



## Committee and Date

Cabinet

10<sup>th</sup> Feb 2016 at 12.30pm

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## **Preparation of Supplementary Planning Documents (SPD)**

### **1. Summary**

**1.1** Supplementary Planning Documents (SPD) supplement Core Strategy and SAMDev (together known as the 'Local Plan') policies by providing further detailed guidance to assist in the implementation of those policies in a consistent manner across Shropshire. SPDs cannot however contain new planning policy, this can only be set out in the Local Plan which has been through a more stringent process of consultation, challenge and examination.

**1.2** Following the recent successful public examination and subsequent adoption by the Council of the Site Allocation and Management of Development (SAMDev) Plan, a number of modifications and updates were identified to be made to the Council's policy guidance to reflect that process and to reflect the recent and current plethora of national legislative changes, some of which have not yet been fully determined by Government. This update to the detailed policy guidance within a SPD, is vital to fully inform and guide all those who seek to develop or manage development in Shropshire.

**1.3** This report seeks to inform Council which SPDs are in the process of being reviewed updated and developed and advise that the formal consultation process will begin in March 2016, once the drafts have been produced.

### **2. Recommendations**

**2.1** That Cabinet notes the review and development of the following SPD's and appropriate consultation process relating to :

- The Type and Affordability of Housing SPD.
- The Natural Environment SPD.
- The Historic Environment SPD.

## REPORT

### 3. Risk Assessment and Opportunities Appraisal

- 3.1 The statutory framework covering the production of SPD's is quite prescriptive and there is little risk for Shropshire Council in following this carefully. The additional guidance contained in the SPDs provides clarity and consistency for the handling of planning applications dealing with these complex themes, thereby reducing the risk to the Council through potential appeals and ensuring our local communities benefit from new sustainable development. SPDs can help applicants make successful planning applications or aid infrastructure delivery and should not be used to add unnecessarily to the financial burdens on development.
- 3.2 The SPDs will apply in a fair and equal manner to all qualifying development and does not conflict with Human Rights legislation. The SPDs are not expected to have a differential impact on the basis of age, race, gender or disability.
- 3.3 The appropriate consultation process the Council will undertake is defined within Regulation 12 of the Town and Country Planning (Local Development) (England) Regulations 2012 and requires a consultation period of 6 weeks, beginning in early March with the intent to adopt finalised versions in July 2016.
- 3.4 The guidance included in the SPDs has been the subject of a Sustainability Appraisal and where appropriate a Habitats Regulation Assessment. The outcome of this work is set out in the Sustainability Appraisal Report and Habitats Regulations Assessment Report which will be published as part of the evidence base for the SPDs on the Council's webpages.

### 4. Financial Implications

- 4.1 The review update and modification to these policies will provide greater clarity, consistency and opportunity for Registered Providers, Developers and individuals to bring forward development opportunities through the development management process. It will also offer those same opportunities to colleagues within the Council involved in that wider management of development and economic growth.
- 4.2 It has no adverse financial implications for the Council.

### 5. Background

Type and Affordability of Housing SPD.

- 5.1 The Type and Affordability of Housing SPD draft is being reviewed and modified by Policy and Housing Enabling Officers. The SPD expands upon the requirements of the Shropshire Core Strategy, including policies CS1 Strategic Approach; CS4 Community Hubs and Community Clusters; CS5 Countryside and Green Belt; CS6 Sustainable Design and Development Principles; CS11 Type and Affordability of Housing; CS12 Gypsy and Traveller Provision; CS13 Economic Development, Enterprise and Employment and CS17 Environmental Networks. It also reflects paragraph 50 of the National Planning Policy Framework (NPPF) which seeks to widen choice including for those people wishing to build their own home.

- 5.2 The draft SPD will reflect clarifications sought by the Planning Inspector through the SAMDev Examination due to recent legislative changes and changes to national planning policy guidance. It will reflect changes sought by emerging legislative change including the Right to Custom and Self Build and the Planning and Housing Bill and will also need to reflect potential changes in local housing needs in Shropshire, brought about by initiatives such as the Shrewsbury University Campus. An outline is attached as Appendix A.

