



<u>Committee and Date</u>	<u>Item</u>
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## **SHROPSHIRE LOCAL PLAN REVIEW: Submission for Independent Examination**

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### **1. Summary**

- 1.1 The purpose of this report is to seek Council approval to submit the draft Local Plan to the Secretary of State and to enable the independent examination of the Plan to take place by the Planning Inspectorate.
- 1.2 The submission of the Local Plan for examination is a key milestone in its preparation, and follows extensive community involvement and evidence base collection since 2017. This has included six separate stages of public consultation where communities have been able to comment on every aspect of the Plan, most recently during the consultation of the pre-submission (Regulation 19) version between December 2020 and February 2021. These stages have allowed extensive discussions with Parish and Town Councils.
- 1.3 The submission of the draft Local Plan will allow the Council the best opportunity to ensure the development plan for the county remains up-to-date, which is essential to ensuring the growth of Shropshire over the coming years remains plan-led. When adopted, the Local Plan will replace the existing Core Strategy and SAMDev Plans, which combined are currently the basis for taking planning decisions.
- 1.4 The draft Local Plan provides a positive framework for sustainable growth over the period 2016-2038. It has been prepared within the context of the Government's National Planning Policy Framework (NPPF) and contains strategic policies to guide the scale and pattern of development across the county to 2038; more detailed development management policies on a range of issues to guide decisions on specific proposals; and, settlement specific policies, including localised housing and employment requirements and site allocations.
- 1.5 In supporting the Council's wider economic growth and regeneration strategies, the draft Plan proposes that Shropshire achieves a level of housing and employment growth in excess of its baseline defined need. In supporting a sustainable distribution of development the majority of this growth is proposed to be located in Shropshire's existing urban areas, whilst rural growth is focussed on defined Community Hubs which benefit from a range of services and facilities. Alongside this, the Plan provides a framework for protecting and preserving the county's wealth of environmental assets, including the Shropshire Hills AONB and the Green Belt.

- 1.6 The submission of the Local Plan will allow the important process of the Examination in Public (EiP) to take place. This is a crucial aspect of plan preparation where an independent planning inspector is appointed by the Government to examine the 'soundness' and legal compliance of the Plan. Importantly, the inspector will also have the opportunity to consider all the consultation responses made to the most recent pre-submission draft of the Local Plan, which the Council consulted on between December 2020 and February 2021. The EiP process is therefore an opportunity for those who made objections to the Plan at the recent Regulation 19 stage to have their views considered by the Inspector.
- 1.7 It is only after the EiP process that the Council will be able to adopt the Local Plan, and this is subject to the outcome of that process. It is important to note that the Inspector can suggest modifications to the Plan in order for it to be found 'sound' and therefore able to be adopted.

## **2. Recommendations**

- A. That the Council agrees to submit the draft Local Plan (Appendix 1) to the Secretary of State for Independent Examination, along with the Schedule of Proposed Minor Modifications (Appendix 3) and the other prescribed documents and evidence base in line with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, (as amended).
- B. That authority is delegated to the Executive Director of Place in consultation with the Portfolio Holder for Economic Growth, Regeneration and Planning to make additional minor editorial changes to the submission documents, ahead of their submission to the Secretary of State

## **REPORT**

### **3. Risk Assessment and Opportunities Appraisal**

- 3.1 It is a statutory responsibility for Councils to maintain an up-to-date Local Plan. Under the Government's 'plan-led' approach to development, the Local Plan is a key component of the overall Development Plan for the area, and should provide a positive strategy to enable an area to grow in a sustainable manner.
- 3.2 The current development plan for Shropshire consists of the Core Strategy, adopted in 2011; and the Site Allocations and Management of Development Plan (SAMDev), adopted in 2015, alongside adopted Neighbourhood Development Plans in Shifnal, Much Wenlock, Woore and Stoke Upon Tern (subject to approval at Council on 15<sup>th</sup> July 2021). With the exception of the Woore and Stoke Upon Tern Neighbourhood Development Plans, the remainder of the county's current Development Plan has a timeframe to 2026
- 3.3 National policy indicates that local planning authorities should keep their Plans under regular review, with the expectation this is done at least every

five years. This Local Plan review therefore responds positively to this requirement.

- 3.4 It is considered there are a number of risks to the Council with the Local Plan process. Perhaps of most significance is the need for the Council to ensure the continuation of a 'plan-led' approach to determining planning applications, which can only be achieved by a review of the Local Plan in a timely manner. However, there are also a significant number of positive opportunities to ensure the Council retains control of decision making and to allow the introduction of new planning policies to enhance local communities, for instance with regards to responding to the climate change emergency; providing greater opportunities for inward investment and job creation; the delivery of new ways to deliver affordable housing in order to retain more younger people; the introduction of more specific design criteria in new development; the delivery of more co-ordinated green infrastructure; and providing a planning policy framework for the delivery of the aspirations of the Shrewsbury Big Town Plan.
- 3.5 This section of the report will outline these risks and opportunities and will cover the following areas:
- The need to maintain an up-to-date development plan;
  - Implications of the Government's proposed planning reforms;
  - The role of the Examination in Public (EiP)
  - The opportunities to introduce new planning policies

***The need to maintain an up-to-date development plan***

- 3.6 The Local Plan is a key part of the Development Plan for an area. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states if regard is to be had the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In dealing with planning applications, section 70(2) of the Town and Country Planning Act 1990 requires a planning authority to have regard to the provisions of the development plan so far as it is material to the application. Other parts of the Development Plan for an area include Neighbourhood Development Plans usually prepared by Town and Parish Councils.
- 3.7 Whilst not being part of the Development Plan, the National Planning Policy Statement (NPPF), being the Government's planning policies for England, is a very important material consideration in both decisions on planning applications and in the preparation of Local Plans. Of particular importance in the NPPF is the 'presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes what the presumption in favour of sustainable development means for local decision making:
- "Approving development proposals that accord with an up-to-date development plan without delay; or*
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:*

