delivered could be a material consideration in the determination of an application. The modification is reasonable and necessary to ensure the policy is effective (**MM14**).

146. Finally, paragraph 4.22 suggests any proposal that would result in development over a settlement guideline 'by too great a degree' would not be considered sustainable. That may be so in some cases, but the sustainability credentials of a development will differ from scheme to scheme. An alternative paragraph incorporated into paragraph 4.16 which better reflects the presumption in favour of sustainable development set out in the framework, would ensure consistency with national policy and ensure that the policy is positively prepared (**MM15 & MM18**).

147. These various modifications to Policy MD3 are necessary to ensure it is positively prepared, justified and effective.

#### Policy MD6 – Green Belt

148. Policy MD6 is relevant to development in the Green Belt and supplements CS Policy CS5. Policy MD6 does not distinguish between development that is inappropriate and that which is not inappropriate in the Green Belt having regard to paragraphs 89 and 90 of the framework. However CS Policy CS5 refers to additional control of new development in line with government guidance in PPG2 (Planning Policy Guidance Note 2 contained the national policy in relation to Green Belts at that time). The explanatory text to the policy explains the general presumption against inappropriate development, particularly development which impacts on the openness of the Green Belt, and this will limit the ability to support proposals which are not identified as acceptable development types in PPG2. Very special circumstances are required to justify otherwise inappropriate development which would harm the Green Belt. The framework confirms that inappropriate development continues to be, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy MD6 does not need to repeat national policy, but it will need to be applied consistently with it and in accordance with CS Policy CS5. In its current form, that cannot be done. Some modifications are required.

149. The first limb of Policy MD6 supports development that would not conflict with the purposes of including land in the Green Belt. This part of the policy must generally be inclusive of development that is not to be regarded as inappropriate development having regard to paragraphs 89 and 90 of the framework and CS Policy CS5. In addition it requires all proposals to demonstrate that there is no harm to openness. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. However, some of those types of development considered not to be inappropriate development (and therefore not in conflict with the purposes of including land in the Green Belt), are likely to cause some degree of harm to openness i.e. buildings for agricultural and forestry and the proportionate extension of a building. Another example of development that is not to be regarded as inappropriate development is the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries. Such development will only be regarded as not being inappropriate if the development preserves the openness of the Green Belt. As can be seen, the requirement to

demonstrate no harm to openness cannot be applicable in all circumstances. Policy MD6 is not therefore consistent with national policy in this regard and the requirement to cause no harm should be deleted (**MM34**).

150. Policy MD6 then sets out two additional exceptions when development in the Green Belt would still be supported, having regard to Policy CS5. The first refers to limited infill development in Community Hubs and Clusters. The suitability of limited infill is consistent with both paragraph 89 of the framework and the CS. The second confirms support for development on previously developed sites, which again is consistent with the framework, other than in the circumstances referred to below. These types of development are not 'exceptions'. Accordingly a modification is necessary, as suggested, to refer to these as simply development that will be supported (**MM34**).

151. In referring to development on previously developed sites, the policy includes the change of use of land. This is not one of the other forms of development listed in paragraph 90 to be regarded as not being inappropriate development. In this respect, Policy MD6 would circumvent the need to demonstrate very special circumstances to justify inappropriate development, contrary to the framework. Accordingly, a modification is necessary to delete the inclusion of 'the change of use of land' in the list of developments which Policy MD6 regards as suitable (**MM35**). The framework restricts the re-development to sites to those that would have no greater impact on the openness of the Green Belt. A main modification is required to reflect this in Policy MD6 (1) (ii) (**MM35**). Policy MD6 (1) (ii) also restricts the type of uses that would be acceptable on previously developed sites to employment or economic uses, defence uses, local community use or affordable housing. All these uses would be permissible under the framework provided that they would not have a greater impact on the openness of the Green Belt. It is recognised that the Framework makes no such restriction on re-development for other uses. However MD6 reflects and is consistent with the uses outlined in CS Policy CS5 and is giving effect to it.

152. The Council wish to amend Policy MD6 so that it refers to Policy MD7 as policies MD7a and MD7b (see MM37 & MM38). However these amendments do not change the interpretation of the policy in any material way and so are not required to make the SAMDev Plan sound. Similarly proposed amendments to paragraph 4.51 to simply refer to policy CS11 and CS13 has no bearing on the interpretation of the policies or explanation (see MM39). Accordingly and notwithstanding the published schedule of MMs, they are not necessary to make the SAMDev Plan sound. The Council can consider making additional modifications to this affect should it wish.

#### Policy MD7 – Development in the countryside

153. Development proposals in the countryside are to be considered against policies MD7a and MD7b. MD7a sets out the circumstances when exception site dwellings and conversions of buildings to provide open market housing will be considered acceptable. Some modification is required to the policy and supporting text to ensure that the requirements to be satisfied for the conversion of residential buildings are clear and effective, particularly having regard to their heritage and landscape value. I have slightly amended the

wording to that publicised of MM40 to reflect the Statement of Common Ground with Historic England (**MM40 & MM51, MM53**). Additions are required to the supporting text and policy to reflect the permitted development provisions allowing change of use of agricultural buildings to residential use to ensure consistency with national policy and to protect the long term affordability of single plot exception dwellings (**MM40 & MM45**).

154. Similarly, the circumstances when dwellings to house essential rural workers will be permitted require some modification to ensure the requirements are clear and the policy effective (**MM41-44**) together with modifications to the supporting text (**MM47 & MM48**). In particular it is necessary to distinguish between a rural enterprise and rural business that may comprise a number of rural enterprises (**MM47-49 & MM54**).
155. Modifications to the explanatory text are required to clarify that a successful application to remove an agricultural occupancy condition would normally, like other housing development, be required to make provision for off-site affordable housing financial contributions and to identify specific exemption for previously unrestricted pre-existing dwellings (**MM46 & MM50**). This will ensure consistency in approach and that the policy is effective in this regard.
156. Policy MD7b concerns the general management of development in the countryside. Sub-section 3 relates to agricultural development and requires development to be required in connection with a viable agricultural enterprise. This is an onerous requirement that prevents expansion that may be required to enable an agricultural business to become viable and is not justified or consistent with national policy. Accordingly the Council suggests the policy is modified to simply require an agricultural building to be of a size / scale and type which is consistent with its required agricultural purpose and the nature of the enterprise or business that it is intended to serve (**MM52**).

#### Policy MD10 - Managing Town Centre Development

157. One of the purposes of the Policy MD10a and b is to enable the local planning authority to give relevant consideration for non-retail proposals in the defined PSA. Policy MD10a identifies three categories of retail centres. In Category 'B' Centres the presumption in favour of retail (A1) proposals in the PSA is stated. It should equally be stated in Category 'C' Centres (**MM62**). The policy explains how other main town centre uses and non-town centre uses will be considered in the PSA, Primary frontages and secondary frontages. It is considered that 'additional' uses (i.e. additional to those that already exist) rather than 'other' would more accurately reflect the intention of the policy together with confirmation that non-town centre uses will only be resisted in ground floor premises within PSAs (**MM61 & MM62**). This will ensure the policy is positively prepared and effective.
158. The Policy refers, in some instances, for it to be demonstrated that the proposal "would maintain an active and continuous frontage and would not result in an over concentration or undue dominance of non-retail uses". To ensure clarity for a decision maker about what may constitute 'an over concentration or undue dominance of non-retail uses' a main modification is proposed to the explanatory text to confirm that "in assessing whether there is an over concentration or undue dominance of non-retail uses, particular

regard will be had to whether the proposal would lead to an unbroken row or clustering of non-retail units along a single street" (**MM63**).

159. Policy MD10b responds to the requirement in the framework for local planning authorities to establish proportionate and locally set floorspace thresholds to assess the need for applicants to prepare Impact Assessments for retail, leisure and office proposals. It is considered that establishing locally specific thresholds is justified in Shropshire given the high default threshold of 2,500m<sup>2</sup> identified in the framework.

160. The locally specific thresholds derive from the Shrewsbury Retail Study 2010 (EV41). Whilst this piece of evidence predominantly focussed on Shrewsbury, the issue of locally set thresholds for Shropshire's wider network of centres was assessed in section 10 of this report. This suggested the Council apply a tiered approach based upon the level of centre, i.e. strategic, principal or district. It advised using the floorspace thresholds now proposed in policy MD10b, having considered the role of the centres, and the likely scale of development that may lead to significant adverse impacts. It is therefore considered that the thresholds set out in MD10b are locally justified.

#### Policy MD11- Tourism facilities and visitor accommodation

161. To ensure consistency with CS Policy CS16 a modification is required to Policy MD11.8 to include support for visitor accommodation in the rural areas that concern the re-use of existing appropriate rural buildings (**MM64**). The wording to Policy MD11.11 requires modification to clarify that conditions will be imposed on new planning permissions for visitor accommodation to prevent their use as residential accommodation. I have made a further minor change to the published wording as the condition is imposed on a planning permission rather than an application (**MM65a**).

162. The monitoring indicator relates to the amount of leisure, retail and office delivered. This indicator is already reported under CS Policy CS16. It is not a direct measure of the effectiveness of Policy MD11 that supports tourism, leisure and recreation developments. A main modification is proposed to replace it with an indicator that monitors the number of applications approved or refused on Policy MD11 grounds and holiday let completions by type and location. This will refocus the monitoring indicators for MD11 to create an effective basis for monitoring the tourism policies in the Local Plan as a whole (**MM66**).

