

**Shropshire Council (Shrewsbury Flaxmill Maltings –  
Redevelopment) (No. 2)  
Compulsory Purchase Order 2022**

**STATEMENT OF REASONS**

DRAFT

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## 1 INTRODUCTION

### The Order

- 1.1 On [INSERT DATE] 2022, Shropshire Council (“**the Council**”), made the “Shropshire Council (Shrewsbury Flaxmill Maltings – Redevelopment) (No. 2) Compulsory Purchase Order 2022” (“**the Order**”), having obtained authority to take this step from the Council’s cabinet on [INSERT DATE].
- 1.2 The Order has been made pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) (“**the 1990 Act**”) to assemble the land required to deliver a mixed-use development comprising residential accommodation, together with commercial, business and service uses (“**the Scheme**”) being a key element of the wider regeneration of Shrewsbury Flaxmill Maltings (“**the Flaxmill**”).
- 1.3 This document is the Statement of Reasons of the Council for the Order, prepared pursuant to and in accordance with the “Guidance on Compulsory purchase process and The Crichel Down Rules” (“**the CPO Guidance**”), issued by the Ministry of Housing, Communities & Local Government (now the Department for Levelling Up, Housing and Communities) in July 2019.
- 1.4 The land proposed to be compulsorily acquired pursuant to the Order (which shall be referred to hereinafter as “**the Order Land**”) comprises land, outbuildings and construction site, part of the Flaxmill and site of former premises known as Rexel Senate building, Midlands Social Club and former Arriva bus depot, situated between Spring Gardens (A5191), Marshalls Court and the Shrewsbury to Crewe railway line. The Order Land also includes commercial premises at no. 1 and no. 15 Haughmond Square, located on the Spring Gardens frontage, which are currently being operated as hot food takeaways (respectively, the ‘Spring Garden’ Chinese takeaway and the ‘Chilli Spice’ Indian takeaway), each with residential accommodation at first floor level (together “**the Haughmond Square Properties**”). Further details of the Order Land are contained in **Section 2** below.
- 1.5 The schedule to the Order (“**the Order Schedule**”) lists the owners, lessees, tenants and occupiers of the Order Land. In addition, the Order Schedule includes details of other parties with a qualifying interest in the Order Land as defined by section 12(2A) of the Acquisition of Land Act 1981, including those with the benefit of rights within the Order Land. The Order Schedule is based on information gathered through a desk top exercise, consisting of index map searches and a review of title information held by HM Land Registry, supplemented by site visits to the Order Land and formal requisitions for information issued by the Council pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.6 The extent of the Order Land is shown on the map to the Order (“**the Order Map**”), a copy of

which is at **Appendix 1**. The land which is proposed to be acquired is shown edged red and shaded pink. Individual plot boundaries and numbers on the Order Map correspond with the plot descriptions referred to in the Order Schedule.

- 1.7 The Council is satisfied that the proposed acquisition of the Order Land will facilitate the carrying out of development, redevelopment or improvement of the said land. In considering whether to exercise its powers to make the Order, the Council has had, as is required, regard to section 226(1A) of the 1990 Act and considers that the proposed redevelopment will promote and/or improve the economic, social and environmental well-being of the Council's administrative area.

#### The Flaxmill

- 1.8 The Scheme is an integral part of a wider redevelopment project being undertaken at the Flaxmill.
- 1.9 This internationally important site reflects a time when Shropshire led the way in engineering innovation. It comprises 8 listed buildings, including the Main Mill which was built in 1797 (which coincided with the completion of the Shrewsbury and Newport Canal) and which was added to the list in January 1953 at Grade I. The Main Mill was the world's first iron framed building and, as such, is the forerunner of the modern skyscraper. The site was a Flaxmill from 1797 until 1886. It reopened as a maltings in 1897 and operated as such until the maltings closed in 1987.
- 1.10 The conversion of the site to a maltings gives it further significance, as an example of a large scale maltings and the ingenious adaption of a complex of buildings of special architectural or historic importance, 3 of which are Grade 1 listed. This grading is applicable to just 2.5% of all listed buildings. The whole of the Flaxmill was of great local significance as the economic and social driver for the northward expansion of Shrewsbury, facilitated by the Shrewsbury and Newport Canal.
- 1.11 A location plan showing the Order Land within the context of the wider Flaxmill is at **Appendix 2**.
- 1.12 In recent history (1987-present), there have been various failed attempts to regenerate the Flaxmill, none of them successfully harnessing the private sector investment required to give the complex of mill buildings a new lease of life. Vandalism and neglect have also taken their toll on the site, which has been on the Heritage at Risk Register for a number of years. Both an Urgent Works Notice under section 54 and an Urgent Repairs Notice under section 47 of the Planning (Listed Building and Conservation Areas) Act 1990 were served on the site's then owner in April 2004.

- 1.13 Historic England (then English Heritage) acquired the freehold of the Flaxmill in 2005 in order to halt its further decline. In 2010, The Friends of the Flaxmill Maltings (“**the Friends**”) was formed to support the renovation and regeneration of the Flaxmill while actively engaging the local and wider communities in its objectives. Their primary role is to promote the site’s history, conducting guided tours and organising open days and lectures, as well as liaison with local residents, community organisations and schools.
- 1.14 Having acquired the Flaxmill and established the Friends, Historic England devised a four stage ‘rescue operation’ for the Flaxmill which has provided a framework to govern Historic England’s approach towards the site’s resurgence.
- 1.15 The first stage of the redevelopment project for the site focussed on the Office (now Smithy) and Stable buildings, and was completed at the end of 2015 with the opening of a visitor centre and education facility, delivered using £1.9 million of funding secured via the European Regional Development Fund. The visitor centre, which was managed by the Friends, charted the site’s history, along with the story of its engineering, architectural and social legacy.
- 1.16 Planning permission and listed building consent for the second stage of works to the Flaxmill was obtained by Historic England in November 2016. The second stage works comprising the repair and restoration of the Main Mill and Kiln, a new, large ground floor interactive visitor experience (which replaced the small visitor centre, allowing that space to be repurposed), learning space and cafe managed by the Friends, and the restoration of the four upper floors of the Flaxmill to create commercial workspace, are well underway and are on track to be completed by the end of May 2022.
- 1.17 The Scheme constitutes a third stage of development which is focused upon the Apprentice House and the brownfield land to the north and east of the Flaxmill’s historic buildings. Rather than being carried out by Historic England, it is envisaged that this phase will be undertaken by a private sector development partner whom Historic England will appoint following a competitive tendering exercise. Accordingly, assembly of the Order Land is of critical importance and a pre-requisite to Historic England being able to ‘go to market’ and invite tender responses in respect of this unique development opportunity.
- 1.18 The fourth and final stage of the redevelopment project is dependent on the success of the third. Historic England plan to dispose of the Order Land to their appointed development partner on terms which will see reinvestment of a pre-agreed proportion of the profit generated by the delivery of the Scheme into the ongoing maintenance, repair and preservation of the complex of historic buildings comprised within the Flaxmill. The site’s redevelopment represents a unique regeneration opportunity. In order to realise the plethora of public benefits which the Flaxmill Maltings project has the potential to deliver, it is essential that this final stage of development is reached, implemented and completed. The Scheme is vital to ensuring the

overall success of the Flaxmill's regeneration. Moreover, it will secure the site's long-term and sustainable future in order that its legacy may be safeguarded and continue for the benefit of all, including the local and wider communities and visitors to the town of Shrewsbury.