- *The application of policies in this Framework (the NPPF) that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework (the NPPF) taken as a whole”*

- 3.8 Whilst the practical application of the ‘presumption in favour of sustainable development’ has been subject to a significant number of planning appeals in recent years, including several in Shropshire, there is a clear risk to a local planning authority of not having an up-to-date Local Plan in place. In this situation, it is generally considered less ‘weight’ can be attributed to the policies of the Development Plan policies and more ‘weight’ is applied to the policies of the NPPF. This represents a very clear risk to locally derived decision making should the Council’s Local Plan not be considered up to date.
- 3.9 It is the purpose of the Local Plan Review to ensure that the County’s development plan remains up to date for the purposes of decision making. One of the key elements of ensuring that a Local Plan is up to date is ensuring it has at least a five years’ supply of deliverable housing sites against an up-to-date housing requirement. Whilst the Council’s current housing land position shows a supply of six years, this position needs updating at least annually, and is at risk of challenge by potential applicants. The most effective way to ensure a plan-led sustainable housing land supply in excess of five years is to have an up to date and adopted Local Plan in place which provides a range of sustainable and deliverable housing allocations.
- 3.10 There is a requirement for Councils to undertake regular reviews of their development plans, at least every five years, in order to keep them up-to-date and responsive to updated evidence and changing Government policy. In addition, the Government have clearly indicated that it expects all local planning authorities to have an up to date Local Plan in place by the end of 2023. It is considered that should the Council not progress positively towards a review of the Local Plan in a timely manner, the risk of challenge to the current Development Plan, including the adopted Neighbourhood Development Plans, will significantly increase.
- 3.11 What constitutes an up to date Development Plan has been a question raised on many occasions through the planning appeals process and in the courts, and it will depend on the circumstances in each case. While the expiry of the specified period of a development plan document does not automatically render the policies in that document “out-of-date”, they will be “out-of-date” if they have been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason. However, it is considered highly likely that should the Council not proceed to progress the review of the Local Plan in a timely manner that the risk of challenge to the current Development Plan will significantly increase. The practical risk to the Council in this scenario would be an increase in planning approvals for new development not in accordance

with the current Local Plan, but where the ‘presumption in favour of sustainable development’ is seen to apply.

- 3.12 The other practical implication of this is an increase in planning appeals, where applicants challenge the Council’s decision to refuse planning applications through the Planning Inspectorate. Neither of these options provides a sound basis for a plan-led approach to decision taking. It is therefore considered the recommendation in this report to proceed to EiP on the draft Local Plan would increase the ability of the Council to update its Local Plan in a timely manner and thus maintain a robust basis for ensuring locally responsive decision making on development proposals.

### ***Implications of the Government’s proposed Planning reforms***

- 3.13 The implications of the Government’s proposed changes to the Planning system, introduced in 2020 as part of a consultation on a Planning White Paper, presents a further risk. Although the final form and timeframe for the implementation of these reforms remains unclear, the Queen’s Speech in May 2021 signalled the intention for the Government to proceed with these reforms, partly to enable the development of more homes.
- 3.14 One of the central features of the Planning White Paper is proposed changes to the process and content of Local Plans, with the overall aspiration to simplify the process. Significant national debate is taking place about these proposals. Whilst the future of the Planning White Paper is now in the hands of the Government, the proposed transitional arrangements between the current and new system are relevant and should be considered.
- 3.15 Under the proposed transitional arrangements consulted on by the Government in 2020, it is recognised that where a local planning authority is well advanced in the preparation of their Local Plan they should continue to develop their current Local Plan Review in line with current arrangements. To incentivise this, the White Paper proposes that Local Plans submitted for Examination prior to the introduction of new legislation would have 42 months to prepare and produce a further review of the Plan in order to produce a ‘White Paper’ compliant Local Plan. This is against a standard transitional period of 30 months for Councils at an earlier stage of plan preparation and who have not submitted their plan for Examination.
- 3.16 It is not known when the Government will introduce the new legislation, however, given its inclusion within the recent Queen’s Speech it is considered reasonable to assume this will occur in 2021. The recommendation to proceed to EiP on the Local Plan Review will therefore support the Council’s more favourable transition to a new planning system.

### **Role of the Examination in Public (EiP)**

- 3.17 If Council approves to the recommendations of this report, the Council will ‘submit’ the draft Local Plan to the Planning Inspectorate, along with the prescribed documents listed under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The prescribed documents include all the ‘duly made’ representations made to the Regulation 19 Pre-Submission consultation earlier in 2021. The summaries

of all the previous consultations carried out under the Regulation 18 stage of plan preparation will also be submitted.