#### Policy MD12 – The Natural Environment

163. Paragraph 109 of the framework confirms that the planning system should contribute to and enhance the natural and local environment in a number of ways, including protecting and enhancing valued landscapes, geological conservation interests and soils. Soils should be valued as a finite multi-functional resource, which underpin wellbeing and prosperity. Decisions about development should take full account of the impact on soils, their intrinsic character and the sustainability of the many ecosystem services they deliver. To reflect the Statement of Common Ground between Natural England and the Council, and to ensure consistency with national policy, a new paragraph is required in the supporting text to signpost the Code of Practice developed by



DEFRA produced to inform and assist the better protection of soil resources **(MM70)**.

164. The Statement of Common Ground between Historic England and the Council suggests a main modification that confirms that historic landscapes make an important and distinct contribution to landscape character and their significance and setting should be taken into account when assessing the impact of development proposals. This sets the criteria in Policy MD12 in the context of the historic environment and is required to ensure that the SAMDev Plan reflects national policy in respect of heritage assets **(MM69)**.

165. It is not clear how the monitoring indicators will effectively monitor the full range of the policy, for example the effects on important woodlands, trees and hedges. Main Modifications are necessary, as proposed by the Council, to ensure the monitoring indicators will be effective in assessing the policy objectives as a whole **(MM71)**.

#### Policy MD13 – The Historic Environment

166. Local Plans should include a positive strategy for the conservation and enjoyment of the historic environment. The Statement of Common Ground between Historic England and the Council suggests a number of Main Modifications to ensure the SAMDev Plan properly and accurately reflects national policy. Policy MD13 should include the need to protect heritage assets as well as conserve and enhance them by ensuring that wherever possible, proposals should avoid harm or loss of significance to designated or non-designated assets including their settings. In addition it is necessary to make some modifications to the precise policy wording to reflect the approach set out in the framework in circumstances where proposals are likely to affect the significance of a designated or non-designated heritage asset **(MM72)**. This will ensure that the policy is sufficiently clear to ensure that a decision maker will know how any planning applications affecting heritage assets are to be considered and reflect national policy. A number of consequential changes are required to the explanatory text again to accurately reflect the framework **(MM73)**.

167. The proposed monitoring indicator relevant to Policy MD13 relies on information 'as and when available'. Monitoring is to be based on the number of assets significantly affected. In the absence of any threshold or objective benchmark against which monitoring is to be judged, the monitoring indicator will not be effective. Accordingly a modification is required to clarify that the effectiveness of the policy will be assessed by a comparison of the number of heritage assets at risk, compared with the 2012-13 baseline and the number of reports produced in response to development proposals that are integrated to the Historic Environment Record on an annual basis **(MM74)**. This will give a meaningful assessment.

#### Policy MD14 – Waste Management Facilities

168. A modification is proposed to confirm that national policy guidance on waste is produced in National Planning Policy for Waste (Oct 2014) **(MM75)**. A main modification is advanced by the Council and the Environment Agency, as agreed in a Statement of Common Ground, to provide clarity in the

explanatory text regarding environmental impacts which may also be subject to regulation under environmental permitting or pollution control regimes. In particular, details accompanying a planning application should include the location of any waste or digestate storage tanks relative to the seasonal water table to ensure groundwater is adequately protected (**MM76**).

169. The specified monitoring indicator for Policy MD14 is based on available capacity which is not directly related to Policy MD14 which concerns the management of potential impacts which may arise from waste management development. A main modification is necessary altering the indicator to the monitoring of the proportion of planning consents in which the policy is referenced in reasons for planning conditions consistent with the policy criteria (**MM77**).

#### Policy MD15 – Landfill and Landraising Sites

170. Policy MD15 requires proposals for new facilities or extensions to existing facilities to satisfy a number of criteria in section 2, one of which is that the need for the facility outweighs any adverse environmental impacts. This assumes there is a need, which may not be the case. A modification is required placing the onus on a developer to demonstrate that there is a need for the development to ensure the policy is effective in controlling and managing waste facilities (**MM78**).

171. Policy MD15 is not seeking to create new landfill capacity specifically but rather to ensure the suitability and adequate control of any proposals that may come forward. However the monitoring indicators are based on capacity. To ensure that the monitoring indicators are consistent with the purpose of the policy and effective, a main modification is required to add a further indicator to monitor the proportion of planning consents in which the policy is referenced in the reasons for imposing planning conditions consistent with the policy criteria (**MM79**).

#### Policy MD16 – Mineral Safeguarding

172. The framework states: "In preparing Local Plans, local planning authorities should:

- define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked; and define Minerals Consultation Areas based on these Minerals Safeguarding Areas;
- set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place;..."

Policy MD16 sets out specific criteria against which applications for non-mineral development in Mineral Safeguarding Areas (MSA) will be considered.

173. To reflect the most up-to-date position, the Policies Map should include the MSA boundaries and protected mineral transport and processing facilities and the supporting text highlight that more detailed information is available on the

'interactive' mineral safeguarding map available on the Council's website proposals (MM80).

174. Paragraph 4.151 sets out the types of non-mineral development which are exempt from the requirements of Policy MD16. These include applications that are in accordance with the development plan where the assessment of site options took account of potential mineral sterilisation and determined that prior extraction was not required. For the avoidance of doubt and to ensure the SAMDev Plan is effective, site allocations should expressly be included in this exemption criteria (MM81).
175. Also exempt are applications where there are overriding factors which in the national, regional or local interest must be satisfied. It is not however clear what overriding factors these might include. This could lead to exemptions which are inappropriate and unjustified. Whilst it is not possible to provide an exhaustive list, a main modification supporting an amendment to the structure of the sentence to specify that it relates to applications for development of (my emphasis) national regional or local significance which outweighs the value of the mineral would offer greater clarity to ensure the policy is effective (MM81). It requires a balancing exercise to be carried out. It is not necessary to exempt applications where further evidence is presented to the MPA which confirms that the area of resource affected would not be economic to work as the policy criteria already includes economic value as a consideration (MM82).
176. The current monitoring indicator relates to the number of applications accompanied by a Mineral Assessment. The Council explain that it is intended to measure the effectiveness of the policy in triggering proper consideration of mineral issues in the context of non-mineral development in safeguarded areas, consistent with MD16(3). The content of a Mineral Assessment is the mechanism by which applicants for non-mineral development in safeguarded areas can demonstrate compliance with the policy tests identified in MD16(1) and MD16(2). However, this would not establish if the policy is being effective. The Council accept that the monitoring of the number of applications refused due to the impact on safeguarded mineral resources and infrastructure would be a preferred indicator (MM83).

**Issue 11 – Whether the settlement policies and site allocations are justified and the most appropriate when considered against the reasonable alternatives to effectively deliver the requirements of the Core Strategy**

177. The SAMDev Plan includes Settlement Policies that identify how and where development should be delivered, having regard to the growth options and distribution of development set out in the CS. The identification of sites in the SAMDev Plan has been informed by a site assessment process which considered deliverability and incorporated SA criteria (EV81). The process incorporates the views of local communities, Shropshire Councillors and Town and Parish Councils as far as practicable. It also takes account of promotional material submitted by landowners, developers and their agents. Furthermore, the process includes critical planning considerations such as infrastructure constraints, planning history, availability, deliverability, strategic fit, flood risk

and site related benefits and has regard to the duty on the Council to have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The detailed explanation of the SAMDev Plan's preparation and in particular the process of selecting the residential and employment allocations is included in the SAMDev Technical Background Paper (EV77).

178. The allocations within the Community Hubs and Clusters derive from a technical assessment of the reasonable alternatives and community engagement and consultation processes. It is acknowledged that there are often a number of other realistic alternative sites in the settlements, many of which were still being promoted as preferred sites during the examination. In accordance with the strategy founded on the principles of localism whereby active engagement with local communities has helped to identify, and wherever possible agree strategies to deliver sustainable growth to provide for local development and infrastructure, community preference has been a key determining factor in site selection.
179. Throughout the settlement policies, some main modifications are proposed that are common throughout. In particular, some have been agreed by Historic England and the Council in the Statement of Common Ground and are proposed and necessary to ensure the precise policy wording and supporting text affords adequate protection of heritage assets as intended and is consistent with national policy (**MM93a, MM105, MM117, MM118, MM156, MM159, MM162, and MM169**). For the same reason modifications are required to Schedule S8.1a (site allocation ELL003a). However, as suggested in the response by Historic England the clause relating to flood risk and heritage assets is to be separated. I have further clarified it to ensure it is understandable and effective (**MM141a**). Similarly, the precise wording of MM154 that relates to Policy S.10.1 (6) in Ludlow should read 'protect, conserve (not restore) and enhance' to accurately reflect the terminology used in the framework (**MM154a**).
180. Some policies identify a particular type of housing that is required in the relevant area. These include references to the delivery of housing that is 'appropriate for people of retirement age'. A modification was proposed to suggest that such housing should be achieved by 'meeting lifetime homes standards'. However following the Written Ministerial Statement issued in March 2015 that sets out revisions to national policy on housing standards, Lifetime Homes Standards should no longer be included in policy. Accordingly the suggested main modification referring expressly to these standards is no longer justified. The policies do not restrict occupation to people of retirement age, but simply require the homes to be appropriate. Nevertheless, for clarity, I have amended the modified wording to require the homes to be "capable of occupation by people of retirement age". This change would not cause any prejudice. It is accepted that policies should not be overly prescriptive in determining what proportion of a particular type of housing is sought to ensure the development of sites remain attractive and deliverable having regard to market conditions. Some modifications are therefore required to delete such overly prescriptive requirements to ensure policies are effective (**MM93a, MM94**).
181. Although some suggest there is a 'need' for less or more housing and employment in a particular settlement the objectively assessed need relates to

Shropshire as a whole. There is no requirement to demonstrate an objectively assessed need relevant to a particular settlement although the overall distribution of development in the spatial zones is to align with that set out in the CS.