#### Natural Environment SPD

- 5.3 A Natural Environment SPD draft is being prepared by Policy Officers with the support of the Natural Environment team. The SPD will expand on the requirements of Core Strategy policies CS6 (Sustainable Design and Development Principles), CS17 (Environmental Networks) and SAMDev policy MD12 (Natural Environment). These policies safeguard Shropshire's high quality environment and encourage positive actions to enhance existing features.
- 5.4 The Local Plan policies protect Shropshire's natural assets. These include the special qualities of the Shropshire Hills AONB, locally designated biodiversity and geological sites, priority habitats and species, important trees, woodlands and hedges, ecological networks, geological assets, visual amenity, landscape character and local distinctiveness and ecological and environmental networks. The SPD will provide detailed guidance to applicants on assessing the effect a proposal may have on these environmental assets. Where such harm is likely to be adverse and significant, unavoidable (through re-design or re-location of the development) and the social and economic benefits of the proposal outweigh the harm to the asset then further guidance will be given on appropriate mitigation and compensation measures.
- 5.5 The SPD will also provide an outline of the planning requirements for legally protected features such as Special Areas of Conservation, including Habitats Regulations Assessment (HRA), SSSI's and protected species. The SPD is intended to be a web-based document: an outline is provided in Appendix B.

#### Historic Environment SPD

- 5.6 A Historic Environment SPD draft is being prepared by Policy Officers with the support of the Historic Environment team. The SPD will expand on the requirements of Core Strategy policies CS6 (Sustainable Design and Development Principles), CS17 (Environmental Networks) and SAMDev policy MD13 (Historic Environment). These policies aim to protect and conserve Shropshire's heritage assets by preventing any adverse effects.
- 5.7 The Local Plan policies protect Shropshire's heritage assets, both designated and non-designated. Some of Shropshire's assets include listed buildings, scheduled ancient monuments, world heritage sites and conservation areas.
- 5.8 The SPD will provide detailed guidance to applicants on assessing the effect a proposal may have on heritage assets. Where harm is likely to cause a significant adverse effect, and where the harm is deemed unavoidable (through re-design or re-location of the development), and the social and economic benefits of the

proposal outweigh the harm to the asset then further guidance will be given on appropriate mitigation measures. The SPD will also provide an outline of the planning legislation for designated assets. The SPD is intended to be a web-based document: an outline is provided in Appendix C.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

Shropshire Council Core Strategy (2011)

Shropshire Council SAMDev (2015)

**Cabinet Member (Portfolio Holder)** Councillor Malcolm Price

Portfolio Holder for Housing, Planning, Regulatory Services and Environment

**Local Member** All

**Appendices**

Appendix A: Outline of Type and Affordability of Housing SPD

Appendix B: Outline of Natural Environment SPD

Appendix C: Outline of Historic Environment SPD

## **Appendix A: Type and Affordability of Housing SPD – Outline of contents**

### **1. Introduction**

### **2. Type, mix and design of housing**

- Redressing local imbalances in the housing stock
- Addressing specialist and supported housing needs
- Design of residential homes and care homes
- Amenity and space standards for new or converted dwellings
- House extensions and replacement dwellings in the countryside
- Sub-divisions the countryside
- Residential conversions of buildings in the countryside

### **3. Affordable housing on market developments**

- The prevailing target rate
- Affordable housing contributions
- Financial contributions for fractions of an affordable dwelling
- Other options
- Financial contributions for whole affordable units in lieu of
- on site provision
- Use of financial contributions for off site provision
- Exemptions
- Exceptional cases where development is not viable
- Mix, type and layout of the affordable requirement
- Standard definitions of affordability
- Allocations of affordable housing on open market developments
- Section 106 agreement Heads of Terms

### **4. Affordable homes for local people: exception sites**

- Exception sites criteria
- Green Belt
- Local Needs
- Local needs on all exception sites
- Location
- Scale and design
- Tenure
- Tenure - General
- Tenure - Single plot “build your own affordable home” scheme
- Prioritising local people
- Definition of “strong local connection”
- Definition of “local area”
- Cascade approach
- Registered Provider Cascade
- Cascade for owner-occupied exception sites
- Local Lettings Plans
- Ensuring affordability in perpetuity

- Standard conditions for exception sites

## **5. Custom and Self Build**

- Introduction
- Purpose
- Policy background and Context
- Affordable self build (SPES).
- Local needs for single plot exception sites

## **6. Houses in Multiple Occupation**

- Introduction
- Purpose
- Policy Background and Context
- Article 4 declaration

## **7. Farm workers' dwellings, other occupational dwellings In rural areas and conversion of holiday lets.**

- Business case requirements
- Rural occupancy restrictions
- Size of permitted occupational dwellings
- Lifting of existing occupancy restriction conditions
- Conversion of holiday lets into affordable dwellings

## **8. Gypsy and traveller sites**

- General considerations – the Human Rights Act
- Sites to meet identified need
- Guidance on the criteria of Policy CS12 43
- Green Belt
- Exception sites