- 3.18 The EiP is an integral part of the Plan making, and is the point in the process where the draft plan, alongside its evidence base, is assessed by an independently appointed planning inspector. After the Plan is submitted to the Secretary of State, the Planning Inspectorate appoint a planning inspector (it is possible that more than one inspector is appointed) to examine the Plan. It is the role of the inspector to determine if the Plan is 'sound' and has been carried out legally. The tests of 'soundness' and legal compliance are set out in the NPPF. In summary for the Plan to be found 'sound' the inspector must determine that it has been positively prepared; is justified; effective; and consistent with national policy.
- 3.19 The EiP is a necessary and important stage of plan making. Whilst the precise format of the EiP is managed by the appointed inspector, it is usual for the inspector to outline what their main issues are early in the process having assessed the information submitted, including all the 'duly made' representations to the Plan made at the Regulation 19 stage. It is usual then for the Inspector to lead a number of public hearing sessions where these main issues are discussed. Whilst the Council will appear at all the hearing sessions, the inspector will specifically invite other attendees, normally those organisations/individuals who made 'duly made' representations to the Regulation 19 stage.
- 3.20 The culmination of the EiP process is the publication of the inspector's report. The Council's current Local Development Scheme (LDS) estimates this will happen in May 2022, but this is subject to the number and complexity of the issues the inspector wishes to discuss, and therefore there is a possibility this could take longer.
- 3.21 The outcome of the EiP is not certain and therefore there is a risk to the Council in this respect. However, this is an unavoidable risk given the need for the Council to maintain an up to date Local Plan.
- 3.22 The risks at the EiP can largely be anticipated, given it is usual for the inspector to frame their main issues around the objections made to the Plan at the Regulation 19 stage. To this end, it is considered the Council has mitigated this risk by giving careful consideration to all of the 'duly made' representations made to the Plan at the Regulation 19 stage, and in some instances have suggested a range of minor modifications for the Inspector to consider. Indeed, it should be noted that the level of consultation and engagement carried out on the Local Plan since 2017 has meant the current version of the draft plan has had the benefit of being incrementally amended over the course of four years, and therefore has already responded positively to a large number of comments made. It is considered this process has resulted in the number of objections made to the Plan decreasing over the course of the plan period, with many aspects of the Plan now subject to very few objections.
- 3.23 The risks are also considered to be mitigated by the Council's extensive evidence base, covering a full range of relevant issues including but not limited to water resources and flood risk, development viability, town centre improvements, housing and economic development needs, and gypsy and traveller accommodation.. This evidence base will all be submitted alongside

the Local Plan, and it is considered provides a strong rationale for the proposed strategic, development management and settlement specific policies proposed. A list of Shropshire's current evidence base is included as Appendix 3 to this report and it can be viewed at <http://shropshire.gov.uk/planning-policy/local-planning/local-plan-review/evidence-base/>.

- 3.24 It is recognised that many of the objections received to the Plan comment on specific site allocations. It is highly likely the EiP will assess the Council's approach to site selection and range of issues considered in arriving at the proposed site allocations. It is strongly considered the Council has undertaken a sound and robust approach to site assessment, having considered over 2,000 sites in the county against a thorough and consistent methodology. This information is included as part of the Sustainability Appraisal (SA) process and can be viewed here <http://shropshire.gov.uk/get-involved/reg-19-pre-submission-draft-local-plan/>
- 3.25 It is, however, not realistic for a Local Plan for Shropshire, which includes growth proposals and several proposed site allocations (some of a strategic nature) to be free of any objection. Indeed, the right for individuals and organisations to challenge proposals is at the heart of the planning process, and this is to be welcomed. It is now the role of the EiP to hear these challenges and to test the 'soundness' of the Plan. All the 'duly made' and 'non duly-made' representations made to the Regulation 19 Pre-Submission consultation between December 2020-February 2021, are available to view in a redacted format on the Council's website at <https://admin.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/previous-consultations/regulation-19-pre-submission-draft-of-the-shropshire-local-plan-consultation/>.
- 3.26 Of importance, it should be recognised that as well as considering the proposed schedule of minor modifications (appendix 3) the inspector does have the authority to suggest more significant changes, known as 'main modifications', if in their view they are needed to make the Plan 'sound'. Whilst it is considered the Regulation 19 version of the Plan consulted on earlier in 2021 is a 'sound' Plan, the introduction of 'main modifications' into the process is a very normal occurrence in the EiP process. If this were to happen it is expected any 'main modifications' would be subject to further public consultation either during or after the conclusion of the EiP process.

### **The opportunities to introduce new planning policies**

- 3.27 Set against the inevitable, but manageable, risks associated with the EiP, the Local Plan's proposed progression to the EiP is considered to offer the opportunity for the Council to introduce some new and progressive planning policies to support a range of issues, and which respond to wider Council priorities and evidence. These include responding to the climate change emergency, providing additional mechanisms to support affordable housing provision, providing additional policy provision on ensuring high quality design in new development, supporting enhancements to green infrastructure and opportunities to use new development to enhance the health and

wellbeing of communities. Section 5 of this report provides more details on a number of policy areas which are considered to provide a particularly positive approach to plan making.

#### **4. Financial Implications**

- 4.1 Planned growth provides the best possible opportunity for Shropshire Council to harness growth potential by providing a stable platform for investors and developers (from both the public and private sectors). Growth also provides an opportunity to secure contributions to help maintain and improve local facilities, services and infrastructure. New growth simultaneously imposes an additional burden on local services and provides opportunities to secure investment to improve local facilities which are the responsibility of Shropshire Council and other public service providers.
- 4.2 The Local Plan process is subject to a number of costs, both during preparation principally due to the need to commission evidence base documents to inform both site allocations and development management policies, and through the EiP, principally through the cost of the Planning Inspectorate. This expenditure is both necessary and unavoidable in the pursuit of a 'sound' Plan.
- 4.3 Equally there is a financial risk to the Council of not pursuing a review of the Local Plan in a timely manner, most notably through the likelihood of increased levels of planning appeals as a result of increased challenges to the integrity of the currently adopted Core Strategy and SAMDev plan.
- 4.4 The EiP has a significant cost implication in the Council, most notably through the cost of Inspectorate, the need to appoint a Programme Officer to support the role of the Inspector and the cost of hiring rooms for the public hearing sessions. The estimated costs of the EiP have been included within the budget of Planning Policy and Strategy, although it should be recognised that the final cost of the EiP is not known.