#### Albrighton (Policy S1).

182. Albrighton will provide for local needs, delivering around 250 dwellings. The Albrighton Neighbourhood Plan 'Light' is a non-statutory community-led plan, the contents of which are reflected in the SAMDev Plan. Two sites are allocated and land is to be safeguarded for the village's long term development needs. It is the Council's intention that the safeguarded land is to be treated as if Green Belt; in other words that its openness is preserved. However the policy wording implies that development that is not inappropriate in the Green Belt may be acceptable. Such development could still potentially prejudice the future development of this land. The key consideration is that no development should be permitted that would prejudice the future development of the land, whether it would be inappropriate development in the Green Belt or not. A modification is therefore necessary to ensure the policy is effective (**MM92**).

#### Bishop's Castle Area (Policy S2)

183. The town lies to the west of the Shropshire Hills AONB and within the catchment for the River Clun, a SAC. Other development constraints include the town's medieval settlement pattern, the town centre conservation area, a large number of listed buildings and the castle site which is a Scheduled Ancient Monument. One housing site is proposed which will accommodate about 40 dwellings. With built and committed housing deducted from the development guideline of 150 homes, only around 25 windfalls are required. Land at Bishops Castle Business Park is allocated as an extension to the successful Phase 1 development which is reaching full capacity.

184. Five Community Hubs and five Community Cluster groups are identified in the Bishop's Castle Area, each seeking to accommodate a scale of development reflecting community aspirations.

185. In Clun one site is allocated. The Town Council seeks a main modification which is supported by the Council and is intended to ensure delivery of a minimum of 60 dwellings on the allocated site to drive a more sustainable mix of housing types and sizes to meet local aspirations for affordable and family housing. A maximum restriction of no more than 10 dwellings to be delivered through small scale windfalls is also proposed. By way of justification, the management of windfall development in the town is necessary to ensure growth respects the historic character of the settlement and the constraints imposed by the historic, narrow and restricted street pattern. Main modifications are necessary to ensure the policy is effective (**MM99**). There is also a need for a specific Flood Risk Assessment to determine the layout of the site to ensure development is delivered within the Flood Zone 1 area on the proposed site. This assessment should investigate the need to reposition the eastern boundary of the site to accommodate the proposed scale of development. (**MM101**).

186. Four sites are proposed in the Community Hub of Lydbury North which reflects community aspirations set out in the Lydbury North Neighbourhood Plan 'Light', a non-statutory community-led Plan. The proposed strategy is to focus the delivery of housing on the allocated sites being brought forward with windfall development comprising exceptions affordable housing only. The strategy seeks to constrain housing development within the preferred development target, to respect the setting of the village in the AONB and to protect the character and appearance of the Conservation Area within the central core of the settlement.
187. It was clear from discussions at the hearing about Lydbury North settlement that LYD009 is unlikely to come forward in conjunction with the adjacent allocations. There is no explicit requirement for it to do so but to ensure this is not a barrier to future development a main modification is suggested to provide clarification and ensure the policy is effective (**MM102**). The policy suggests the site could accommodate around 3 dwellings or 4 if the existing bungalow is replaced. It was suggested at the hearing that 2 dwellings was a more realistic figure and that it is the owner's intention that the bungalow remains. This is to be reflected in a main modification to ensure the requirements of the policy are justified (**MM106**).
188. The Strategic FRA highlights the potential for blockages due to the location of a culverted watercourse on sites LYD007, 08 and 09. It is therefore necessary to ensure that a site specific FRA is carried out to ensure that development is informed by the location and issues arising as a result of the watercourse. This is necessary to ensure the policy is consistent with national policy relating to flooding (**MM103**).

#### Bridgnorth Area (Policy S3)

189. Bridgnorth is the second largest of 5 market towns in Shropshire and is located on the western edge of the West Midland conurbation. It therefore offers considerable potential to attract investment into Shropshire and to trade into these larger urban markets. The eastern side of Bridgnorth is tightly constrained by the West Midlands Green Belt. This has greatly limited the options available to the town in the SAMDev Plan. The CS emphasises Bridgnorth's role as a focal point which contrasts with strongly felt local views of a historic town that should be preserved at its current size. Most of the opportunities in and around Bridgnorth for infill development and small additions to the town have been used up.
190. To accommodate the long term future of the town it is necessary to open up new areas. The provision of good quality employment land will provide a long term benefit by improving the range and choice of investment options in this location. The allocated sites are concentrated at Tasley and extend the built development beyond the by-pass at the western end of Bridgnorth. The proposed site allocations represent a comprehensive scheme with no landownership or co-ordination barriers to delivery. It will deliver the required new junction on the A458 and the relocation of the livestock market necessary to facilitate development on the side of Bridgnorth that is not constrained by the Green Belt. The proposals offer balanced development, with a range of community facilities, that will help meet local needs for housing and employment in accordance with the framework. It is a preferred strategy to

the redevelopment of existing urban brownfield sites that could not offer the same integrated benefits. The current wording needs some modification to clarify that the 19 hectares of employment land referred to also incorporates 6.6 hectares of land on which the existing livestock market is to be relocated (**MM111 & MM115**).

191. The development guideline for allocated employment site ELR011/b within Schedule S3.1b restricts any permitted ancillary uses associated with the livestock market to those that already exist. Such a restriction on ancillary uses is not justified. No material change of use of land would occur if some ancillary uses were to change or a new ancillary use were to commence provided that they do not become a primary use in themselves. A main modification to permit ancillary uses associated with the livestock market (whether existing or not) is necessary to ensure Schedule S3.1b of Policy S3 is positively prepared and justified (**MM113**). Additionally a modification requiring a site specific FRA is required to investigate surface water flow paths within the site with the objective of implementing appropriate surface water management measures to keep affected areas in open use. This will reflect the findings of the Strategic FRA, ensure the policy is effective and reflects national policy (**MM114**).
192. The development strategy for Bridgnorth is supported by the identification of a Community Hub and two Community Clusters each accommodating small scale development.

#### Broseley Area (Policy S4)

193. Broseley Town Council has prepared the Broseley Town Plan for 2013 – 2026. Shropshire Council has adopted the majority of the planning policies in the Broseley Town Plan for development management purposes. In the report to Council, a commitment was given that the SAMDev Plan will dovetail with the Broseley Town Plan in two ways: firstly through a Broseley settlement policy that reflects the key elements of the Town Plan, and secondly through a cross-reference to the Town Plan, confirming that development will be expected to meet its provisions. Both these commitments are reflected in policy S4.1 of the SAMDev Plan.
194. A main modification is required to the development guidelines for the employment site at Springbank Farm (ELR078) to ensure that an archaeological assessment is carried out and development is subject to appropriate mitigation measures, as agreed in the Statement of Common Ground with Historic England (**MM118**). This will ensure the policy is consistent with national policy.

#### Church Stretton Area (policy S5)

195. Church Stretton is identified in the CS as a Market Town with an indicative level of housing development of less than 500 homes. At the start of SAMDev Plan process some 203 houses had already been built. The overall guideline included in the SAMDev Plan is 370 dwellings.

196. Church Stretton is entirely within the Shropshire Hills AONB. There are no Community Hubs or Clusters in the surrounding area. Focusing development in the largest settlement in the AONB serves to protect the more rural parts of the designated landscape. Moreover, in recognition of its sensitive location the scale of development in Church Stretton is modest in comparison to other market towns in Shropshire.
197. The sites proposed for allocation have been assessed using an exhaustive process which, amongst other things, rigorously evaluated the relative environmental merits of each site given their location in the AONB. The allocation of sites in Church Stretton has been contentious with various options emerging and changing through each stage of the plan process, with the submission plan finally settling on two housing allocations and an employment allocation of 1.27 hectares that will go some way to addressing the lack of employment land in the town. The proposed sites are considered to be some of the least environmentally sensitive in the town.
198. Policy S5.1 steers the direction of further development by supporting the release of further greenfield land for housing to the east of the A49. However Policy MD3 determines the approach to windfall development and there is no justification for an approach in Church Stretton that differs from other settlements. This is particularly so given that the settlement is within the AONB where the Council has a duty to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty and that two sites to the east of the A49 were deleted during the preparation of the SAMDev Plan to better reflect community preferences. A modification is required to delete S5.1 (3) (**MM120**).
199. The allocated sites in schedule 5.1a and b should be subject to a site specific FRA to determine those areas within the wider site that will be appropriate for housing development having regard to flood risk. This will ensure the policy is consistent with national policy in relation to flooding issues (**MM121**). The presence of the Leasowes Local Nature Reserve (LNR) in close proximity to the town centre should be signposted within the supporting text to help guide windfall development (**MM122**).

#### Cleobury Mortimer Area (Policy S6)

200. Cleobury Mortimer is a small market town in South East Shropshire close to the border with Worcestershire. The housing guideline of around 350 additional dwellings reflects Cleobury Mortimer's role as a key centre but also takes account of the very high level of windfall development since the start of the Plan Period (with 209 built and 65 committed at April 2013). In growth percentage terms the growth rate of 2.3% is the highest across Shropshire's market towns/key centres in this period.
201. Greenfield development options in Cleobury Mortimer are limited by physical factors including the River Rea and its tributaries, landscape sensitivity (to the west and eastern edges of the settlement), access (particularly Catherton Road), topography and land availability. Two housing site allocations are proposed one of which (CMO002) was the subject of a resolution to grant planning permission subject to a section 106 agreement at the time of the hearing sessions. The ELR suggested the need for 1 hectare of employment



land in Cleobury Mortimer. The proposed employment site offers slightly short of this with 0.7 hectares of provision.