## 2 THE ORDER LAND

### Description: Location

- 2.1 The Order Land is situated in Ditherington approximately one mile to the north of Shrewsbury Town Centre and is located within the Shrewsbury Town Centre Conservation Area.
- 2.2 The Order Land is part bounded by the Crewe to Shrewsbury railway line to the north west and Spring Gardens, a busy main road, to the south east. Residential properties lie immediately to the north west and south west of the Order Land and on the opposite side of Spring Gardens to the south east. The Order Land extends to an area of circa 1.74 hectares.
- 2.3 The Order Land is made up of thirteen land parcels, comprising as follows:
  - 2.3.1 **Plot 1:** 16,806 square metres of land, and outbuildings and construction site, including underground electricity cables, underground gas main, underground water main, and underground telecommunication cables, part of Shrewsbury Flaxmill Maltings, and site of former premises known as: Rexel Senate building, Midlands Social Club, and former Arriva bus depot, situated between Spring Gardens, Marshalls Court and the Shrewsbury to Crewe railway line.
  - 2.3.2 **Plot 2:** 58 square metres of land, including underground electricity cables, underground water main, and underground gas main, situated to the north of the junction with Marshalls Court and Spring Gardens, adjoining adopted highway known as Spring Gardens (A5191).
  - 2.3.3 **Plot 3:** 25 square metres of land, including underground electricity cables, underground water main, and underground gas main, forming part of adopted highway known as Spring Gardens (A5191), situated to the north of the junction with Marshalls Court and Spring Gardens.
  - 2.3.4 **Plot 4:** 28 square metres of land, including underground electricity cables, underground water main, and underground gas main, situated to the south west of 15 Haughmond Square, Shrewsbury, SY1 2TA, including adopted highway known as Spring Gardens (A5191).
  - 2.3.5 **Plot 5:** 58 square metres of land, ground floor commercial premises, and residential flat above, including underground electricity cables, and underground gas main, known

as 15 Haughmond Square, Spring Gardens, Shrewsbury, SY1 2TA.

- 2.3.6 **Plot 6:** 76 square metres of land, including underground electricity cables, and underground gas main, situated to the rear and to the side of 15 Haughmond Square, Shrewsbury, SY1 2TA.
- 2.3.7 **Plot 7:** 181 square metres of land, commercial premises, and residential flat above, including underground electricity cables, underground gas main, and underground water main, known as 1 Haughmond Square, Spring Gardens, Shrewsbury, SY1 2TA.
- 2.3.8 **Plot 8:** 56 square metres of land, including underground electricity cables, and underground gas main, situated to the rear of 1 Haughmond Square, Spring Gardens, Shrewsbury, SY1 2TA.
- 2.3.9 **Plot 9:** 1 square metre of land, including underground electricity cables, situated on the north west side of Spring Gardens (A5191), fronting 52 Spring Gardens, Shrewsbury, SY1 2ST and to the east of 1 Spring Gardens, Shrewsbury, SY1 2TA.
- 2.3.10 **Plot 10:** 11 square metres of land, including underground electricity cables, situated on the north west side of Spring Gardens (A5191), fronting 52 Spring Gardens, Shrewsbury, SY1 2ST and to the east of 1 Spring Gardens, Shrewsbury, SY1 2TA, including adopted highway known as Spring Gardens (A5191).
- 2.3.11 **Plot 11:** 149 square metres of land and adopted highway (footway) known as Spring Gardens (A5191), including underground electricity cables and underground gas main, situated on the northwest side of Spring Gardens (A5191) fronting 60 Spring Gardens, SY1 2TE, including adopted highway known as Spring Gardens (A5191).
- 2.3.12 **Plot 12:** 4 square metres of land, including underground electricity cables and underground water main, situated to the north west of Spring Gardens (A5191), including adopted highway known as Spring Gardens (A5191).
- 2.3.13 **Plot 13:** 1 square metre of land, including underground electricity cables, situated to the north west of Spring Gardens (A5191) opposite Frank Partner & Son Funeral Directors, Shrewsbury, SY1 2TF, including adopted highway known as Spring Gardens (A5191).

Description: Ownership & Use

- 2.4 The majority of the Order Land is already within the ownership of Historic England. However, delivery of the Flaxmill's redevelopment in full, and, in particular, the implementation of the Scheme as the third phase of the Flaxmill Maltings project (see **paragraph 1.17 above**), requires the acquisition of a number of privately owned, third party interests. These interests

are primarily comprised within Plots 5, 6, 7 and 8 – the Haughmond Square Properties.

- 2.5 The freehold owner of no. 1 Haughmond Square (comprising ground floor commercial premises, residential accommodation above, and yard to the rear) is [REDACTED]. The commercial premises are leased to [REDACTED], which he operates as the 'Spring Garden' Chinese takeaway. Mr Tsang occupies the residential flat above the commercial premises along with [REDACTED].
- 2.6 Turning to no. 15 Haughmond Square (comprising ground floor commercial premises, residential accommodation above, and yard to the rear), the ground floor of this property also operates as a hot food takeaway; in this instance the 'Chilli Spice' Indian takeaway. [REDACTED] is the business owner and lessee to [REDACTED], the freehold owner of no. 15 Haughmond Square. The first floor residential flat is separately let to [REDACTED]  
[REDACTED]  
[REDACTED]
- 2.7 The Haughmond Square Properties are not listed, but as with the whole of the Order Land they sit within the Shrewsbury Town Centre Conservation Area. They are in average condition and have each been the subject of ad-hoc, ill-considered and poor quality works/repairs over the years, including inappropriate fenestration, low-grade shop fronts and unsightly extraction units. The rear yards to both properties are in a semi-derelict state, being overgrown with vegetation and strewn with rubbish and fly-tipped material.
- 2.8 In addition to the third party interests held in the Haughmond Square Properties, the Council also wishes to acquire all private rights, covenants and other qualifying interests by which the Order Land is burdened, details of which are recorded in the Order Schedule. Upon implementation of the Scheme, the effect of the Order will be to override the aforesaid burdens, thereby ensuring that there are no legal impediments to its delivery.
- 2.9 The balance of the Order Land comprises land in front of and to the south east of the Main Mill. This land, together with land to the north east, has been cleared of all buildings by Historic England in order to ready it for development. In addition to the Haughmond Square Properties, the Grade 2\* listed Apprentice House is proposed to be retained. The Apprentice House has been vacant since 1987 and is awaiting conversion to residential use as part of the Scheme.

#### Negotiations with Affected Parties

- 2.10 In order to ensure certainty of the Council's ability to assemble the land required to implement the Scheme within a reasonable timeframe, thereby unlocking the successful delivery of the penultimate and final stages of the Flaxmill Maltings project, and realisation of the objective to comprehensively redevelop and regenerate this site of significant historic and architectural importance, the Council has taken the necessary steps to make the Order.



- 2.11 In doing so, the Council has had regard to paragraph 2 of the CPO Guidance which states that whilst compulsory acquisition is intended as a measure of last resort to secure the assembly of all of the land required for the implementation of a scheme or project, it may often be sensible for the acquiring authority to initiate formal procedures and, in parallel, to continue to engage in meaningful negotiations with affected parties.
- 2.12 Negotiations to acquire the third party interests comprised in no. 1 Haughmond Square are at an advanced stage. Heads of terms to acquire both the freehold and leasehold interests in the property have been agreed and solicitors have been instructed to prepare and negotiate the legal agreements required to document the same. Alongside and in parallel with the acquisition of no. 1 Haughmond Square, options for the relocation and re-housing of [REDACTED] are being actively explored.
- 2.13 Conversely, very little, if no, progress has been made towards securing the acquisition of the third party interests comprised in no. 15 Haughmond Square. To date, [REDACTED] has been unwilling to engage in any meaningful discussion with the Council and/or Historic England and has strongly objected to the initiation of any direct communication with this tenants [REDACTED]. The formal requisitioning process referred to in **paragraph 1.5 above** has elicited responses [REDACTED]. Therefore, the nature of their respective interests in no. 15 Haughmond Square is clear. However, negotiations to acquire these interests by agreement are considered to be at an impasse with little prospect of being moved forward in a constructive and timely manner. As envisaged by the CPO Guidance, it is hoped that the making of the Order will serve to focus minds and to impress upon the parties the seriousness of the Council's intent and the imperative to assemble all of the land required to deliver the Scheme.
- 2.14 The Council will continue to treat with affected parties, both by way of direct communication where this is sought, and via the ongoing consultation and attempts at engagement being conducted by Historic England, with a view to acquiring their interests by agreement. However, it is clear that use of the Council's powers of compulsory acquisition is needed to ensure that the Scheme can be delivered in full and within a reasonable timeframe.