#### **5 Background**

- 5.1 The Local Plan establishes a long-term framework for growth and development in the county. It is a key Council document and draws on several of the cooperate objectives, as well as providing a basis in planning policy for several key Council and partner documents.
- 5.2 The Council began preparing the Local Plan Review in 2017. The preparation of a Local Plan is an iterative process in order to allow time for the strategy to respond to evidence and to take account of community views. Between 2017 and 2020 the Local Plan has been subject to the following five separate consultations at the Regulation 18 stage:
  - Issues and Strategic Options – January 2017 for eight weeks. Responses received from 412 individuals/organisations
  - Preferred Scale and Distribution of Growth - October 2017 for eight weeks. Responses received from 591 individuals/organisations



- Preferred Site Allocations – November 2018 for twelve weeks. Responses received from 3,600 individuals/organisations
  - Strategic Sites – 1<sup>st</sup> July 2019 for ten weeks. Responses received from 2,300 individuals/organisations
  - Pre-Submission Local Plan (Regulation 18) – 3<sup>rd</sup> August 2021 for eight weeks. Responses received from 2,500 individuals/organisations
- 5.3 Full summaries of the responses received to these consultations can be viewed here <http://shropshire.gov.uk/planning-policy/local-planning/local-plan-review/previous-consultations/>. All responses made were given careful consideration in the continued preparation of the Local Plan.
- 5.4 In addition to these consultations, more localised consultation events were also held in Much Wenlock and Hadnall where new development proposals were brought forward in settlements. Whilst these events were led by the site promoter, the resulting feedback was considered by the Council.
- 5.5 At its core, the Local Plan is about ensuring that the development that will take place in the county over the coming years remains plan-led. Its role is to translate the high level definitions of sustainable development into a local context and to develop a strategy appropriate to the area. In doing so it should be remembered that achieving sustainable development involves a balance of considerations across social, economic and environmental issues.
- 5.6 The Local Plan is a very important strategic document for the Council. It provides a statutory document setting a direction for growth in the county and a framework for assessing development proposals. However, it does not sit in isolation, and in developing the Local Plan, the aims of aims and objectives of several other Council documents, as well as those produced by partner organisations have been considered and provide part of the evidence base behind the proposals. These wider documents include, but are not limited to, the Shrewsbury Big Town Plan, the Economic Growth Strategy, the emerging Climate Change Strategy, the Public Health Strategy, as well as Neighbourhood and Community Led Plans.

#### *Regulation 19 feedback*

- 5.7 The Council undertook the statutory Regulation 19 (pre-submission) stage consultation for a period of ten weeks between 18<sup>th</sup> December 2020 and 25<sup>th</sup> February 2021. Whilst initially this consultation had been agreed to last for seven weeks, as a result of the third national lockdown on 5<sup>th</sup> January the decision was taken to extend this in order to allow the public a greater opportunity to respond.
- 5.8 Unlike earlier consultation stages (made under Regulation 18) the Regulation 19 consultation asked people to comment on the draft Plan's legal compliance, it's 'soundness' and it's compliance with the Duty to Cooperate. The Council received 'duly made' representations from 683 organisations and individuals. In order to be a 'duly made' representation, respondents needed to submit their responses before the close of consultation period, in this case 25<sup>th</sup> February 2021. Many of those responding made multiple comments and therefore the total amount of 'duly made' representations received were 2,430. Each one of these 'duly made' representations has been summarised

and a response has been provided, and this is included in Appendix 2 to this report.

- 5.9 All 'duly made' and 'non-duly made' representations have been published on the Council's website at <https://admin.shropshire.gov.uk/planning-policy/local-planning/local-plan-review/previous-consultations/regulation-19-pre-submission-draft-of-the-shropshire-local-plan-consultation/> and will be submitted to the Secretary of States along with the other 'prescribed documents'.
- 5.10 In addition to the 'duly made' representations, the Council have also received a number of 'non-duly made' representations received after the close of the Regulation 19 consultation. Whilst these representations will not be summarised and responded to in the same manner as the 'duly made' representations, they will also be made available on the Council's website alongside the 'duly made' representations and will be submitted to the EiP. It will therefore be at the appointed Inspector's discretion to decide how to consider these representations.

#### *Proposed Schedule of Minor Modifications*

- 5.11 Very careful consideration has been given to all the 'duly made' representations at the Regulation 19 stage, as have all comments made to the various consultation stages that have all informed the current draft version of the Plan. At the pre-submission stage of Plan making (Regulation 19) the Council has the ability to respond to the comments made and propose minor modifications to the Plan. These proposed minor modifications (appendix 3) do not change the overall strategic approach to development and are therefore primarily in order to provide additional clarity and consistency to the Plan.

#### ***The Draft Local Plan***

- 5.12 The draft Plan proposes to deliver around 30,800 dwellings over the plan period from 2016-2038. This equates to around 1,400 dwellings per year. This includes 7,700 affordable houses, equating to around 25% of all dwellings built. To provide sufficient opportunities for new jobs, the draft Plan also proposes to deliver around 300 hectares of employment land over the Plan period.
- 5.13 To support a sustainable approach to development and to maximise investment opportunities, the draft Plan proposes an 'urban focus' distribution of development, focussing on Shropshire's network of strategic, principal and key centres. These settlements are considered to be Shropshire's most sustainable areas due to their access to facilities, services and employment opportunities.
- 5.14 The draft Plan is made up of a range of strategic policies (policies SP1 – SP17), development management policies (DP1-DP33), and settlement specific policies (S1-S21). Connected to the settlement specific policies are a schedule of policies maps indicating the proposals for these areas, as well

as settlement constraints. This report will now go on to discuss some of the policies of the Plan in more detail.

*The Shropshire 'Test' (Policy SP1)*

- 5.15 A key purpose of the Local Plan is to provide a positive local policy framework for taking decisions on planning applications. Through the extensive consultation carried out on the Plan, and through ongoing discussions with Town and Parish Councils, a general point of consensus was the delivery of higher quality development. The idea of the 'Shropshire Test' policy originated in the work of the Shrewsbury Big Town Plan, but has been expanded to encompass the whole of the county. As the introductory strategic policy to the Local Plan it sets out those key policy considerations all new development should seek to meet, including: supporting the health, well-being and safety of communities; addressing the causes and mitigating the impacts of climate change; conserving and enhancing the historic and natural environment; providing opportunities for new green and blue network; raising design standards; and providing necessary infrastructure. Many of these objectives relate to the wider objectives of the Council and are expanded upon in more detail in subsequent policies of the draft Plan.