202. In the rural hinterland five community clusters are proposed. In the Community Cluster of Kinlet, Button Bridge and Button Oak there is no public sewer system. To clarify infrastructure requirements associated with the development of the Community Cluster, a modification is proposed to the description set out in Schedule S6.2 (i) to confirm that any development will need to be served by a private sewer network and a package treatment plant. The modification will ensure it is clear to a developer and decision maker what will be expected in accordance with national policy (**MM123**).

#### Craven Arms area (Policy S7)

203. Craven Arms is a primary growth point on the A49 trunk road. The town lies within the valley of the River Onny below the upland landscape of the AONB which overlooks the town. The town is affected by the River Onny floodplain and surface water run-off from the uplands areas. It has already grown up to and beyond its Parish boundaries and abuts Sibdon Carwood to the west. Delivery of around 500 dwellings and around 15 hectares of employment land, commensurate with the role and function of the town, represents a significant and challenging growth. To accommodate the required scale of development it is necessary for development to encroach beyond the parish boundaries. The proposed development is nevertheless well related to Craven Arms and the parish boundaries in themselves should not present a barrier to development that is justified and necessary to accommodate growth in Craven Arms. It is not considered that the site allocations would result in the coalescence of settlements.

204. In relation to the abattoir relocation, the need for a highway junction on the A49 trunk road revealed further opportunities to both manage the often dangerous traffic speeds in the locality and to release further land for employment development. The release of further land provides the potential for the relocation of other bad neighbour uses from the town centre and the option to explore strategic highway solutions with other strategic partners to reconfigure the network around the railway level crossing in the north of the town. These other strategic opportunities could have further benefits in terms of accessibility for commercial and residential traffic into the north and west of the town, the possibility to improve a designated HGV detour to avoid the low rail bridge to the south of the town, and the possibility to upgrade both the local highway network and surface water drainage networks to the west of the town. The potential to access the abattoir relocation site from the A49 also enabled the release of the existing abattoir storage depot for key worker housing to support the new abattoir proposal (CRAV030). This site comprises a historic farmstead of architectural significance and the redevelopment proposes to restore the significant buildings to a new reasonable and beneficial use.

205. Policy S7.1 (5) relates to the relocation of the existing abattoir which will make way for a mixed use regeneration of the Key Area of Change. It refers to other policies that are of relevance and would need to be satisfied. Craven Arms is situated in close proximity to potentially significant archaeological remains and other physical evidence of a previous settlement. To be

consistent, the list of policies referred to should also include those relevant to the consideration of heritage assets. A main modification is therefore necessary (**MM124**). To appropriately reflect their location, site allocations CRAV002 and CRAV030 should be subject to an archaeological assessment and appropriate mitigation measures to reflect national policy (**MM125 & MM130a**).

206. Schedule S7.1a, as worded requires landscaping to enclose or screen the development on sites CRAV002, 003, 004, 009 and 010 from views within the AONB. This is an onerous requirement given the wide scope for views to be afforded from the surrounding landscape and may not be achievable. It goes beyond the framework that does not require development to be hidden. Rather it requires great weight to be given to conserving landscape and scenic beauty in AONBs. Modifications are necessary to lessen the policy requirement. The suggested modification by the Council is to provide 'significant' landscaping that will 'help' to enclose the development. However, this remains vague and I intend to instead impose the wording direct from the framework and require 'significant landscaping to ensure the development conserves the landscape and scenic beauty of the surrounding AONB' (**MM126a, MM128a, and MM129a**). This change will not change the thrust of the policy requirement or require further consultation.

207. The published main modifications to site CRAV030 (MM130) and ELR055 (MM131) are also inadvertently worded to provide sufficient landscaping to 'enclose' the development from views. Again, for the reasons I have set out above, I have made further modification to the publicised modifications so that the requirement is for "significant landscaping to ensure the development conserves the landscape and scenic beauty of the surrounding AONB" rather than to enclose which may not be realistic. I am satisfied that this would not cause prejudice given other policies have been subject to the same similar modified wording (**MM130a & MM131a**).

208. In relation to proposed allocated sites CRAV003 & CRAV009 (Land between Watling Street and Brook Road), it will be necessary to provide surface water attenuation measures as part of the master planning and structural landscaping of a comprehensive scheme to facilitate flood storage and discharge / infiltration. The master planning may also facilitate pedestrian and emergency vehicular access into the adjoining Craven Arms Business Park to the north of the site. A main modification is required to include these requirements within the development guidelines to ensure flood risk is satisfactorily managed in accordance with national policy (**MM127**).

209. It is acknowledged that there are various issues with accessibility in Craven Arms associated with the Long Lane level crossing and associated impacts on the A49. As previously stated, the employment sites allocated in Schedule S7.1b are expected to support a new strategic highway junction with the A49 trunk road. To ensure opportunities to address the access issues associated with the level crossing are considered in conjunction with the future development on allocated site ELR055 in particular, a main modification is necessary to Schedule S7.1b (**MM131a**). This will ensure the policy is effective.

## Ellesmere Area (Policy S8)

210. Ellesmere is identified in the CS as a District Centre and a Market Town. Future development in Ellesmere will support local business development, whilst recognising its high quality landscape and environmental context, particularly the historic assets of the meres and the canal. A major mixed use redevelopment on the site of the canalside wharf offers prospects for continued regeneration. There are fewer jobs in the town than there are resident workers and most workplaces in Ellesmere are small. Development constraints for Ellesmere include the Mere to the east of the town and flood risks in areas to the south and west of the town.
211. A specific FRA demonstrates that flood risk is not a barrier to delivery of development on housing allocation ELL003a (Land south of Ellesmere) and leisure and tourism site allocation ELL003b, which are to be developed in conjunction with one another. Nevertheless, the Environment Agency advises that modifications are necessary requiring the adoption of a sequential approach to development of the site to ensure the more vulnerable uses occupy the areas of lowest flood risk within the site. A main modification to Schedule S8.1a is therefore necessary, in this regard, to ensure that the design of the site is the most effective and appropriate having regard to flooding issues, in accordance with national policy (**MM141**). Similarly the Environment Agency has requested that the development guidelines associated with employment site allocation ELR075 (Land off Grange Road) require a site specific FRA to be submitted to investigate the developable area of the site and to inform the detailed layout of the site. This is necessary to ensure compliance with national policy (**MM143**).
212. Schedule S8.1c is allocated for leisure and tourism uses. It specifies the type of uses to be included on the site. However, at this time there is some concern about the deliverability of a marina use. To ensure delivery of development on the site is not unduly constrained, a main modification is necessary to make the policy less prescriptive about the types of leisure and tourism uses that should be included, citing them as examples only (**MM144**). This is necessary for an effective policy.
213. In response to representations from Welsh Water it is necessary to highlight the presence of a public sewer crossing allocated site DUDH006 in the Community Hub of Duddleston Heath / Elson to ensure this is reflected in the proposed layout of the site (**MM148**). Schedule S8.2 (vi) that relates to Welshampton and Lyneal Cluster clarifies that all new development is subject to establishing adequate foul drainage and water supply. In response to further representations from Welsh Water it is necessary, given the limited capacity at the wastewater treatment works, for developers to consider the use of non mains sewerage incorporating septic tanks in any new development (**MM149**).

## Highley Area (Policy S9)

214. Highley is a large village in south eastern Shropshire. It does not act as a main employment centre with the majority of resident workers commuting elsewhere. CS Policy CS3 establishes that Highley should deliver development to meet local needs whilst respecting environmental constraints, with 'up to'

500 dwellings over the plan period, and balanced business and housing development. The SAMDev Plan includes a housing guideline of around 200 dwellings and 0.6 hectares of employment land. Of this overall housing requirement 86 dwellings have already been built since 2006 and 76 have planning permission. Housing allocation site HIGH003 (land at Rhea Hall) has capacity for around 30 dwellings, reflecting the requirement for modest growth in the village. The site is well contained within the landscape and existing built form of the village. With the addition of some windfalls, consistent with historic patterns of development, it can reasonably be expected that the guideline figure of 200 would be achieved.

215. Employment land delivery has been problematic in Highley as recognised in the ELR. A site at Netherton Workshops was put forward in the Preferred Option stage for around 0.6ha. This site has now received full planning permission and so is included in the SAMDev Plan as a commitment for employment uses rather than an allocation.

#### Ludlow Area (Policy S10)

216. Ludlow is the largest town in the south of the county. It has a large number of historic assets that contribute to its role as a tourist destination. Over the years most of the opportunities in and around Ludlow for infill developments and small additions to the town have been used up. Greenfield options are limited as the town is tightly bound by the A49 to the east, the River Teme and Corve corridors, landscape sensitivity, and historic character and access issues. With little opportunity for a number of greenfield options distributed around the town, a large site allocation was the preferred option on land South of Rocks Green (LUD017) for around 200 dwellings. The development guidelines require a contribution to be made to pedestrian / cycle access over the A49 "if required". This lacks certainty for both developers and decision makers. A main modification is therefore required to remove any uncertainty and be specific about the requirements to be achieved to ensure the policy is effective (**MM155**).
217. Ludlow is recognised as a key employment centre for the wider area. Existing employment areas, including the successful Eco Park, are largely full and do not provide the required opportunities for employment development identified in the ELR. An extension to the Eco Park is proposed that would provide a mix of residential (80 dwellings on LUD034) and employment land (2.5 hectares on ELR059). This site together with land south of Sheet Road will meet the employment needs of the town necessary to maintain its role as a key employment centre for the wider area.
218. Policy S10 confirms that to support Ludlow's role as a Principal Centre, new main town centre uses will be focused within the defined town centre area and Primary Shopping Area (PSA) identified on the Policies Map. For Ludlow, a new PSA has been developed based upon a local assessment of existing premises. The PSA includes Tower Street. In response to a representation there was discussion at the hearing about whether it might be appropriate to remove Tower Street from the PSA with the exception of the Co-op and One Stop shop. However Policy MD10 seeks to maintain an active and continuous frontage and manage any concentration of town centre uses that do not fall within Use Class A1 of the Use Classes Order in the PSAs. If Tower Street

were to include only two premises as part of the PSA, divorced from the remainder of the PSA, the policy would simply be ineffective in so far as it would relate to these premises. It follows that Tower Street as a whole should be included in the PSA.