### **3 THE SCHEME**

- 3.1 As previously stated, the Scheme is an integral part of a wider redevelopment project being undertaken at the Flaxmill in order to bring the Main Mill and associated buildings back into beneficial use.
- 3.2 Planning permission for the redevelopment of the Flaxmill (comprising an outline planning permission (ref. 10/03237/OUT) and a detailed planning permission and listed building consent (ref. 10/03230/FUL and ref. 10/03233/LBC respectively) for a first phase of development) was

first obtained in November 2010 following a masterplan study (undertaken in 2004) which identified the opportunity to greatly improve the site and surrounding environment based upon the acquisition and sympathetic redevelopment of neighbouring sites (together “**the masterplan consents**”). The masterplan consents have now expired.

- 3.3 A series of planning permissions and listed building consents, obtained subsequent to the masterplan consents, have been implemented by Historic England. In particular, the Office (now Smithy) and Stable buildings (referenced in **paragraph 1.15 above**) have been renovated to provide a visitor centre (pursuant to planning permission ref. 12/04435/FUL and listed building consent ref. 12/04436/LBC) and the repair and restoration of the Main Mill and Kiln is underway and nearing completion. As previously stated in **paragraph 1.16 above**, these repair and restoration works constitute a second stage of development (referred to hereinafter as “**the stage 2 project**”), consent for which was obtained on 3 November 2016 (in the form of planning permission ref. 16/02872/FUL and listed building consent ref. 16/02873/LBC).
- 3.4 The detailed planning permission for the “stage 2 project” comprises the following:
- 3.4.1 repair and restoration of the Main Mill and Kiln and the reopening of windows to all floors of the Main Mill;
  - 3.4.2 opening of the ground floor of the Main Mill and North Engine house to the public, the main visitor space, with an interpretation, learning space (consisting of an engaging and interactive exhibition to learn about the history and significance of the Flaxmill) and a café;
  - 3.4.3 restoration of four upper floors of the Main Mill to provide commercial space (offices and creative light industry) for a maximum of c.330 people, the entrance to which will be taken from the Kiln;
  - 3.4.4 provision of services, utilities and access from the upper floors of the North and South Engine houses;
  - 3.4.5 repair and restoration of Jubilee Tower (subject to the requisite consents being obtained, to be made available for special tours to visiting members of the public, including at roof level); and
  - 3.4.6 fitting out of the Kiln with two 13-person internal lifts and the provision of circulation space for commercial tenants and level access to all floors.
- 3.5 The “stage 2 project” also includes the creation of a car parking area comprising 94 spaces intended for use by visitors to the Flaxmill (the Main Mill and Kiln), together with users of the

proposed commercial space. A new vehicular roadway leading north from Marshalls Court to the other side of the mainline railway (Shrewsbury to Crewe) and a combined cycle and pedestrian route will provide access to the Flaxmill from the new car park.

- 3.6 The area of land comprising the new car park, roadway and combined cycle and pedestrian route is known as the 'Railway Triangle'. The Railway Triangle has been the subject of a previous compulsory purchase order which was confirmed by the Secretary of State on 7 April 2021. Following the confirmation of this CPO, the Council has implemented its compulsory acquisition powers via the making of a General Vesting Declaration ("**GVD**"). The land, subject of the GVD, vested in the Council on 3 November 2021 and has been transferred to Historic England. The transfer is in the process of being registered at HM Land Registry.
- 3.7 As explained in **paragraph 1.17 above**, the Scheme is to comprise a third phase of development at the Flaxmill. Consent for the Scheme was granted by the Council on 10 May 2021 ("**the 2021 Permission**") (which consent is a renewal planning permission, the original being the outline masterplan consent, ref. 10/03237/OUT; now expired).
- 3.8 The 2021 Permission grants planning permission in outline for the residential development of the Order Land, incorporating elements of commercial, business and service uses (i.e. Class E uses), with all matters reserved, save for access. The 2021 Permission identifies a quantum of development (with the illustrative masterplan showing 120 residential dwellings and two commercial units, plus the retained, but newly refurbished, Haughmond Square Properties) which the application site (that being the same as the Order Land) is capable of accommodating, and in doing so sets the site's capacity. Further, the change of use of the Apprentice House (Grade 2\* listed) to residential use is authorised, as well as the change of use of the ground floor of the Haughmond Square Properties to a mixed "Class E" use.
- 3.9 It will be necessary for reserved matters approval in respect of the scale, layout and appearance of the outline elements of the Scheme to be obtained. As regards the main site access and egress point (which is taken from Spring Gardens and provides access to the northern and western parts of the Flaxmill), this has been consented separately (under planning permission ref. 19/02769/FUL) and is currently in the course of construction.
- 3.10 Planning permission for any external alterations and/or extensions to the Haughmond Square Properties will also need to be applied for separately where they constitute development. Any external and internal works required to convert the Apprentice House to residential use may also require planning permission and listed building consent.
- 3.11 The applications referred to in **paragraphs 3.9 and 3.10 above** will be made in due course by the private sector development partner who will be appointed by Historic England to deliver the Scheme.

- 3.12 An illustrative masterplan drawing of the Scheme is at **Appendix 3**.
- 3.13 The 2021 Permission presents an illustrative scheme, intended to demonstrate how the maximum quantum of development applied for can be accommodated in an acceptable manner. The primary use of the application site will be residential (a mixture of house types and tenures is considered suitable), with a small number of commercial units (suitable for use as local shops and/or cafes, a gym and lifestyle centre or other health and beauty businesses) located at key, visually prominent positions within the site, strategically placed on the Spring Gardens frontage, where there will be passing traffic and footfall. The illustrative scheme shows the Haughmond Square Properties retained with the potential to form combined live/work units.
- 3.14 The illustrative scheme is divided into four character areas or zones, namely: the former canal (open space provision); Spring Gardens South (where the commercial units, including the retained Haughmond Square Properties, are to be located); Spring Gardens North and Apprentice House Square (where the Apprentice House will be the focus). Within the Spring Gardens South character area, the illustrative scheme demonstrates how the Haughmond Square Properties would again appear as 'gate posts' forming an appropriate entrance, indeed the community gateway, to the historic core of the wider Flaxmill, and serving as the threshold to a reinstated Haughmond Square – historically the location of a cluster of small workers cottages which have long since been demolished. Indeed, in their resumed role as 'gate posts', the Haughmond Square Properties will frame a key view of the Grade 2 listed Kiln – the hub of the historic mill complex – and of Jubilee Tower alongside.
- 3.15 The recreation of Haughmond Square is reliant on the removal of the modern extension and lean-to structures which have previously been added to the side and rear of the Haughmond Square Properties and which occupy part of the land on which the new square is intended to sit. The refurbishment of the Haughmond Square Properties as part of the Scheme will rebuild the relationship and physical connection between the buildings with the surrounding public realm, and once occupied will bring activity to the area.
- 3.16 As previously stated, the Apprentice House, which will be located at the centre, being the focal point, of the Apprentice House Square character area, is proposed to be converted to residential use. The illustrative scheme shows the building divided into ten residential units and as a clearly legible, integral part of the complex of historic buildings at the Flaxmill.
- 3.17 Although not pre-determined, the 2021 Permission envisages that any phasing of development will follow an anti-clockwise direction, starting with development in the Spring Gardens South character area, followed by Spring Gardens North, and concluding with the development of the Apprentice House Square character area.
- 3.18 The Order Land comprises the minimum land take required to implement the Scheme.