*Strategic Approach (Policy SP2)*

- 5.16 Draft Policy SP2 of the Local Plan contains the overall strategic approach to development. Importantly it sets the overall housing and employment requirement to be delivered over the plan period. Between 2016 and 2038 the Plan proposes the delivery of around 30,800 dwelling and 300 hectares of employment land.
- 5.17 Looking firstly at the housing requirement, this is set at a level which is challenging but deliverable. It equates to the delivery of around 1,400 dwellings annually. It is important here to distinguish between 'requirement' and 'need'. As a minimum, Local Planning Authorities are expected to meet defined local need, which is established through a national 'standard methodology'. Over the Plan period this need currently equates to 25,894 dwellings, or 1,177 dwellings annually. The draft Local Plan proposes a housing requirement of 30,800 dwellings over the plan period, or 1,400 dwellings annually. This requirement is broadly comparable with the currently adopted figure in the Core Strategy, and is considered an appropriate level as it provides good opportunities for the county to respond to a number of key issues, namely:
- Increasing the delivery of family, affordable, and specialist housing to meet the needs of local communities, in doing so responding to evidence of need contained in the Council's Strategic Housing Market Assessment (SHMA) ;
  - Supporting the diversification of the county's labour force, responding to the Council's Economic Growth Strategy to enhance opportunities to reduce the level of out commuting outside the county to access jobs;
  - Responding effectively to opportunities to deliver sustainable development, including on a new Sustainable Urban Extension(SUE) in Shrewsbury at Edgebold; a new garden village proposal at Tasley to support Bridgnorth's

growth; new strategic settlements at Tern Hill and at the site of the former Ironbridge power station; and to respond effectively to the needs of the county's rural communities by offering the opportunity for the most sustainable villages to grow in a way commensurate to the locality.

- 5.18 It should be noted that whilst the proposed housing requirement is higher than the defined 'need' over the plan period, it also represents a lower level of annual growth than has been seen in Shropshire in recent years, which since 2017 has seen an average of around 1,800 dwellings completed annually. The proposed requirement is therefore proposed at a level which is roughly between defined 'need' and recent delivery rates.

*Hierarchy of Settlements and the Strategic Approach (Policies SP2, SP8, SP9 and SP10)*

- 5.19 As part of providing a sustainable pattern of development, the draft Local Plan proposes an 'urban focus' approach to new development. Key to this process is the recognition that the identified areas of growth are those with the best access to a range of services and facilities. The strategic approach, captured in policy SP2, also recognises the importance of continuing to ensure rural areas thrive and remain sustainable by identifying a range of villages to act as Community Hubs where some development, commensurate to their scale, will be considered acceptable. Doing so recognises that rural areas also need to grow in an appropriate manner in order to maintain the facilities and services they benefit from. Community Cluster settlements are those where the parish council has specially sought the opportunity for some very small scale development, largely through infill opportunities. The proposed urban locations, Community Hubs, and Community Clusters are identified in Schedules SP1-SP3 of the draft Plan respectively. Outside these areas the remainder of the county is categorised as 'countryside' where development of open market housing is proposed to continue to be strictly controlled, in line with the current policy.

*Supporting the Shropshire Economic Growth Strategy (Policy*

- 5.20 In 2017, the Council agreed its Economic Growth Strategy which provides the strategic framework for seeking a step change in the Shropshire's economy. The strategy of the Local Plan takes this objective by planning for an urban focussed development pattern, and by supplementing its existing supply of employment land through the proposed allocation of a small number of strategically well located new sites. Policies SP12, SP13 and SP14 of the draft Local Plan seek to deliver a planned approach to the Council's defined needs and wider economic growth objectives.

*High Quality Design (Policy SP5)*

- 5.21 Many of the responses made to the Plan at the Regulation 18 stage believed there is a need for a more robust policy framework in order to secure better design quality design within new development. The Local Plan Review has responded to this through the introduction of draft policy SP5: High-Quality Design, which amongst other considerations places an emphasis on securing

opportunities through the design and layout of development to maximise energy efficiency, minimising carbon emissions and responding to local character and local distinctiveness.

*Green Infrastructure (Policy DP14)*

- 5.22 Green infrastructure is at the heart of the Local Plan Review. This builds upon the current provisions for securing open space as part of new development, but expands on this to specifically seek to connect existing green assets together in a more strategic manner and avoiding fragmentation of green spaces. This policy is a key feature of several proposed housing and employment allocations, and draws upon background evidence contained in the Green Infrastructure Strategy (<http://shropshire.gov.uk/media/15654/green-infrastructure-strategy-main-report.pdf>) and other local strategies such as the Shrewsbury Big Town Plan.

*Adapting to and Mitigating the Impacts of Climate Change (Policies SP1, SP3 and DP11)*

- 5.23 The Local Plan responds to the ongoing climate emergency and will play a key role in enabling the move towards a net zero carbon emissions by 2050. From a strategic perspective the 'urban focus' approach to the distribution of growth ensures that the majority of new planned development will take place in the strategic centre of Shrewsbury and the principal centres of Bridgnorth, Ludlow, Market Drayton, Oswestry and Whitchurch. To illustrate this, over the whole plan period it is proposed that 16,125 dwellings out of the overall plan housing requirement will be developed in these six settlements. These settlements offer the best opportunity for people to access facilities and services in a sustainable manner, including through public transport, cycling and walking.
- 5.24 The draft Plan also introduces a new policy (DP11) which seeks to minimise the amount of carbon emissions within new development. This draft policy introduces the requirement that for all housing development a minimum of 10% of the predicted energy needs of the development are provided from on-site renewable and low carbon energy sources.