219. There is a clear change in character at the junction of Upper and Lower Galdeford and Tower Street, marked by the greater concentration in retail uses. It is considered important that Tower Street remains defined as part of the PSA to ensure the character and function of the PSA is not unacceptably diluted.

#### Market Drayton Area (Policy S11)

220. Market Drayton is the largest town in the north eastern part of Shropshire, acting as an important service and employment centre. The Market Drayton Town Plan (September 2011) sets out a community vision to establish a prosperous market town with an enterprise culture, attracting investors with a range of businesses providing employment and a vibrant retail sector.

221. To achieve the strategic objective set out on the CS the SAMDev Plan sets a housing guideline of around 1200 dwellings and 16 hectares of employment land. This also reflects past rates of residential development. The required number of windfall developments is fairly high but nevertheless reflects the reasonable number of SHLAA sites in the town and allows for the potential development of Greenfields Lane in the later years of the plan period, if local aspirations to relocate the existing sports facilities elsewhere in the town are achieved. Three site allocations should deliver around 400 dwellings. These sites are located fairly centrally between the existing built-up area of the town and the bypass. This development strategy recognises the physical constraints of the Tern Valley to the south and town bypass (A53) to the north. Overall, I am satisfied that the housing allocations are sound.

222. The employment allocation for 16 hectares at Sych Farm (ELR024) is generally supported in principle. It offers a natural extension to the existing employment area. The development guidelines should include a requirement for flood and drainage alleviation measures to be included following a site specific FRA having been carried out, to ensure compliance with national policy on matters of flood risk (**MM157**).

223. Seven Community Hubs and two Community Clusters will further support development in the wider rural area surrounding Market Drayton.

#### Minsterley and Pontesbury Area (Policy S12)

224. Minsterley and Pontesbury are identified as a combined Key Centre in the CS. The completion of the footway / cycleway on the A488 between Minsterley and Pontesbury, identified as priority infrastructure, has improved the physical links between these communities. During the plan process, the housing guideline has increased from 200 to 260 dwellings to reflect housing delivery and commitments and revised proposals submitted by developers. Key constraints to development in Minsterley include a significant identified area of flood risk and there is a need to consider ecological interest, particularly at Minsterley Meadows SSSI. Planning issues in Pontesbury include the need to

minimise any adverse effects on village and landscape character, including the setting of the AONB. The sites proposed for allocation have been rigorously evaluated to assess the relative environmental merits of each site. I am satisfied that the site allocations are justified and appropriate. There is a longstanding aspiration from Pontesbury Parish Council for affordable housing and parking with Hall Bank identified as a potential location.

225. Site allocation MIN007 (Callow Lane, Minsterley) is adjacent to an SSSI. A buffer zone is to be provided. Natural England suggest that the development guidelines should also specify that a priority habitat should be created in the buffer zone to complement the adjacent SSSI habitat and contribute to national and local targets for habitat conservation. Paragraph 118 of the framework confirms that opportunities to incorporate biodiversity in and around developments should be encouraged. Given the proximity of this site allocation to an SSSI, a main modification to Schedule S12a is necessary to ensure consistency with national policy (**MM160**).
226. A higher proportion of affordable housing on site allocation PBY018/0029 (Hall Bank, Pontesbury) would better reflect local aspirations. The landowner has agreed to a higher percentage as part of the wider mixed use development of the site, subject to a viability assessment. There is some dispute whether it was agreement to 20% or 25%. However, the policy modification is up to 25% and so remains flexible. To ensure the policy will be effective and ensure the delivery of appropriate housing, commensurate with the needs of the community, a main modification is required (**MM161**).

#### Much Wenlock Area

227. Much Wenlock has a Neighbourhood Plan which sets out the development strategy for the town during the Plan period. No additional policies are included in the SAMDev Plan. Buildwas is identified as a Community Cluster where limited infilling and conversions may be acceptable.

#### Oswestry Area (Policy S14)

228. Policy CS3 of the CS sets out Oswestry's role as a focus for major development, to include a comprehensively planned and integrated SUE on land between Shrewsbury Road, Middleton Road and the Oswestry A5/A483 Bypass. The 'Eastern Gateway SUE' will accommodate major housing development, a Business Park, and land for community facilities and public open space, providing a new link road between the Middleton and Shrewsbury Roads. The Oswestry 2020 Town Plan (2013) establishes a clear and proactive vision for the future growth of the town. Greenfield housing options are limited by physical factors – the Morda Valley (flood risk and need to maintain separation from Morda village) and poor access (Weston Lane and former railway line) to the south; topography, landscape sensitivity and poor access to the west and north west; the Hill Fort and its setting to the north, and the Oswestry Bypass to the east. The two remaining significant greenfield areas on the eastern side of the town within the bypass are between the Shrewsbury and Middleton Roads (proposed for the Eastern Gateway SUE) and north of the Whittington Road.

229. The provision of land for employment to meet Oswestry's needs has proved problematic in the past, with a longstanding land allocation at Weston Farm not having been delivered, linked to difficulties of access associated with the protection of the line of the former railway.
230. At the Preferred Options stage a number of changes were proposed in response to concerns raised which included reducing the size of the housing sites near the Hill Fort; replacing employment land in the SUE to increase housing capacity within it; identifying additional employment land outside the bypass and increasing the overall employment land guideline. Two of the three sites proposed near the Hill Fort at this stage were removed prior to the submission of the draft Final Plan. It is anticipated that the revised capacity of housing allocation sites following the deletion of these two sites is now 1417 dwellings, a reduction of 60 dwellings which is to be reflected in the supporting text to ensure consistency between the policy and text (**MM167**).
231. The development guidelines relating to site allocation OSW024 (Eastern Gateway SUE) remain unclear about the extent to which the requirement to facilitate improvements to the A5/A483 trunk road junction and provision of pedestrian and cycle links, is to be achieved as a result of development of the SUE and what contributions are to be derived from employment allocation site ELR072 to the east of the by-pass. To ensure clarity for developers and decision makers modifications are necessary. The Council confirms land is to be provided to enable improvements to be made including sustainable transport improvements associated with the site. On site pedestrian and cycle provision is to be made that will facilitate linkages to the Town Centre and proposed employment land to the east of the by-pass. Main modifications are therefore required to ensure certainty for developers and that the policy requirements are justified (**MM164 & MM166**).
232. The layout of development on the SUE and employment allocation sites ELR042 and ELR072 will need to be informed by a specific FRA and ensure appropriate drainage and flood alleviation measures are included. A main modification is therefore required to ensure the policy is consistent with national policy (**MM164, MM165 & MM166**).
233. A site proposed for housing off Whittington Road in Oswestry (reference OSW004) has met with strong opposition due to its proximity to Oswestry Hillfort. Old Oswestry Hillfort is described as one of the largest and most impressive Hillforts in England and is designated as a Scheduled Monument in recognition of its national importance. It was built in the Iron Age and occupied by farming communities for many centuries and was a major tribal centre in the central Welsh borders. The early medieval Wat's Dyke, a frontier bank and ditch, was constructed to include the Hillfort. The two adjacent sections of Wat's Dyke are also scheduled. The massive multiple earthworks are a prominent feature, as is the rural landscape setting of Old Oswestry Hillfort and both contribute to the site's significance. The site of the monument includes a 5 metre boundary around the archaeological features, considered to be essential for the monument's support and preservation.
234. The framework is clear that local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment. In doing so, they should recognise that heritage assets

are an irreplaceable resource and conserve them in a manner appropriate to their significance. Oswestry Hillfort is a heritage asset of the highest significance. Great weight should be given to its conservation. Substantial harm to or loss of designated heritage assets of the highest significance should be wholly exceptional. Where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal. Historic England and Shropshire Council have, as part of a Statement of Common Ground concerning heritage matters, agreed a Statement of Significance and design principles for the development of site OSW004 (EV107, Appendix 3).