## **Appendices**

## **Appendix B: Natural Environment SPD: Outline of contents**

### **Introduction**

#### **1. Brief background to Local Plan policy**

**2. How this web based document works:** question and answer format with web links from 'Q' sections to 'A' sections.

#### **3. Need for assessment reports**

Model formats for reports on

- Ecological impact assessment
- Trees, woodlands and hedgerow
- Geological assets
- Shropshire Hills AONB
- Landscape character, visual amenity and local distinctiveness

### **Q1. Do I have natural assets on my site?**

#### **1.1 What is a natural asset?**

Appendix 1: Legislation and source of protection in planning process for natural assets

#### **1.2 Which assets are protected by national or international legislation?**

- a) Internationally protected sites and HRA in the planning process
- b) Nationally protected sites and features in the planning process
- c) Legally protected species in the planning process

Appendix 2: Legally protected species present in Shropshire

Appendix 3: Types of development likely to affect protected species

#### **1.3 Which assets are protected by Local Plan policies?**

Appendix 4: Definition of natural assets

Appendix 5: NPPF, NPPG and Local Plan policies for natural assets

Appendix 6: Priority species found in Shropshire

Appendix 7: Priority habitats found in Shropshire

#### **1.4 How do I find out where those natural assets protected by the Local Plan are in Shropshire?**

- a) How to use current, historical and third party records

### **Q2. How do I know if my proposal will have an effect on a natural asset?**

#### **2.1. Assessing the effects on ecological assets**

#### **2.2 Assessing the effects on trees, woodlands and hedgerows**

#### **2.3 Assessing the effects on geological assets**

#### **2.4 Assessing the effects on the Shropshire Hills AONB**

## **2.5 Assessing the effects on visual amenity, landscape character and local distinctiveness**

### **Q3. Can I avoid the effect?**

#### **3.1 Choose alternative site**

#### **3.2 Re-design proposal**

### **Q4 If I can't avoid an effect, what do I need to do?**

#### **4.1 Identify and set out the social and economic benefits of proposal**

Onus on applicant to supply this information

Natural Capital mapping as a useful method for valuing natural assets

#### **4.2 Propose mitigation measures to offset the adverse effect**

- Biodiversity offsetting
- On site first
- Off-site second
- Need for suitably qualified person
- Need to mitigate the whole effect

#### **4.3 Propose compensation measures to compensate for adverse effect**

- Biodiversity offsetting
- On site first
- Off-site second
- Need for suitably qualified person
- Need to compensate for the whole effect

### **Q5 How do I carry out habitat creation? (and other positive policy requirements)**

## **Appendices**



## **Appendix C: Historic Environment SPD: Outline of contents**

### **Introduction**

#### **1. Brief background to Local Plan policy**

**2. How this web based document works:** question and answer format with web-links from 'Q' sections to 'A' sections.

### **Q1. What is a heritage asset**

#### **1.1 What is a designated heritage asset?**

Appendix 1: Designated heritage assets within Shropshire and relevant legislation

#### **1.2 What is a non-designated heritage asset?**

#### **1.3 Where does the protection of heritage assets come from?**

Explanation of Acts and legislation

Explanation of protection for different heritage assets

Appendix 2: National/Local Acts

#### **1.4 How do I find out where heritage assets in Shropshire are?**

Section A1.4 How to access the Shropshire Historic Environment Records

### **Q2. How do I know if my proposal will have an effect on a heritage asset?**

#### **2.1. What is significance?**

#### **2.2 What is setting?**

#### **2.3 How is the significance and setting of an asset affected?**

#### **2.4 What is harm and loss?**

#### **2.5 What can be done to minimise harm and loss?**

### **Q3. How do you assess the effects of development?**

#### **3.1 What is a heritage assessment?**

#### **3.2 What do I need to provide in a heritage assessment?**

#### **3.3 What methods of assessment may be needed?**

Appendix 3: Methods of assessment

### **Q4 If I can't avoid an effect, what do I need to do?**

#### **4.1 What are the public benefits of the proposal?**

Applicant to supply this information

Provide case study to highlight examples of public benefits

**4.2 What are the adverse effects of the proposal?**

**4.3 What is the potential beneficial use of this asset?**

#### **Q5 Mitigation measures**

**5.1 What are my measures of mitigation to offset the adverse effects of my proposal?**

**5.2 How do I record the loss of significance to an asset?**

#### **Q6 Positive benefits**

**6.1 How will my proposal conserve, manage or enhance the significance of the heritage asset?**

**6.2 CIL/S106/Place Plans**

**6.3 Will my proposal improve the condition of the heritage asset?**

**Appendices**