## 4 NEED FOR THE ORDER AND THE DELIVERY OF THE SCHEME

- 4.1 The comprehensive redevelopment of the Flaxmill in its totality will give rise to the following social, economic and environmental benefits:
- 4.1.1 the delivery of a sustainable heritage-led redevelopment of a Grade 1 listed Mill complex of international significance;
  - 4.1.2 the creation of high quality public realm connecting the complex of buildings at the Flaxmill;
  - 4.1.3 the establishment of a major new visitor attraction which will play a central role in preserving and championing the industrial past of the Flaxmill, educating the site's visitors of its historical, architectural and international significance. It is anticipated that the Flaxmill, once restored, will attract in the order of 20,750 visitors to Shrewsbury per year;
  - 4.1.4 the provision of high quality commercial workspace (office and creative light industrial accommodation) for a maximum of c.330 people;
  - 4.1.5 the creation, across the entirety of the Flaxmill, of circa 1,000 new jobs (taking account of the construction and operational phases of the redevelopment). This includes six Historic England roles (Project Lead, Manager, Co-ordinator, Public Engagement and Promotions Manager, Marketing Officer and the Sector Skills Advisor) and four Friends roles (Manager, Development Officer, Volunteer Co-ordinator and Administration Assistant). As the "stage 2 project" nears completion, Historic England staffing roles will change, with Historic England looking to appoint Estates and Facilities Managers for when the Flaxmill is occupied and opens fully to the public;
  - 4.1.6 a permeable development which is readily accessible to both pedestrians and cyclists, with a vehicle-free reinstated towpath following the line of the former Shrewsbury and Newport Canal. This towpath will form the northern end of the 'low line' – a cycle and pedestrian route that will connect the Flaxmill to the town centre via Castlefields, being an integral part of the Shrewsbury 'Northern Corridor' and the 'Big Connection' / 'Shrewsbury Connect' project (see **Appendix 4** which provides further details of the planning policy context for the Scheme and the Flaxmill's regeneration); and
  - 4.1.7 the contribution of approximately £5.5 million GVA to the local economy, generated by the delivery of circa 120 new-build residential units as part of the Scheme.
- 4.2 Clearly, the Scheme is a key piece in the jigsaw of the Flaxmill Maltings project. It will secure the optimal and effective use of the whole of the Order Land and will deliver much needed

housing on an existing brownfield site within a sustainable location. The Order Land, as part of the wider Flaxmill, is an allocated housing site under Policy S16.1a (SHREW 198) of the Site Allocations and Management of Development (SAMDev) Plan. Broad policy support for the comprehensive regeneration of the Flaxmill underlies this allocation, with SAMDev Policy S16 promoting the effective re-use of the site through its redevelopment for a mix of residential, commercial and community uses; delivered as part of improvements to the 'Northern Corridor' of Shrewsbury's Big Town Plan (and Masterplan Vision) which sets out a co-ordinated plan for the economic regeneration of Shrewsbury itself. The Northern Corridor, within which the Flaxmill sits, is a key component of the Big Town Plan (for further details, see **Appendix 4**).

- 4.3 Further, the Scheme will have the effect of preserving the historic fabric and significance of the Grade 2\* listed Apprentice House. The Scheme will breathe new life into this vacant building via its residential conversation.
- 4.4 As stated in **paragraph 1.17 above**, the Scheme is vital to ensuring the overall success of the Flaxmill's regeneration in full. If the fourth and final stage of the redevelopment project is to be realised, it is incumbent on Historic England to succeed in partnering with a private sector developer who will then take forward delivery of the Scheme. Further, it is imperative that the Scheme generates a healthy return such that there are sufficient funds available to reinvest in the ongoing maintenance, repair and preservation of the complex of historic buildings at the Flaxmill.
- 4.5 The Haughmond Square Properties sit at 'front and centre' of the Scheme. As such, their acquisition and refurbishment will be a key component in the Scheme's success. In particular, the unsightly modern extension and lean-to structures added to the side and rear of the buildings are required to be removed and the 19<sup>th</sup> century elevations restored in order that the Haughmond Square Properties make a positive contribution to place-making for the benefit of the local community and the historic environment within which they sit. The financial appraisals undertaken in respect of the Scheme indicate that a failure to acquire the Haughmond Square Properties will result in a marked reduction in the residual value of the Scheme, which will have an undermining effect on Historic England's disposal and redevelopment strategy for the Order Land and the overall viability of the Flaxmill Maltings project.
- 4.6 Accordingly, the Scheme will result in a number of very specific public benefits, both in its own right, and as an integral and 'enabling' part of the wider regeneration objective which is driving the redevelopment plans for the Flaxmill.

## **5 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS**

- 5.1 Account has been taken by the Council of paragraphs 12-15 of the CPO Guidance which set out the fundamental principles that a confirming minister should consider when deciding

whether or not to confirm a compulsory purchase order.

Intended use of the Order Land and the consideration of Alternatives

- 5.2 Paragraph 13 of the CPO Guidance confirms that whilst a confirming minister will not require a particular degree of justification for any specific order:

*“If an acquiring authority does not have a clear idea of how it intends to use the land which it is proposing to acquire; and cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making”.*

- 5.3 The Council has a very clear idea of how it intends to use the Order Land, the detail of which is set out in **Section 3**. Further, and as demonstrated below, the necessary resources (and consents) are in place to enable the Scheme and the wider redevelopment of the Flaxmill to be delivered within a reasonable timeframe.

- 5.4 Turning to the consideration of alternatives, the ‘do nothing’ option or the delivery of an alternative development proposal which excludes the acquisition and refurbishment of the Haughmond Square Properties are not considered credible, nor viable.

- 5.5 As explained in the Introduction to this Statement, as well as **Section 4**, the Scheme constitutes a penultimate and crucial ‘enabling’ stage in the successful delivery of the Flaxmill Maltings project. The Council and Historic England have gone through a deliberative process to identify the key component parts of the Scheme, with the retention and refurbishment of the Haughmond Square Properties being one such part, with a view to maximising the Scheme’s appeal as an attractive redevelopment opportunity to the private sector developer market and the value of the return which will be generated by its delivery. This has been done in order to make certain, so far as possible, that the fourth and final stage of the Flaxmill Maltings project will be reached, implemented and completed, thereby ensuring the overall success of the Flaxmill’s regeneration.

- 5.6 Accordingly, it is considered that the redevelopment of the Order Land pursuant to the Scheme, will secure the long-term and sustainable future of the Flaxmill in order that it may have a lasting legacy and that there is longevity to the reaping of the benefits generated.

## Impediments to the Scheme

### **Resource and Funding Implications of the Scheme**

- 5.7 The funding for the redevelopment of the Flaxmill is secured in the main and has been obtained from a variety of sources. The National Lottery Heritage Fund, Historic England, The Marches Local Enterprise Partnership, the Council and the European Regional Development Fund are the primary sources of secured funding – circa £30,650,148.
- 5.8 Alongside this, Historic England have a fundraising target of £1,000,000, against which £965,000 has already been raised with further opportunities identified via its Philanthropy Team. It is anticipated that these further opportunities will be secured by the end of the construction period in the Autumn 2022. The income and volunteer time of the Friends must also be factored in and equates to circa £1,160,955 of additional funding.
- 5.9 Further funding in the order of £1,000,000 has been obtained via the Heritage Stimulus Fund and committed in order to enable the carrying out of essential works at the Flaxmill during the COVID-19 pandemic.
- 5.10 As regards acquisition of the Haughmond Square Properties, the requisite funding has been ringfenced by Historic England and is available to be drawn down at the point at which agreement over their purchase is agreed or authorised via the Order. As such, the compulsory acquisition of these third party interests via the Order can be completed within a reasonable timeframe. This is a key step in unlocking a third and crucial stage of development at the Flaxmill and in enabling Historic England to pursue its disposal and redevelopment strategy for the Order Land.

### **Planning Permission and Scheme Delivery**

- 5.11 Paragraph 15 of the CPO Guidance confirms that, in addition to demonstrating that there are no funding related impediments to the delivery of the scheme underpinning a compulsory purchase order, an acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation.
- 5.12 Any need for planning permission or other consent or licence is amongst the examples given by the CPO Guidance as to what may constitute a legal impediment. As confirmed in **Section 3**, planning permission for the Scheme (part in outline; part detailed) is in place. Further details of the Scheme's compliance with planning policy are set out in **Appendix 4**.
- 5.13 The reserved matters approvals required in respect of the outline elements of the Scheme will be applied for and obtained in due course following the disposal of the Order Land by Historic



England to a private sector development partner who will then take forward the Scheme. In building out the Scheme, strict adherence to design criteria, materials and sustainability requirements, set by Historic England, will be insisted upon to ensure quality. Further, the intention is for a pre-agreed proportion of the profit generated by the development of the Order Land to be reinvested in the ongoing maintenance repair and preservation of the complex of historic buildings at the Flaxmill.