235. The Old Oswestry Hill Fort is a distinct landform and prominent landmark. With steep ramparts to its sides, it becomes clearly visible on approaching the town from the north along the A5 and the B5069 and is also visible above the hedge lines along Whittington Road and from the A5 by-pass heading north at the junction with Whittington Road. Land rises up to recreational woodland and the ramparts of the Hill Fort, to the south west and north west of Oldport Farm. It utilises a prominent hill within a long standing border area, with the Welsh hills to the west and the English lowlands to the east.
236. The setting of the Hillfort is essentially rural with prominent views to the east, west and north which are not appreciably affected by modern development. Maintaining this rural setting is important in allowing the significance of the site to be better understood. The Hillfort is located close to the northern extent of the existing urban area of Oswestry and screened from it by a small steep hill directly to the south of the Hillfort. The urban area does not, apart from near Jasmine Gardens, extend northwards from the town onto higher ground in the view of the Hillfort, which enables a separateness to be maintained between them.
237. Two proposed site allocations (OSW002 and OSW003) on land to the west of the B5069 Gobowen Road were removed from the Pre-Submission draft SAMDev Plan. These sites occupied part of the land between the base of the Hillfort and Gobowen Road. The larger remaining allocated site (OSW004) is further east, beyond Gobowen Road and a former railway. There is a defined and mature boundary of vegetation along Gobowen Road. The site would be accessed from Whittington Road on the southern boundary of the site. It is adjacent to an existing industrial development and there is existing development on the opposite side of Whittington Road.
238. The promoter of the various sites in the vicinity of the Hillfort has produced a number of documents assessing the potential impact which include a Heritage Impact Assessment (HIA). It follows the methodology set out in the English Heritage Guidance document 'The Setting of Heritage Assets'. Views to and from the Hillfort undoubtedly contribute to its historic setting and aesthetic value. There are clearly opposing opinions in respect of the extent to which the development of the proposed site would disrupt those views and impact on the wider setting of the Hillfort. Some consider these extensive views should be preserved without interruption.
239. The development of the proposed site would not impinge on the rural setting of the Hillfort to the west, north and east. The small steep hill immediately to the south of the Hillfort provides separation from the urban development to



the south. To the south east is Oldport Farm, a non-designated heritage asset. The relatively modern agricultural buildings have some impact on the immediate rural setting of the Hillfort being situated between the base of the Hillfort and Gobowen Road. The farm complex is north of the settlement boundary. There is some criticism that the heritage value of Oldport Farm has not been adequately understood. However the redevelopment of this site is no longer being advanced by the Council, having been deleted.

240. Site OSW004 would be seen from the Hillfort against the existing urban edge, in views to the south east. The site is lower lying than the land to the west of the B5069 and so would have a roofscape presence in views to the south east from the Hillfort, which would need careful design consideration. The south west section of OSW004 is further away and partly obscured behind the existing industrial development. Long reaching views over the proposed development site would be maintained. The encroachment upon existing views from the heritage asset, in this wider rural context, would be minimal and the significance of the designated heritage asset would not be compromised.
241. Land between Whittington Road and the Hillfort is relatively flat with field boundary hedges well maintained, thereby offering uninterrupted views towards the Hillfort both on the approach into Oswestry from the A5 junction and similarly in the opposite direction. Oldport Farm Complex is well screened in these views by the extensive vegetation along Gobowen Road. These existing uninterrupted views will be impacted upon along the section of road where the allocated site abuts the road. This would be confined to the stretch of road close to Oswestry, where built development is already included in the settlement boundary on the opposite side of the road. Along this section, the rural setting of the Hillfort is already impinged upon by the presence of the existing commercial development on both sides of the road. The site allocation would not extend the built development of Oswestry any further along Whittington Road than currently exists.
242. The layout of the development needs to respect its situation within the wider setting of the Hillfort to minimise impacts. As agreed in the Statement of Common Ground this can be achieved by ensuring the massing and form of the development carefully prevent block development which could create an over dominance of built form in that part of the landscape. The layout should ensure that new development does not protrude to the north of the existing built development, to the west of the allocation, and should include that area which is in closest proximity to the Hillfort in the landscaping proposals. The height of buildings should be contained so that the development blends into the existing built development in the vicinity of the site, respecting local character and the wider townscape setting. A designed landscape zone, including public open space, would reduce the impact and establish a permanent buffer between the urban edge and rural setting, preventing encroachment towards the east which is rural in nature. Views from the Hillfort to the east are not significantly affected by modern development so the landscape buffer should create a distinct settlement boundary between the built form of the new development and the wider open countryside. To the east of the existing residential townscape, which is to the south of site OSW004, there is an existing landscape buffer. The opportunity to retain a linear openness running in parallel with this should be sought, to ensure long

distance views to and from the Hillfort are retained. There may be opportunities for enhancement measures to better reveal the significance of the Hillfort and its communal and aesthetic values, including interpretation and footpaths. Existing vegetation should be supplemented across the site, including street trees and hedgerows to ensure appropriate massing throughout the site.

243. Overall, the impact of the development would be confined to the south east of the Hillfort, a relatively small area in the context of its wider rural setting. The prominent views to the east, west and north would remain largely unaltered by the development. The Statement of Common Ground confirms that Historic England have been involved in discussions from the earliest stage of the SAMDev Plan process. Indeed they have stated in previous responses going back to August 2013 that it may be possible for some development to take place on Site OSW004, subject to appropriate master planning and design principles, that help to conserve the significance of Old Oswestry Hillfort, including its setting. A Statement of Significance is included in the Statement of Common Ground. The purpose of this additional information is to inform the strategic design principles necessary to conserve the significance of the Hillfort. The design principles to be applied are:

- To inform the layout of the site, full archaeological assessment will be required to enhance the understanding and interpretation of the significance of the Hillfort and its wider setting;
- Ensuring long distance views to and from the Hillfort within its wider setting are conserved;
- Development should be designed to allow views and glimpses of the Hillfort from within the site;
- The layout of development, its form, massing, height and roofscape will be designed to minimise the landscape impact;
- A landscape plan will be required to design a landscape buffer along the northern and eastern boundaries of the site, to create a clear settlement boundary between the built form and open countryside. The landscape buffer will retain important views to and from the Hillfort, including from Whittington Road. The landscape plan should also include detail on appropriate vegetation and screening to ensure high quality design across the site;
- Street lighting should be designed to minimise light pollution and sky glow;
- The opportunity should be taken to consider measures to improve the access, interpretation and enjoyment of the Hillfort and the wider historic landscape.

244. Notwithstanding the level of opposition to the inclusion of site OSW004, Historic England has not maintained an objection, a consideration that I afford considerable weight. In its current form, the wording of Schedule S14.1a of Policy S14 is not sufficiently robust to ensure that any development would satisfactorily respect the setting and significance of the heritage asset. However, with the design principles put in place that have been agreed in the Statement of Common Ground between Historic England and the Council, including a full archaeological assessment, the development proposal would lead to less than substantial harm to the significance of a designated asset. In

such circumstances the framework requires that the harm should be weighed against the public benefits of the proposal.

245. Greenfield housing options in Oswestry are limited by physical factors including the Morda Valley (flood risk and need to maintain separation from Morda village) and poor access (Weston Lane and former railway line) to the south; topography, landscape sensitivity and poor access to the west and north west; the Hillfort and its setting to the north, and the Oswestry Bypass to the east. The two remaining significant greenfield areas on the eastern side of the town within the bypass are between the Shrewsbury and Middleton Roads (proposed for the Eastern Gateway SUE) and north of Whittington Road. Policy CS3 of the Core Strategy sets out Oswestry's role as a focus for major development, to include a comprehensively planned SUE. The Oswestry SUE will not meet the housing requirements set out in the CS for Oswestry. Other supplementary sites, as proposed, are also required. The site is well served by the existing employment sites along Whittington Road. Although situated on the edge of Oswestry it is well located for the town centre, where most of the essential services can be found. In addition, the dismantled railway forms a potential pedestrian/cycle link from the site to the town centre. I am satisfied that the public benefits of the proposal would clearly outweigh the less than substantial harm to Old Oswestry Hillfort heritage asset and any other harm that might arise. Main modifications to the development guidelines for the site, as set out in paragraph 243 above, would be necessary to ensure consistency with the framework (**MM163**). I am aware that an application for Scheduled Monument Consent for land incorporating site allocation OSW004 has been made to Historic England. However the outcome of this application remains undetermined at this stage and so it is not a matter that can currently be attributed weight in relation to the soundness of the SAMDev Plan.
246. Modifications are suggested by the Council and Natural England to Policy S14.2 (Hubs and Cluster Settlements) to ensure mitigation measures are secured to remove any adverse effects from development in the Oswestry area on the integrity of the Montgomery Canal SAC. A main modification is necessary to ensure that development accords with national policy and legislation (**MM169**).
247. There are 6 Community Hubs and 5 Community Clusters identified in the rural area surrounding Oswestry. In the Community Hub of St Martins one site is allocated for mixed uses including housing, employment, land for community recreation and an off-road footpath and cycle track and an enhanced vehicle drop-off / parking area associated with the new primary school site. Refinement to the policy wording is sought by the site promoter and supported by the Council to outline the potential capacity of the site and to enable the delivery of community recreation and sports pitches to the north of the site. There is a recognised under provision of open space including recreation/sport space in St Martins. Policy S14.2 already refers to the expected capacity of the site for 80 dwellings and so it is not necessary to repeat it to make the plan sound. However the suggested modification does clarify the location of community recreation and sports pitches, which is necessary to ensure the site is capable of delivering development and that the policy will therefore be effective (**MM175**).

248. There have been several incidents of known flooding in the local sewerage network in St. Martins, and a capital grant improvement scheme has recently been delivered as part of Welsh Water's Asset Management Plan to alleviate concerns in this respect. Whilst there is sufficient capacity at the Five Fords Waste Water Treatment Works to accommodate the foul waste from the site, given the historic flooding in the local network, hydraulic modelling of the sewerage network is required to establish its capacity to accommodate new flows and whether off-site works may be required to accommodate the new development. This is necessary to ensure the policy is effective and secures a suitable form of development (**MM175**).
249. A proposed main modification (MM177) seeks to restrict infill development in the Community Cluster of Park Hall, Hindford, Babbinswood and Lower Frankton to single infill plots rather than limited infill plots. It is recognised that this would better reflect community wishes. However after careful consideration, I have concluded that such a restriction may prejudice the delivery of sufficient housing in accordance with the guideline and also encourage single developments of larger properties. Sufficient measures are in place through other policies to ensure development respects the character and appearance of these villages. The suggested modification is not justified locally or necessary to make the plan sound.
250. In the Community Cluster of Weston Rhyn, Rhoswiell, Wern and Chirk Bank two sites are allocated. To ensure certainty for developers and decision makers it is necessary for the development guidelines for site allocation WRN010 (Land south of Brookfield's and Aspen Grange) to include a requirement for the layout of the site to reflect the presence of a public sewer crossing the site. In addition the development should not simply be subject to an archaeological assessment but also any necessary mitigation. These modifications will ensure the policy is effective (**MM178 & MM174**).