*Delivering Mixed Communities and Affordable Housing*

- 5.25 The draft Local Plan introduces a new suite of policies to enable the delivery of 7,700 affordable dwellings over the plan period (equating to 350 dwellings per year, or 25% of the overall housing requirement). It also provides policies to support a more appropriate mix of dwellings as part of new development, including a greater proportion of two and three bed dwellings as part of new development.
- 5.26 Over the early part of the plan period since 2016 the Council has achieved on average 330 affordable housing completions a year, however this has been set against particularly high overall housing completions during the same period, which are envisaged to reduce over the remainder of the plan period to 2038. It is therefore important the Council introduces a range of mechanisms by which to deliver higher rates of affordable housing for local needs. The draft Plan proposes the following suite of policies to support this:

- Affordable Housing Provision (Policy DP3): Requiring new residential development on sites of 5 or more dwellings in designated rural areas, and 10 or more dwellings elsewhere, to make an affordable housing contribution as part of their scheme. Using the Council's published independent viability and delivery report as evidence, the proposed rates on these sites would be 20% in the south of the county and 10% in the north of the county (all of Shrewsbury is in the 20% category).
- Affordable housing exception schemes (Policy DP4): these are schemes consisting of 100% affordable housing for identified local needs and have been a significant part in Shropshire's affordable housing delivery over the past few years. Whilst by their nature affordable exception schemes can take place outside defined development boundaries of settlements, the draft policy seeks to provide further clarity with regard to their preferred location, and specifically seeks to avoid isolated sites in the countryside.
- Entry Level Exception schemes (Policy DP5): This policy responds to the Government's introduction of entry level exception schemes in 2019, which provide the opportunity for first time buyers to enter the market on sites which offer a mix of tenures, from social rented to discounted market sale.
- Single Plot Exception Sites (Policy DP6): This is an extension of the current single plot affordable housing scheme operating in the county, which requires that applicants demonstrate a strong local connection and need to be located in a particular area. The draft policy provides further clarity on the geographical basis for where single plot exception sites will be positively considered, and seeks to avoid dwellings in isolated and unsustainable locations.
- Cross-Subsidy Exception Schemes (Policy DP7): This is a new policy which introduces for the first time in Shropshire the concept of positively considering affordable housing exception schemes alongside an element of open market housing in order to provide cross subsidy financial support. These dwellings can take place in the areas classified as countryside and must reflect a local need. The policy stipulates that the open market element of these schemes will be a maximum of 30% of the overall scheme. It is considered this new policy provides a significant opportunity to further meet local needs affordable housing needs in a range of settlements.
- Policy DP1 (Residential Mix) supports the delivery of sustainable, inclusive and mixed communities. The draft policy proposes to use information from housing needs surveys, including those carried out as part of the Council's Right Home Right Place programme.

#### *Duty to Cooperate and meeting Cross Boundary needs*

- 5.27 It is a legal requirement for local planning authorities to fulfil the duty to cooperate with neighbouring and closely related local planning authority areas on strategic matters. The Council has been engaged in discussions with all adjoining authorities and with the Association of Black Country Authorities (ABCA) over the course of the plan preparation process. Through these discussions the only strategic cross boundary issue identified of

significance is that of 'unmet' need in the Black Country, where evidence indicates that due to a lack of available and deliverable sites, this has led to an identified shortfall of around 36,819 dwellings and 215 hectares of employment land to 2039. ABCA are expected to start a consultation of their draft Plan in the coming months where this position will be further articulated.

- 5.28 Cabinet agreed in July 2020 that, as part of the legal 'duty to cooperate' process, that Shropshire would accept up to 1,500 dwellings from the identified housing need of ABCA up to 2039 and that this would be incorporated into the housing requirement for Shropshire and distributed in line with the strategic approach included in draft Policy SP2. Cabinet subsequently agreed in December 2020 to also accept up to 30 hectares of employment land from ABCA and that this would be incorporated into the overall employment requirement for Shropshire. Both of these decisions have responded positively to the duty to cooperate process; the emerging evidence from the Black Country; and the benefits to Shropshire of accepting an element of unmet need. In accepting this need in principle, Shropshire joined Lichfield and South Staffordshire that have already accepted an element of cross boundary need from ABCA. It is likely that ABCA will continue to have discussions with other neighbouring authorities in the coming months about their potential to accept some unmet need,

### ***Settlement Specific Strategies (Policies S1-S18)***

- 5.29 In following the urban focussed approach, the majority of the county's growth is captured in settlement specific strategies for Shropshire's network of market towns. For the majority of areas this includes proposed site allocations and guidelines on how development on these sites will be managed. It should be remembered that whilst the allocation of a site provides an 'in principle' support that development in this location can be supported, these will continue to be subject to the grant of future planning approval where the details of the development will be considered. Where local communities are currently preparing Neighbourhood Development Plans this has been reflected within the proposed strategies.
- 5.30 Whilst the focus of the Plan is on the urban areas, it continues to be important to plan effectively for Shropshire's rural areas, but in doing so recognising that growth opportunities in these areas should be more closely aligned with the ability of villages to provide a suitable standard of services and facilities. For this reason, the Council opted early in the plan preparation process to provide a consistent methodology to the identification of Community Hubs, assessed through the Hierarchy of Settlements document. The conclusions of this process are included in schedule SP2.2 of the Pre-Submission Draft Plan (appendix 1), which identifies those areas which are proposed to act as Community Hubs. Policy SP7, along with individual settlement specific policies, seeks to provide a framework for how development will be managed in these areas effectively and in keeping with the local character.