- 5.14 Sufficient certainty over acquisition of the Haughmond Square Properties is a pre-requisite of Historic England 'going to market' and commencing the competitive tendering process to identify a private sector development partner. Subject to this, there is no reason why delivery of the Scheme could not progress at pace.
- 5.15 Failing an agreement to acquire the Haughmond Square Properties, it will be necessary to rely upon the Order to provide the requisite certainty. Assuming that the Secretary of State for Levelling Up, Housing and Communities is minded to confirm the Order, the Council will take immediate steps to implement the same. The land assembly process will be completed as soon as possible once the statutory minimum period of 3 months following the Order becoming operative has been observed and the requisite notices have been served on affected landowners. The competitive tendering process in respect of the third stage of development at the Flaxmill is proposed to be run in parallel such that the appointment by Historic England of its private sector development partner would be completed within the same timeframe.

#### Demonstrating a compelling case in the public interest

- 5.16 Paragraph 12 of the CPO Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest. Furthermore, the CPO Guidance directs acquiring authorities to give particular consideration to the rights protected under the European Convention on Human Rights ("**the Convention**") in order that they can be sure that the purposes for which a compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected.
- 5.17 The Human Rights Act 1998 incorporates the rights set out in the Convention into domestic British law – section 6 prohibits public authorities from acting in a way which is incompatible with the Convention and the rights it protects.
- 5.18 The following articles of the Convention are of particular relevance and are engaged in the process of making a compulsory purchase order:
- 5.18.1 Article 1 of the First Protocol provides as follows: *"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one should be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions*

*shall not, however, in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties”.*

- 5.18.2 Article 6 provides that in determining their civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- 5.18.3 Article 8 protects private and family life, home and correspondence. No public authority can interfere with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 5.18.4 Article 14 requires that all of the rights and freedoms set out in the Convention must be protected and applied without discrimination. In particular, the enjoyment of the said rights and freedoms shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
- 5.19 Each of the rights set out within the above-mentioned articles are qualified such that they may be interfered with provided such interference is prescribed by law, is pursuant to a legitimate aim, is necessary in a democratic society and is proportionate. Furthermore, within the context of Article 1 of the First Protocol, the European Court of Human Rights has recognised that regard must be had to the fair balance which is required to be struck between the competing interests of the individual and the community as a whole.
- 5.20 There are two dwellings included within the Order Land, namely the first floor residential accommodation located above the takeaway premises which operate from the Haughmond Square Properties. Therefore, Article 8 of the Convention is engaged.
- 5.21 As explained in **Section 2**, [REDACTED] [REDACTED] is resident of the first floor flat [REDACTED], whereas [REDACTED], occupies the first floor residential accommodation at no. 15 Haughmond Square [REDACTED]. The re-housing options available to the affected parties are being actively explored and the Council is prepared to lend support in this regard via its Housing Team.
- 5.22 As regards Article 1 of the First Protocol, consideration has been given to the individual rights of those affected by the Order and the wider public interest, together with the fair balance to be struck between these competing interests in the delivery of the Scheme. As set out in **Section**

4, the Scheme will give rise to a number of very significant public benefits, both in its own right, and as an integral part of the wider redevelopment proposals for the Flaxmill. Given these benefits and the imperative to secure their delivery, the Council considers that the making and subsequent confirmation of the Order would be legitimate, proportionate and justified, such that the Order would not constitute an unlawful interference with the property rights of those affected.

5.23 Furthermore, the statutory procedures relating to the making of the Order, which include a right to object, for any objection to be considered by an independent and impartial inspector and, where necessary, to be heard through the public inquiry process, together with the right to pursue a legal challenge to a confirmed compulsory purchase order, made under the Acquisition of Land Act 1981 and on the relevant statutory grounds, satisfy the requirements of Article 6. Affected persons are also entitled to claim compensation, proportionate to any losses incurred, where their interests within the Order Land have been acquired or where possession of their land has been disturbed as a consequence of the exercise of the Council's powers of compulsory acquisition.

5.24 Turning finally to Article 14 of the Convention, this article is based on the core principle that all of us, no matter who we are, enjoy the same human rights and should have equal access to them. However, it should be noted that the protection against discrimination enshrined in the Convention and enacted into UK law under the Human Rights Act 1998 is not 'free-standing'. Therefore, to rely on this right, a person must demonstrate that discrimination has affected their enjoyment of one or more of the other rights in the Convention.

5.25 The protections and procedures summarised above will not be exercised in a discriminatory manner. By way of example, the Council and Historic England are aware that English is not spoken as a first language by [REDACTED]. [REDACTED] Accessible formats and translations have been offered for all communications with [REDACTED] and discussions, in the main, have been conducted via his sister who is a fluent English speaker. Further, Historic England has sought to identify a [REDACTED] speaking solicitor to act on [REDACTED] behalf. Accordingly, it is not considered that the making and pursuance of the Order by the Council will fall foul of Article 14. The more general protection against discrimination which is afforded by the Equality Act 2010 is addressed in **Section 7** below.

5.26 In the absence of the Order, there is no certainty that the Council will be able to assemble the land required to implement the Scheme, thereby jeopardising the delivery of the Flaxmill's redevelopment in full and its associated public benefits. Accordingly, the Council considers there is a compelling case in the public interest for the compulsory acquisition of the Order Land and that, in making the Order, there would be no unlawful interference with the Convention rights set out above.

## When should compulsory purchase powers be used?

5.27 Paragraph 2 of the CPO Guidance states that:

*“The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.*

*Compulsory purchase is intended as a last resort to secure the assembly of all of the land needed for the implementation of projects”.*

5.28 The Scheme cannot be delivered, and its benefits realised, unless the entirety of the Order Land is within the control of the Council (and subsequently Historic England). Whilst significant progress has been made towards this end, there remain a small number of critical interests which must be acquired in order to complete the land assembly process. The Council is making the Order as a measure of last resort in order to achieve this objective and to enable implementation of the Scheme in full, and in a certain and timely manner.

5.29 The Council will continue to seek to acquire the remaining third party owned land parcels and interests within the Order Land by agreement. These negotiations can and will be taken forward in parallel with the compulsory acquisition process.

## **6 SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND**

### Historic Environment

6.1 The Order Land falls within the Shrewsbury Town Centre Conservation Area which includes the whole of the historic centre of the town. It is not considered that the Scheme will negatively impact on the setting of the Conservation Area, nor shall it compromise or offend against the Council’s duty in exercise of its planning function to preserve and enhance the character or appearance of the Conservation Area. Both of these considerations were addressed during the determination of the 2021 Planning Permission.

6.2 The only listed structure within the Order Land is the Apprentice House (Grade 2\* listed) which is proposed to be retained as part of the Scheme and converted to residential use. However, the adjacent land at the Flaxmill comprises the following complex of listed buildings and structures: the Main Mill (Grade 1 listed); the Cross Mill (Grade 1 listed); the Warehouse (Grade 1 listed); the Kiln (Grade 2 listed); the Dye / Stove House (Grade 2\* listed); and the Stable and Office (now Smithy) (Grade 2 Listed).

- 6.3 In its consultation response to the application for the 2021 Permission, Historic England (in its role as statutory consultee) concluded that the overall Scheme proposals have been developed with regard for the significant complex of listed buildings and structures at the Flaxmill and that the proposals can provide appropriate development within the settings of the said buildings and structures that will not negatively affect their significance, whilst ensuring that key views will be preserved and enhanced. Whilst the new buildings to be delivered as part of the Scheme depart from the historic development pattern in the area, they offer an appropriate response to the historic significance of the Flaxmill (of which the Order Land forms part).

Special Category Land (Section 18, CPO Guidance)

- 6.4 So far as the Council is aware, no part of the Order Land is owned by another local authority, held by the National Trust inalienably or forms part of a common, open space or fuel or field garden allotment.

Crown Land (Section 20, CPO Guidance)

- 6.5 No part of the Order Land is owned by the Crown, nor is it subject to a Crown interest.