#### Shifnal Area (Policy S15.1)

251. Shifnal is surrounded by the metropolitan Green Belt, which is tightly drawn on the town's western side, to protect the openness of the countryside between Shifnal and Telford. On the town's northern and eastern sides a significant buffer of 'safeguarded land' exists between the town and the Green Belt. This is safeguarded for the town's long term future development. It is the Council's intention that it is to be treated as Green Belt; in other words that its openness is preserved. However the policy wording implies that development that is not inappropriate in the Green Belt may be acceptable. However such development could still potentially prejudice the future development of this land. The key consideration is that no development should be permitted that would prejudice the future development of the land, whether it would be inappropriate development in the Green Belt or not. A modification is therefore necessary to ensure the policy is justified and effective in this regard (**MM180**).
252. The land has already been subject to a number of planning applications that have been determined favourably in the absence of the Council being able to demonstrate a five year supply of housing land. Nevertheless, undeveloped land still remains within it and so it is appropriate to continue to safeguard it.

253. Modifications are suggested to the allocated housing sites in Shifnal to reflect the views of the Environment Agency and to be consistent with other sites where it is necessary for development to have regard to a specific FRA. The allocated housing sites in Shifnal have all progressed, having been the subject of planning proposals. At the time of the hearing, development had commenced on land south of Aston Road (SHI004/a). Nevertheless, it remains appropriate to impose the main modifications necessary to make the SAMDev Plan sound to ensure consistency with national planning on flooding matters (**MM181**).

#### Shrewsbury Area (Policy S16)

254. Shrewsbury is identified in the CS as Shropshire's growth point, to be the focus for significant retail, office and employment development and to accommodate approximately 25% of Shropshire's housing development over the Plan period (Policy CS1). The town has a sub-regional role and serves a wide catchment, including parts of Wales.

255. A high level options assessment of Shrewsbury's Direction of Growth was undertaken for the CS linked to the need to identify major greenfield development (EV24) and supporting the identification of the two SUEs proposed in the Core Strategy – Shrewsbury South and Shrewsbury West. Shrewsbury's Direction of Growth (EV24) and the evidence base behind it (as subsequently updated), has informed the consideration of options for site allocations in Shrewsbury.

256. Sufficient housing allocation sites are proposed to provide some 890 dwellings over and above the guideline for Shrewsbury. This is consistent with the Government objective to boost housing supply. The employment land target of 90 hectares during the period 2006-2026 aims to help to meet Shropshire's strategic requirements and to allow for the continued growth of the town as an important sub-regional centre. With existing commitments of approximately 47 hectares (with a further 8 hectares immediately available at Greenhills Enterprise Park), the Plan identifies land for approximately 43 hectares. The potential over-allocation reflects the fact that part of the land identified in the Shrewsbury West SUE could be used for health/care development and expansion of existing businesses rather than traditional employment land uses. The proposed allocations are considered to deliver a significant re-balancing of the geographical spread of employment land around the town, which has been dominated by provision in the north of the town, and to address market demand for sites well related to the A5/A49 Bypasses.

257. The SAMDev Plan formally allocates the land within the SUEs both of which have been subject to master planning in order to guide their future development. Despite some concerns suggesting an over reliance on the two SUEs to deliver housing, good progress is already being made in terms of planning permissions on allocated sites in Shrewsbury both large and small. At the time of the hearings over half of the allocated housing sites had secured planning permission on all or part of the site and an application on Shrewsbury South SUE had been submitted for 550 dwellings and 23 hectares of employment / commercial development. To ensure some flexibility, a main modification is necessary to require development proposals within the SUEs to 'have regard to' the relevant adopted master plan rather than to 'accord with

it' (**MM182**). Figure S16.1.1 that relates to Shrewsbury South SUE Land Use should read "Housing/Mixed use" to accurately reflect the adopted master plan (**MM197**).

258. Shrewsbury South SUE is within both a Coal Authority Referral Area and a Mineral Safeguarding Area. Policy MD16 requires appropriate consideration to be given to prior working of any viable sand and gravel deposit as part of any subsequent ground preparation works, particularly if ground preparation would otherwise require removal of sand and gravel from the site. The Coal Authority confirms that prior extraction of minerals such as surface coal or sand and gravel can be successfully undertaken as part of the normal site preparation and groundwork activities. They will not lead to the undue delay of development and they can bring in additional income streams for developers. In many cases it can be significantly more cost effective and sustainable to remove the remnant surface coal resource through prior extraction. It is not considered that such measures will impede delivery of development on the SUE.
259. There are considerable areas of land within the Shrewsbury by-passes which could come forward for development. However there are still significant constraints in some areas, notably the River Severn and its corridor through the town (with associated flood risk and landscape sensitivity), limitations on the capacity of the local highways network, and proximity of sites of major ecological and historical value. Modifications are suggested by the Environment Agency to ensure site specific FRAs are required on some sites. This is necessary to demonstrate how the relevant proposal has been informed by the FRA to ensure risks are appropriately managed within the site, consistent with national policy (**MM183, MM184, MM185, MM194**)
260. Policy S16 (9) stipulates that new development on land west of Ellesmere Road will not be permitted unless co-ordinated with and helping to fund the construction of the North West Relief Road (NWRR). The NWRR is a long term aspiration for Shrewsbury, not planned to come forward in the near future or necessary for the delivery of those preferred site allocations identified. It is not linked to the Infrastructure Delivery Plan. Accordingly, the policy requirement is not positively prepared and is likely to stifle some windfall development that may be acceptable in highway terms without the NWRR. Criterion S.16 (9) should be deleted (**MM183**). Similarly, supporting text in paragraph 5.164 requires modification to explain and reflect the status of the NWRR and the potential impact the lack of the infrastructure may have on any significant proposals to the west of Ellesmere Road (**MM195**).
261. Housing allocation site SHREW027 (Land at Weir Hill Farm / Robertsons House, Preston Street and adjoining Land off London Road) is expected to generate 550 – 600 dwellings. Vehicular access is to be restricted by way of the number of dwellings that can be accessed off Preston Street (a maximum of 150 dwellings) and London Road (approximately 400-450) with no direct route for traffic being permitted. Access off Preston Street is subject to highway improvements to Preston Street and the Column roundabout. Some detailed assessments have now been carried out by the Transport Consultants acting for the site promoters. The work has been progressed in consultation with the local highway authority and the Highways England. The work indicates that a through link between Preston Street and London Road could

provide a greater benefit to the highway network with greater flexibility on the amount of dwellings to be served off Preston Street.

262. The suggested removal of the restriction to the access off Preston Street is not supported by many local residents. However, for a Local Plan to be sound, policies must be justified. In this instance there is no substantive evidence to support such a restriction in highway safety terms at this stage. Amended wording, as suggested by the Council, would enable greater flexibility offering an opportunity for a detailed highway assessment to be submitted to demonstrate the suitability or otherwise of Preston Street to accommodate an access serving more than 150 dwellings and whether a through route is feasible without compromising highway safety or the living conditions of existing and future residents. This would ensure the policy is flexible and positively worded so that it does not impose policy burdens that are not justified and may threaten the delivery of a site. Accordingly a main modification specifying an approximate figure of 150 dwellings to be served off Preston Street, unless justified through a detailed, site specific transport assessment is appropriate and necessary (**MM186**).
263. To be consistent with national policy relating to heritage assets the development guidelines for housing site allocations SHREW105 (Land off Shillingstone Drive) and SHREW095 and 115/ELR006 (land west of Battlefield Road), ELR007 (Land east of Battlefield Road) that are in close proximity to the Registered Battlefield site should include a requirement that proposals have regard to its significance and setting (**MM187, MM188, MM191 & MM193**). In addition, the supporting text should draw attention to the Planning Guidance for the Registered Battlefield that is to be incorporated into the Historic Environment SPD, as agreed by the Council and Historic England in the Statement of Common Ground to help guide development proposals (**MM196**).
264. There may be opportunities to access housing site allocation SHREW095 and employment allocation 115/ELR006 via the existing ABP site which is not reflected in the development guidelines for these sites that only refers to an access off Battlefield Road. A main modification is necessary to ensure flexibility and choice to support the delivery of the site (**MM189 & MM192**).
265. It has been suggested that employment land adjacent to ABP should be designated as protected employment land to ensure that only uses that would not be prejudiced by the operation of the existing ABP operations are permitted. In determining applications on adjacent sites, it would not be reasonable to impose additional constraints on an existing business use to facilitate and render a new proposal acceptable. Rather, the appropriateness of a new development in a particular location, having regard to existing lawful uses and their operation, would be a consideration for determining a planning application, having regard to development management policies in the SAMDev Plan. It is not necessary to protect land in this location to make the plan sound.
266. There are inconsistencies between the development guidelines that relate to the allocated housing site within the Shrewsbury West SUE and those that relate to the employment allocation in so far as only the housing allocation refers to the delivery of a new Oxon Link Road and facilitation of the

improvement of the A5 Churncote Island. The infrastructure is required in relation to the development of the SUE as a whole and should be reflected in both development guidelines to ensure the infrastructure requirements are met to aid delivery of development on this strategic site. A main modification is therefore necessary in relation to Schedule S16.1b (**MM190**).