### ***Strategic Sites and Settlements***

5.31 The Pre-Submission version of the Local Plan proposes to allocate three strategic settlements/sites at the following locations:

- The former Ironbridge power station which will form a new strategic settlement;
- Clive Barracks, Tern Hill which will form a new strategic settlement; and
- RAF Cosford which will facilitate MOD use and associated activities

*Former Ironbridge power station*

5.32 The former Ironbridge power station occupies a 350 acre site south of the River Severn near Buildwas. The power station ceased operation in 2015 and was purchased by Harworth Group in 2017 with a view to regenerating the site. The proposed inclusion of the site for inclusion within the Local Plan was consulted on as a preferred option in summer 2019. An outline planning application was subsequently submitted to the Council in December 2019 for a major mixed use development including 1,000 dwellings. Whilst the planning application is yet to be determined, it remains appropriate for the Council to continue to seek the site's inclusion within the Local Plan. It is expected that subject to the grant of planning approval, the site will be fully developed by the end of the plan period. The proposed development principles for the site are included in Policy S20 of the Submission Draft Local Plan

*Clive Barracks, Tern Hill*

5.33 Clive Barracks is a 50 hectare military site on the A41 near Market Drayton which is currently home to the Royal Irish Regiment. MOD announced the intention to close the barracks in March 2016, and have subsequently confirmed they now plan to complete the vacation and disposal of the site by 2025. The proposed inclusion of the site within the Local Plan to form a significant mixed use proposal was consulted on as a preferred option in summer 2019. Local engagement on the site up to this point has helped to shape the proposed development guidelines for the site, which is proposed to provide employment land and around 750 homes as part of a new settlement, together with local services and facilities. Given the timeframe of the proposed disposal of the site, it is expected that around 550 homes will be delivered during the plan period to 2038. The proposed development guidelines for the site are included in Policy S19 of the Submission Draft Local Plan.

*RAF Cosford*

5.34 The national defence review has confirmed RAF Cosford as a key Ministry of Defence asset, but it is considered the potential for the area to meet its future operational defence requirements is restricted by its Green Belt location. Having considered the impact on national Green Belt objectives, as well as the benefits of doing so, it is considered there are exceptional circumstances for the site to be released from the Green Belt. In summary the strategic site will build upon its existing role as a centre of excellence for both UK and international defence training, host a specialist aviation academy, support opportunities to co-locate other Ministry of Defence units and activities, facilitate the intensification and expansion of the RAF Museum



Cosford and allow the formation of a new headquarters for the Midland Air Ambulance Charity. The proposed development guidelines for the site are included in Policy S21 of the Submission Draft Local Plan

### *Infrastructure Provision*

- 5.35 The availability of sufficient infrastructure is an important aspects of planning. At the Plan making stage there is a need to consider these issues from a strategic perspective and to draw upon available evidence to ensure that necessary infrastructure improvements are likely to be achieved in a timely manner. Draft Policy DP25 states that new development should only take place where there is sufficient existing infrastructure capacity available, and that where there is a shortfall in provision as a result of new development, the developer contributions will be required to fund necessary improvements. Developer contributions include the Community Infrastructure Levy (CIL) where the priority will be to use this to support critical or statutory infrastructure requirements from development, such as highways and education provision. The Shropshire Place Plans and the Strategic Infrastructure and implementation Plan are key documents and will provide the ongoing evidence to support the use of CIL funds in line with the needs of new development and the aspirations of local communities.

### ***Other Strategic Site Considerations***

- 5.36 In July 2020, Cabinet agreed to omit land adjacent to Junction 3, M54 from the Local Plan Review. This decision followed a long period of deliberation, including a period of public consultation as part of the Strategic Sites consultation in summer 2019 where the Council confirmed it was considering the potential inclusion of land north of Junction 3 within the Local Plan. For the sake of clarity, the land at Junction 3 has been actively promoted for a new garden village consisting of around 3,000 dwellings and between 50 and 75ha of employment land, as well as the inclusion of local facilities and services. The Cabinet decision in July 2020 recognised that there were insufficient exceptional circumstances in order to release this land from the Green Belt.
- 5.37 As part of both the Regulation 18 consultation in summer 2020 and as part of the Regulation 19 consultation in early 2021, the site promoter for land at Junction 3, Bradford Estates, has maintained their objection to the land's omission from the Plan. It should also be noted that both Walsall and Dudley Borough Councils submitted individual responses to the Regulation 19 consultation indicating support for the inclusion of this site. However, it is equally important to note that the Association of Black Country Authorities (ABCA), of which Walsall and Dudley are members, did not object to the omission of land at Junction 3 in their representation.
- 5.38 The objections made by the site promoter to the omission of this site have been given careful consideration through updates to the site assessments. In summary, it is maintained that in weighing up the competing considerations, including the benefits of providing a strategic employment area, there remains insufficient justification to release this land from the Green Belt.

Accordingly it is still considered that land at Junction 3 should not be included in the Local Plan Review and that this area should be retained as Green Belt.