## 7 EQUALITY

- 7.1 Paragraph 6 of the CPO Guidance states that:

*“All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. In exercising their compulsory purchase and related powers (eg powers of entry) these acquiring authorities must have regard to the effect of any differential impacts on groups with protected interests.”*

- 7.2 Therefore, in making the Order, the Council has a statutory duty under section 149 of the Equality Act 2010 (“**the 2010 Act**”) to have due regard to the need to:

- 7.2.1 Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- 7.2.2 Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- 7.2.3 Foster good relations between persons who share a ‘relevant protected characteristic’ (age, disability, gender reassignment, pregnancy & maternity, race, religion or belief, sex & sexual orientation, and marriage & civil partnership) and persons who do not share it.

- 7.3 These are sometimes referred to as the three aims of the general equality duty. The 2010 Act helpfully explains that having due regard for advancing equality involves:
- 7.3.1 Removing or minimising disadvantages suffered by people due to their protected characteristics;
  - 7.3.2 Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and
  - 7.3.3 Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
- 7.4 The redevelopment of the Flaxmill is part of the Council's ongoing plan for Shrewsbury as a historical and cultural destination for tourists. The proposed learning centre and interactive exhibition (see **paragraph 3.4.2 above**) will facilitate opportunities for interaction between local, national and international visitors, local residents and employees of the Flaxmill. This will create an environment that will encourage good relations between those who share a protected characteristic and those who do not. In promoting a local heritage site, participation from all groups, including protected groups, will be encouraged.
- 7.5 Notably, the concept of private life (the protection of which is captured within Article 8 of the Convention (see **paragraph 5.16** onwards)) includes a person's right to develop their personal identity and to forge friendships and other relationships. This includes a right to participate in essential economic, social, cultural and leisure activities. By taking steps to secure the implementation of the Scheme and the coming to fruition of the wider regeneration opportunity which the Flaxmill embodies, the Council is supporting the enjoyment of this fundamental right – the right to a private life, including a person's ability to participate in society.
- 7.6 Furthermore, the redevelopment of the Flaxmill and the surrounding area is part of the Council's ongoing plan to promote Shrewsbury as a business investment location, with additional employment opportunities, the framework for which is set out in the Shrewsbury Big Town Plan (and Masterplan Vision) (for further details, see **Appendix 4**). All offers of employment will be made having due regard to the duties contained in the 2010 Act.
- 7.7 The Council's decision to make the Order has been subject to an Equality, Social Inclusion and Health Impact Assessment ("**ESHIA**"). The ESHIA assessed the impact of the Order (and delivery of the Scheme) on the different groups of persons who will be affected by it and considered whether the Order could produce disadvantage or enhance opportunity for any such group or person with a protected characteristic.
- 7.8 Focusing in particular on the acquisition of the Haughmond Square Properties, and the impact such acquisition will have on the owners of each takeaway business, their families and

employees, the ESHIA concluded that the Order is likely to have a negative impact, albeit the level of impact is anticipated to be low, on the grouping of Race. This is acknowledged notwithstanding the entitlement of the affected persons to compensation and the support on offer as regards the identification of suitable commercial relocation premises and re-housing options. The additional support being made available to [REDACTED], the leaseholder/business owner of the Chinese takeaway at no. 1 Haughmond Square (see **paragraph 5.25 above**), present as positive ongoing efforts to mitigate the negative impact which the ESHIA has identified in respect of Race.

7.9 The impact of the Order (and delivery of the Scheme) on other protected groups was found, in the main, to be neutral (meaning no impact). Further, the ESHIA identified neutral to positive impacts in equality terms for local people in the groupings of Age, Disability and Sex for whom employment opportunities will be closer to where they live. Further, positive impacts in equality terms (assessed as medium in scale), as well as on health and wellbeing, will be experienced through the promotion of Social Inclusion – a tenth protected grouping for the purposes of the ESHIA which is intended to encompass vulnerable individuals and households, i.e. low income families and individuals – and the provision of physical access to the Flaxmill’s listed buildings and the intellectual and educational opportunities which the visitor facility will offer as part of a fully repurposed and regenerated site.

7.10 Accordingly, in promoting the wider Flaxmill redevelopment proposals and, latterly, in formulating the Order, full regard has been had to the Council’s statutory obligations under the 2010 Act and, in particular, its duty under section 149. These obligations will be kept under review throughout the compulsory acquisition process noting the particular needs and characteristics of the parties affected, to ensure that no person with a protected characteristic or from a protected group is left at a disadvantage.

## **8 EASEMENTS, RIGHTS ETC**

8.1 It is intended that a GVD(s) will be made by the Council in respect of the Order Land in the event that the Order is confirmed by the Secretary of State for Levelling Up, Housing and Communities. It is also the intention of the Council that all easements, covenants, rights and other interests in the land included in any such GVD shall be acquired and/or overridden and compensation paid to those who formerly held the benefit of such easement, right etc.

8.2 Any mortgages or rent charges are to be dealt with in accordance with sections 14-17 and section 18 of the Compulsory Purchase Act 1965.

## **9 OTHER CONSENTS REQUIRED**

9.1 No other consents are required to be obtained in connection with the Order.

## **10 COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007**

- 10.1 This Statement is not intended to be a statement of case under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Council reserves the right to alter or expand it as necessary for the purpose of Rule 7.

## **11 INSPECTION OF DOCUMENTS**

- 11.1 Arrangements will be made for a copy of the Order, the Order Schedule, the Order Map and other supporting documents (see **Section 12**) to be deposited at the Council's offices at Shirehall, Abbey Foregate, Shrewsbury, Shropshire SY2 6ND. The documents will be made available electronically via the Council's website. It will also be possible for hard copies to be provided upon request.

## **12 INQUIRY DOCUMENTS**

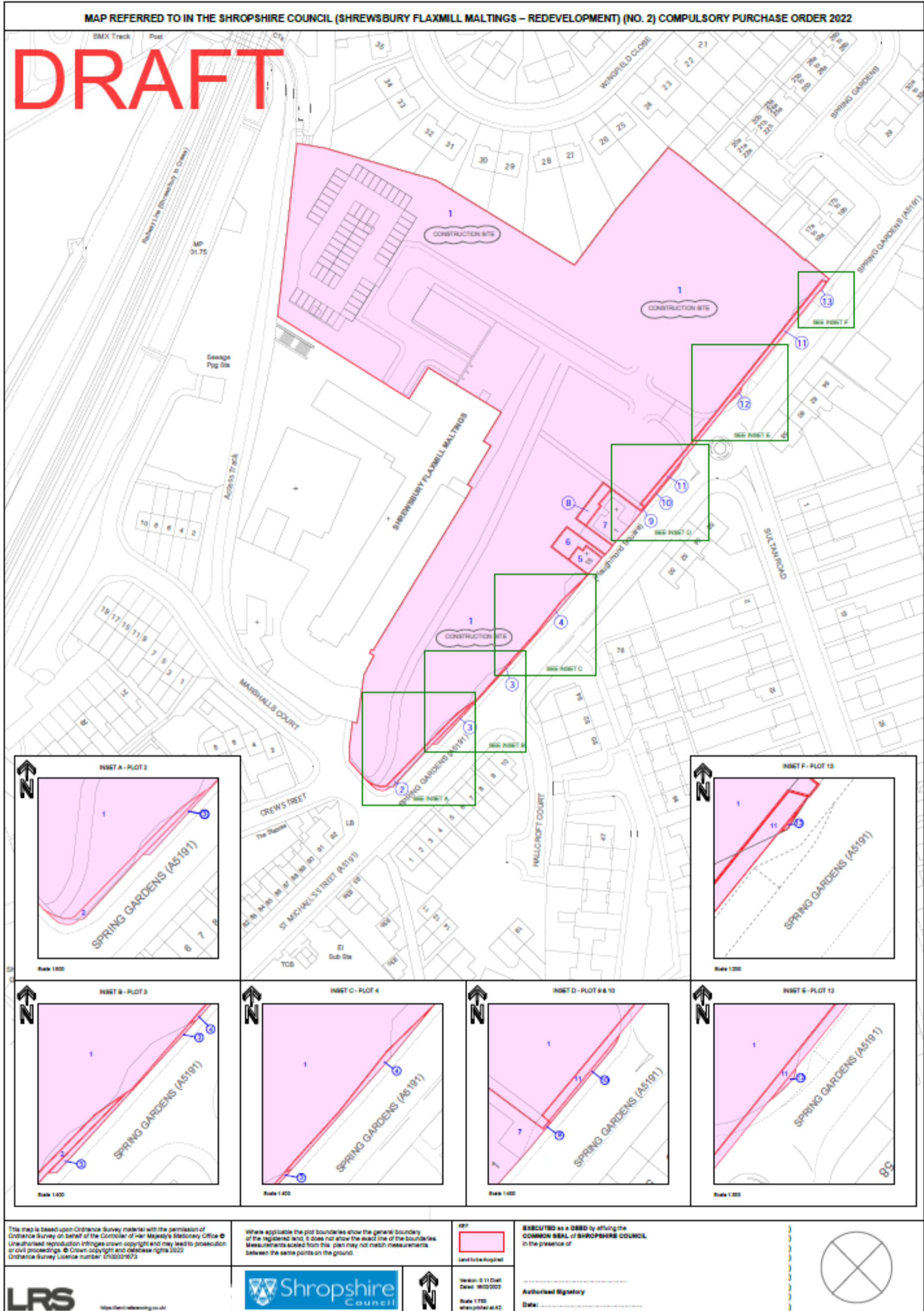
- 12.1 The following documents may be referred to or put in evidence in the event of an inquiry:
- 12.1.1 Shropshire Council Cabinet Report dated [INSERT] and Minutes
  - 12.1.2 Planning Permission ref. 20/05065/OUT (dated 10 May 2021)
  - 12.1.3 Shropshire Council Core Strategy (adopted February 2011)
  - 12.1.4 Site Allocations Management of Development Plan (adopted December 2015)
  - 12.1.5 Shrewsbury Big Town Plan (2018)
  - 12.1.6 Shrewsbury Big Town Plan: Masterplan Vision (Draft for Consultation; January 2021)
  - 12.1.7 Guidance on Compulsory purchase process and The Crichel Down Rules (July 2019)