267. In the Shrewsbury area, the SAMDev Plan has identified 4 Community Hubs and 12 Community Clusters, involving 33 settlements, with provision being made for around 744 dwellings over the Plan period comprising housing guidelines for 589 dwellings and 155 dwellings completed from 2006 to 2011.

#### Wem Area (Policy S17)

268. Wem's role as a Market Town is to be maintained by balanced housing and employment development consistent with the requirements of the CS. Wem has a higher than average proportion of older residents and poor self-containment for shopping and employment centre. More than 90% of employees working in Wem are in the service sector.

269. The housing growth guideline for Wem has been reduced twice during the Plan preparation process to limit impacts on local infrastructure, particularly traffic, whilst also providing the opportunity for a small amount of growth and accompanying infrastructure investment in the town over the period to 2026. The local community is particularly concerned about the potential for any exacerbation of existing traffic management issues in the town centre and safety issues relating to the operation of the railway crossing.

270. At the time of the hearing sessions, site allocation WEM012 was the subject of an undetermined planning application, with WEM003 still being promoted for housing development. I am satisfied that the allocations are justified and sound.

271. Four Community Hubs and six Community Cluster settlements are identified in the surrounding rural area accommodating varying scales of housing. An application for the development of 50 houses on site allocation SHAW004 in the Community Hub of Shawbury was pending consideration. This demonstrates a commitment to delivery of development on the allocated sites.

#### Whitchurch Area (Policy S18)

272. Whitchurch is an important Market Town in the north-east of the County, and the sixth largest town in Shropshire. The town benefits from excellent transport links, including a railway station with regular services south to Shrewsbury and north to Crewe. The A49 and A525 bypasses surround the western and southern extent of the town. The Whitchurch arm of the Llangollen branch of the Shropshire Union Canal is an important tourist facility bringing visitors to the town. The Whitchurch Town and Parish Community-Led Plan was prepared in 2011 and provides a local perspective on several key issues including housing and growth, business and jobs and the town centre.

273. The strategy for Whitchurch reflects a local desire to re-balance housing and employment opportunities in the town, acknowledging the higher than average levels of out-commuting that the town experiences and a desire to see the



retention and creation of commercial investment within the town. The preparation of the SAMDev Plan for Whitchurch has respected the views of the Community-Led Plan, which recognises that there are development opportunities within the A49 and A525 by-passes.

274. Several significant greenfield sites between the current development boundary and the A49/A525 have been put forward for assessment during the SAMDev's preparation, several of which have the potential to accommodate significant development of between 180 - 500 dwellings. In addition, several smaller scale proposals for development of between 20-60 dwellings on sites adjacent to the existing boundary were put forward. Whilst it is recognised that there are a number of realistic site options within Whitchurch, partly due to the natural boundary provided by the A49/A525 bypass to the south and west of the town, it is considered that the proposed allocations all represent natural extensions to the existing built form of the town, and offer the best opportunities to deliver wider community benefits.
275. Of particular importance to the town's development strategy is the delivery of the major extension to the south of the town off Tilstock Road (WHIT009), which offers significant opportunities for additional sporting and education provision alongside the substantial residential development in a sustainable location. At the time of the hearing, this site had already been the subject of a planning application which the Council had resolved to approve following the completion of a section 106 agreement.
276. An allocation in the North Shropshire Local Plan at Alport Road/Black Park site (representing 340 dwellings) is not included as an allocation or a housing commitment given the ongoing uncertainty over the site's delivery. The technical assessment of this site continued to raise significant concerns over the deliverability of the full site due to the requirement for the scheme to develop and finance the construction of a Black Park / Station Road vehicular link. A smaller land parcel of the site off Alport Road with capacity for about 60 dwellings is allocated that can be delivered without the provision of a new link road.
277. Policy S18, criteria 5 refers to the 'exceptional release of additional housing sites' and identifies where such sites should be focused. There is tension between this requirement and Policy MD3 (as modified) which determines the approach to the release of further land beyond the development boundary. It makes no reference to the need for any 'exceptional' circumstances to be demonstrated. There is no justification for a different approach in Whitchurch to that set out on Policy MD3. Accordingly a main modification is necessary to delete requirement 5 of Policy S18 (**MM203**). Some consequential modification to the supporting text is necessary to simply acknowledge that there is available land adjoining the development boundary which offers potentially suitable broad locations for growth where a settlement housing guideline appears unlikely to be met (**MM203**).
278. Policy S18.1 confirms that proposals will be expected to take account of infrastructure constraints and requirements. Welsh Water raised concerns about foul drainage capacity to accommodate some allocated site development. A specific infrastructure constraint of Whitchurch is the need for upgrades to the wastewater treatment works in 2020-2025. However Welsh

Water confirms that additional capacity will be provided either through the requisition provisions of the Water Industry Act 1991 and / or future upgrades provided as part of the Asset Management Plan review. It is unlikely therefore to impact on overall delivery but it is likely that permissions will be subject to a pre-commencement condition requiring a detailed permanent solution to the foul drainage capacity to be agreed. A main modification is suggested to clarify the need for these upgrades in the supporting text to Policy S18.1. This is necessary to ensure the Policy is clear and positively prepared (**MM205**).

279. At the time of the hearings progress was being made on several of the housing site allocations in Whitchurch. One had planning permission and was being built out (WHIT033). Others have resolutions to approve planning permission subject to a section 106 agreement. Only one residential site allocation had not been the subject of a planning application (WHIT051).
280. Whitchurch is within 2km of Brown Moss SAC, designated for floating water-plantain. This is a Shropshire Council owned site with a car park and footpaths. It is considered that the only possible impact from increased recreation would be damage to the banks from tramping resulting in increased turbidity of the water. Whilst it is unlikely that new development in Whitchurch would lead to hydrological impacts on the Natura 2000 sites, it is considered that there could be some potential for cumulative impacts from the sites in Whitchurch on Brown Moss SAC given the proximity of the site within 5km of the town. Future applications would therefore need to be subject to a site specific HRA in order to screen out these potential impacts and/or to suggest appropriate mitigation measures to reduce the impact of increased visitor numbers to Brown Moss SAC as identified in Policy MD12 (as modified).
281. The SAMDev Plan for Whitchurch identifies two significant employment sites North of Waymills (ELR033) and at Heath Road (ELR035) which together form 19.5 hectares. Both these sites were included in the Employment Land Review in 2011 and scored positively against the selection criteria.
282. In the two Community Clusters, the proposed allocations provide deliverable opportunities appropriate to local design aspirations and the character of the villages, as well as supporting the delivery of additional community infrastructure. Most notably the renovation and re-use of Grade II listed Prees Hall and the delivery of community open space associated with site allocation PRE008 (Land at Moreton Street) supports local aspirations. In Prees Higher Heath a significant undeveloped brownfield site at Heathwood Road benefits from an extant planning consent for up to 150 new dwellings and associated community facilities.
283. In the Whitchurch Rural and Ightfield and Calverhall Community Cluster covering the areas of Tilstock, Ash Magna/Parva, Prees Heath, Ightfield and Calverhall, five allocations are proposed in order to support the delivery of the development strategy for the area. Of these, three residential allocations are proposed in Tilstock reflecting local opportunity and community aspirations. Site allocation TIL001 (Land at the Vicarage, Tilstock) has outline approval for 25 dwellings.

## Conclusion

284. To conclude, all available site options were appropriately assessed in the technical site assessment (EV81). The main modifications proposed are not considered to impede deliverability or site capacity. It is considered that individually and as a whole the resulting site allocations represent the most realistic, deliverable and appropriate options appropriate to local design aspirations and the character of each settlement, as well as supporting the delivery of additional community infrastructure. I am satisfied that the required amount of development will be delivered to achieve the housing guidelines.

## Other Matters

285. The Monitoring Framework should be included as part of the SAMDev Plan to demonstrate how policies are to be measured and monitored to ensure the SAMDev Plan policies are effective in conjunction with the Annual Monitoring Review (MM1). A number of corrections to errors and consequential changes as a result of Main Modifications are necessary to the Policies Map and various Inset Maps and Keys. These have been the subject of consultation as part of the Main Modifications publicity (MM210 – MM218). While the Policies Map is not before me for examination, provided that the Council makes the necessary amendments to it as set out in these MMs, the SAMDev Plan will be effective and therefore sound. Some of the published Main Modifications are, in hindsight inconsequential and not necessary to make the SAMDev Plan sound (MM4, MM5, MM21, MM37-MM39, MM60, MM112, MM116, MM134-135, MM137, MM176, and MM197). It is a matter for the Council to decide whether it wishes to include these as additional modifications.

## Assessment of Legal Compliance

1. **My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.**

LEGAL REQUIREMENTS		
Local Development Scheme (LDS)		The SAMDev Plan is identified within the approved LDS July 2014 which sets out an expected adoption date of April 2015. The SAMDev Plan's content and timing are broadly compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations		The SCI was adopted in Feb 2011 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)		SA has been carried out and is adequate.
Appropriate Assessment (AA)		The Habitats Regulations AA Screening Report (July 2014) sets out the results of the AA and confirms that mitigation measures to avoid adverse effects can be delivered through policy requirements. This is supported by Natural England.

National Policy	The SAMDev Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The SAMDev Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

1. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
2. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the SAMDev Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Claire Sherratt*

Inspector

**This report is accompanied by the Appendix containing the Main Modifications**