### **Green Belt Release**

- 5.39 Green Belt is perhaps one of the most widely known designations in the planning system. Green Belts cover parts of many local authority areas; in Shropshire's case significant areas in the east of the county are covered by the West Midlands Green Belt designation. The key purposes of the designation is to check unrestricted sprawl; prevent neighbouring towns merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration.
- 5.40 Permanence is a key feature of Green Belt boundaries, and their extent should only be altered where exceptional circumstances apply. It is however, appropriate for Local Plans to review Green Belt boundaries when required, and in Shropshire's case this was prompted in 2015 by the conclusions of the SAMDev Inspector's Report, which instructed that a review of Shropshire's Green Belt be carried out as part the Local Plan review process. To this end, in 2017 the Council commissioned a Green Belt assessment in order to assess the extent to which the land within the Green Belt in Shropshire performs against the purposes of Green Belts. This was followed in 2018 by the publication of a Green Belt Review, which provides an assessment of the harm to the Green Belt purposes should particular parts of the Green Belt be released. The Council therefore have a comprehensive evidence base with which to support decision taking.
- 5.41 It is important to note that before seeking to release land from the Green Belt, the NPPF places a clear need for the strategic policy-making authority to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. In addition to accommodating the needs of RAF Cosford, and having considered local circumstances of need, as well as giving careful consideration to consultation responses on this issue, the Submission version of the Local Plan proposes the removal of land from the Green Belt for allocations for employment development within the plan period to 2038 in Shifnal and Bridgnorth, and for mixed use and housing development in Alveley. The Submission Draft Plan also seeks the removal of land from Green Belt for to act as 'safeguarded land' for potential development beyond the plan period in Albrighton, Shifnal and Alveley. For clarity, the changes proposed to the Green Belt contained in the proposed submission version of the Plan correspond with those consulted on at the Regulation 19 consultation stage.
- 5.42 The release of Green Belt is a particularly important issue in Bridgnorth and Shifnal in supporting the Council's 'urban focussed' strategy for growth. The rationale for the release of Green Belt land in these areas, and in the proposed Community Hub at Alveley and at RAF Cosford is included in the Council's Exceptional Circumstances Statement (<http://shropshire.gov.uk/media/16828/green-belt-revised-exceptional-circumstances-statement-december-2020.pdf>).

- 5.43 Over the course of the Plan's preparation there has been a particular public focus on future development options at Bridgnorth. Bridgnorth acts as Shropshire's third largest settlement but which is constrained by Green Belt on its eastern side. Both the Regulation 18 Draft Plan in August 2020 and Regulation 19 versions of the Local Plan in December 2020 proposed a major garden village proposal at Tasley as the preferred option to grow the town in a sustainable manner. The proposed area of growth at Tasley is not within the Green Belt. This represented a significant shift in position from an earlier iteration of the Plan, which had suggested land at Stanmore to the east of the town within the Green Belt as the preferred direction for significant growth as part of the initial Preferred Sites consultation in 2018.
- 5.44 The draft Local Plan continues to include land at Tasley as the preferred area of growth for Bridgnorth. As part of the Cabinet approval in December to consult on the Pre-Submission Regulation 19 version of the Plan, officers prepared a comparative site assessment of the two garden village options in the town at Tasley and Stanmore. Following comments from Historic England to the Pre-Submission Plan, and following additional highway evidence prepared by the Council, it remains the view of officers that the most appropriate way to manage the growth of Bridgnorth is through a comprehensive garden village proposal at Tasley. An update on the comparative site assessment process is included as appendix 4 to this report. In arriving at this conclusion, officers have had particular regard to the protection of Green Belt and to the overall sustainability credentials of the location of the Tasley proposal. Both garden village options have seen a significant level of response from residents of Bridgnorth, alongside those from local town and parish councils. All these comments have been carefully considered in arriving at the current proposals.
- 5.45 With regard to Shifnal, the draft Local Plan seeks to provide a better balance of development opportunities, noting that in recent years the town has experienced a significant amount of housing growth which has not been balanced with employment opportunities. The draft Plan therefore proposes to allocate a new 39 hectare employment site on land at Upton Lane on land currently in the Green Belt. It is important to note that the draft Local Plan does not propose any Green Belt release in Shifnal to support additional housing growth to 2038 (the end of the Plan period). It does, however, propose to release land from the Green Belt and to 'safeguard' this for potential development after 2038. The Council's Green Belt Exceptional Circumstances Statement provides the rationale for this Green Belt release.

### **Links to Neighbourhood Development Plans**

- 5.46 There are currently three adopted (or 'made') Neighbourhood Development Plans in Shropshire in Much Wenlock, Shifnal and Woore, and these form part of the overall development plan for the area. A further Neighbourhood Development Plan in Stoke Upon Tern is before the Council on 15<sup>th</sup> July with a recommendation to adopt.
- 5.47 These Neighbourhood Development Plans will continue to apply for their areas once the Local Plan has been adopted, where the policies and proposals of the Neighbourhood Plan conform to the proposals in the Local Plan. For Much Wenlock and Shifnal, as the plan period for their

Neighbourhood Development Plans is until 2026, it has been necessary for the draft Local Plan to provide additional planning policy and site allocations in order to ensure a positive plan is maintained in these areas for the period to 2038.

- 5.48 In addition, there are several other emerging Neighbourhood Development Plans in the County, including in Bishops Castle, Broseley, Cleobury Mortimer and Condover parish. For these areas, the draft Local Plan seeks to establish the strategic requirements for the local area, but devolves the delivery of these requirements to the respective Neighbourhood Development Plans. In doing so, the Council has worked closely with the respective town and parish councils to support them in developing their local aspirations.

### **Next Steps and Timeframe**

- 5.49 Subject to agreement of Council to submit the Local Plan for independent examination, the Council will submit the draft Local Plan, along with the prescribed documents set out in national regulations to the Secretary of State, in early August 2021. At this point an Inspector will be appointed by the Secretary of State and the EiP will begin.
- 5.50 Within the Council's agreed Local Development Scheme (LDS), which sets out the expected project timetable for the Local Plan, it is forecast that the EiP process will last around a year. It is therefore currently expected, subject to a successful EiP, that the Council will be asked to adopt the Local Plan in July 2022.

<b>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</b>
<b>Cabinet Member (Portfolio Holder)</b> Edward Potter , Portfolio Holder for Economic Growth, Regeneration and Planning
<b>Local Members</b> All
<b>Appendices</b> 1. Shropshire Local Plan 2016-2038: Regulation 19 Pre-Submission Draft Local Plan plus associated Policies Map and Inset Plans 2. Summary of 'Duly Made' Representations 3. Proposed Schedule of Minor Modifications 4. Bridgnorth Development Options Assessment, plus appendices - June 2021