## **13 CONCLUSION**

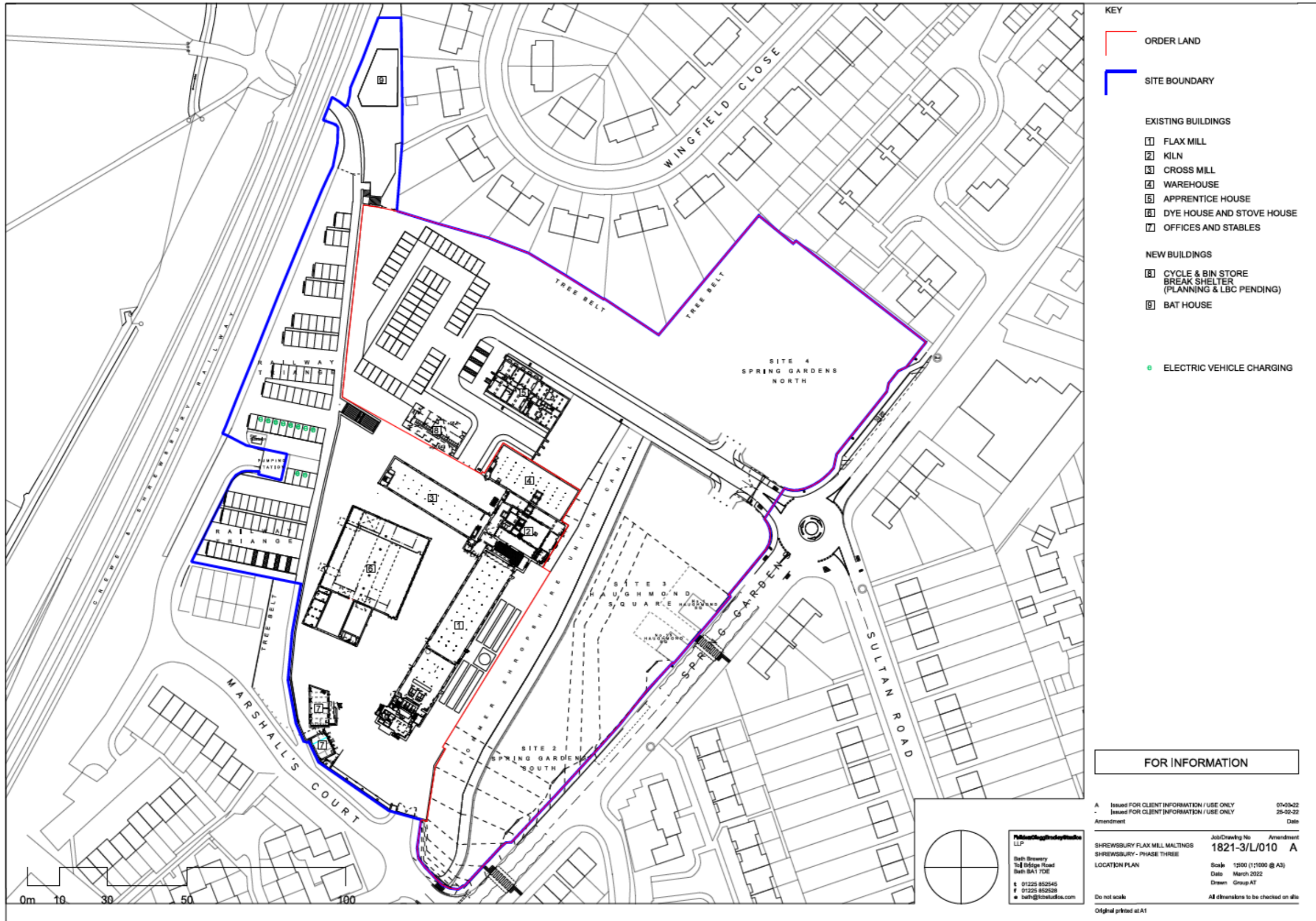
- 13.1 In conclusion, for the reasons set out in this Statement, the Council considers that there is a compelling case in the public interest for the compulsory acquisition of the interests referred to in the Order and the Order Schedule.



APPENDIX 1 – ORDER MAP



APPENDIX 2 – LOCATION PLAN



**APPENDIX 3 – ILLUSTRATIVE MASTERPLAN DRAWING: THE SCHEME**



Masterplan layout

## APPENDIX 4 – PLANNING POLICY CONTEXT

### **Section 38(6) of the Planning and Compulsory Purchase Act 2004**

The 2004 Act requires the Local Planning Authority to determine planning applications in accordance with the Development Plan, unless there are material considerations which indicate otherwise.

The Development Plan for Shropshire consists of the Core Strategy 2011 and the Site Allocations and Management of Development Plan (SAMDev Plan).

### **Shropshire Council Core Strategy (Adopted February 2011)**

The relevant Core Strategy policies that support the making of the Order are as follows:

#### **CS2: Shrewsbury Development Strategy**

Policy CS2 provides “A comprehensive and co-ordinated approach will be pursued to the planning and development of Shrewsbury” and goes on to state: “The approach...will enable the town to achieve a significant level of housing and economic growth linked with infrastructure improvements, whilst protecting and enhancing the town’s role, character and the unique qualities of its historic built and natural environment”. The third paragraph of Policy CS2 also makes specific reference to the Flaxmill Maltings as follows: “The Shrewsbury North Corridor will be improved in accordance with the aims of the Northern Corridor Regeneration Framework, with the restoration and redevelopment of the Ditherington Flax Mill site and the enhancement of major existing commercial, employment and mixed used areas a priority.”

The proposed development of the Order Land will complement and support the adjoining Flaxmill redevelopment and will comprise a mixed-use scheme, which will predominantly consist of residential properties, with ancillary commercial units (with the intention being that those units will accommodate local shops and premises for a gym or other health and beauty businesses). In accordance with Policy CS2, the redevelopment of the Order Land and the wider Flaxmill will create a sustainable, economically viable and vibrant new community, whilst also being suitably positioned so as to link to the existing adjacent residential neighbourhoods.

Policy CS2 also identifies Shrewsbury as the main focus for all new residential development. The Order Land is located in an established residential area, within the urban development boundary of Shrewsbury, and is in close proximity to Shrewsbury town centre. The Order Land is also positioned near to existing services, facilities and employment provision in the locality. Further, Shrewsbury town centre is capable of being accessed from the Order Land by other modes of transport besides the private car. In accordance with Policy CS2, the scheme underpinning the Order (the “**Scheme**”) and the wider redevelopment proposals for the Flaxmill Maltings represent sustainable development that would make effective use of an otherwise redundant brownfield site.

#### **CS6: Sustainable Design and Development Principles**

Policy CS6 requires development to be designed to a high quality using sustainable design principles, to achieve an inclusive and accessible environment which respects and enhances local distinctiveness, and which mitigates and adapts to climate change. The policy states that this will be achieved by ensuring development “*protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character*”. The Scheme includes a listed building (the Apprentice House) within a conservation area with other significant listed buildings nearby (i.e. being a group of buildings and structures within the adjoining land at the Flaxmill which relate to the original Flaxmill operation and subsequently the Maltings business). The illustrative layout of the Scheme and the proposed quantum of development would complement and be sensitive to the existing site context. Further, the detailed proposals for the Order Land will be progressed to secure the delivery of a development which is appropriate having

regard to the setting of the complex of listed buildings at the Flaxmill, and which will preserve and enhance the character and historical significance of those buildings.

The Scheme proposes the change of use of the Apprentice House, a Grade II listed building which is currently vacant. In accordance with Policy CS6, the re-purposing of the Apprentice House to residential use will better help preserve the historic fabric and significance of the building, and in doing so, will ensure its future/long-term maintenance and preservation.

Policy CS6 also requires new development to contribute to the health and wellbeing of communities, including safeguarding residential and local amenity. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that development “*creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*”. There are already existing residential properties close to the northern boundary of the Order Land. Owing to the siting and scale of the proposed housing within the Scheme, it will not result in overlooking or a loss of privacy for any in-situ residential properties and neither would the Scheme adversely impact (i.e. with regard appearing obtrusive or overbearing) the outlook of those properties.

### **CS8: Facilities, Services and Infrastructure Provision**

Policy CS8 is concerned with the development of sustainable places in Shropshire and promotes the timely provision of additional facilities, services and infrastructure to meet identified needs whether arising from new developments or existing community need, in locations that are appropriate and accessible.

Outline planning permission reference 20/05065/OUT (the “**Outline Permission**”) identifies two locations where new commercial units would be constructed on the Order Land and provide additional facilities for the users of both the redeveloped Flaxmill, including the new residential dwellings to be delivered through the consented Scheme. Both commercial units would be located on the main road frontage of Spring Gardens. One unit would be located at the southern tip of the Order Land where important views of the historic mill complex are revealed at the point where the former canal landscape meets the main road. A shop, café or other commercial use in this position would benefit from the prominent location, as well as the views across the canal to the Main Mill. The second commercial unit would be set on the corner of Spring Gardens and the new access road. This is another key, gateway location, adjacent to the new roundabout.

As noted above, a range of existing facilities and services are accessible from the Order Land with the latter benefiting from good public transport links and a location which is in proximity of Shrewsbury town centre.

### **CS17: Environmental Networks**

Policy CS17 requires development to protect and enhance the local character of the built and historic environment. As explained above, the detailed proposals for the Order Land will be developed so as to complement and enhance the setting of the existing complex of listed buildings at the Flaxmill and the wider conservation area designation.

With regards to the Scheme, the quantum, location and scale of the proposed residential dwellings and commercial units have been specifically arranged so as to acknowledge and promote the exceptional national and international significance of the Flaxmill’s heritage. The following guiding principles for the proposed development have already been identified and established:

- the core of historic buildings should be visually prominent, particularly from Spring Gardens, Marshalls Court and the railway;
- the line of the canal should form the immediate setting of the Main Mill seen from Marshalls Court;
- the skyline and upper floors of the core group of historic buildings should dominate views from Spring Gardens and the railway;
- the Jubilee Tower should be the central landmark of the Flaxmill, visible from as many points within and in the immediate vicinity of the site as possible;

- a re-created Haughmond Square will form an appropriate entrance to the Flaxmill, framing a key view of the Malt Kiln and Jubilee Tower; and
- the Apprentice House should be clearly legible as an integral element of the existing complex of historic buildings at the Flaxmill.

The layout, scale and massing of the development, subject of the Outline Permission, demonstrates how the consented Scheme will successfully address all of the above priorities.

### **Site Allocations and Management of Development (SAMDev) Plan (Adopted December 2015)**

The relevant SAMDev Plan Policies that support the making of the Order are as follows:

#### **MD2: Sustainable Design**

Policy MD2 builds on Policy CS6 (as set out above), providing additional detail on how sustainable design is to be achieved in order that development contributes to and respects locally distinctive or valued character and existing amenity value.

#### **MD12: Natural Environment**

Policy MD12 sets out in detail the level of protection offered to Shropshire's natural assets and further builds on Policies CS6 and CS17 (as set out above).

#### **MD13: Historic Environment**

Policy MD13 builds on Policies CS6 and CS17 (as set out above) and provides specific guidance on the protection of Shropshire's historic environment, including the requirements that need to be met for those development proposals which are likely to have an impact on the significance, including the setting, of a heritage asset.

The detailed proposals for the Scheme will be developed within the framework established by the Outline Permission and will evolve and be finalised in line with Policies MD2, MD12 and MD13.

#### **S16: Shrewsbury Area Settlement Policy**

Policy S16 is Shrewsbury specific and incorporates several references to the Flaxmill. The comprehensive regeneration of the Flaxmill, of which the redevelopment of the Order Land forms a key part, is specifically identified and draws significant support from this policy.

Policy S16B(i) refers in terms to the Shrewsbury Northern Corridor and provides that development proposals should have regard to the priorities of the restoration and redevelopment of the Ditherington Flaxmill to provide a sustainable and complementary mix of retail, community, employment and residential uses. The Scheme and the wider redevelopment proposals for the Flaxmill Maltings are in consonance with this guiding principle.

Policy S16 establishes the principle of residential development on the wider Flaxmill (which includes the Order Land) it being an allocated housing site under Policy S16.1a (SHREW198) with the following Development Guidelines:

*"Mixed use development to have regard to the adopted masterplan for the redevelopment of the Flaxmill and adjoining land and buildings, to include approximately 120 dwellings. The redevelopment will comprise of the repair and reuse of historic buildings to create workspace and associated cultural activities, new retail/commercial office and residential development, associated access, landscaping and car parking, with demolition of non-listed buildings".*

Accordingly, the making of the Order will assemble the land required to facilitate and unlock the completion and successful delivery of the comprehensive plan-led redevelopment of the Flaxmill Maltings, as specifically identified in the Council's allocations policy.

Further, at paragraph 4.157 of the SAMDev Plan, the following is said: *“the Flax Mill site is a major regeneration opportunity in the Shrewsbury North Corridor, with an element of new build housing, conversion of buildings to residential use being a key component of the overall master plan of the area”*.

Paragraph 4.170 also makes reference to the Flaxmill in the following terms: *“the provision of affordable and specialist housing; and economic development and regeneration (including the Ditherington Flax Mill)”*. The redevelopment of the Flaxmill Maltings is central to proposals for economic development and regeneration in the Northern Corridor/Ditherington area of Shrewsbury. Therefore, the making of the Order will contribute towards the achievement of the Council’s objectives in this regard.

### **Shrewsbury Big Town Plan (2018)**

The Shrewsbury Big Town Plan identifies the Flaxmill as forming an integral part of a key corridor and regeneration opportunity:

*“The Big Connection is an illustration of how all these principles can come together in the Big Town Framework Plan. The Big Connection is the biggest regeneration opportunity in Shrewsbury. Each area is different, and each has its own character, but taken together, these areas form a large corridor of opportunity running from the West End up to the Flaxmill.”*

Reference is made in the Plan to a low line green movement corridor connecting the route of the former canal and the Flaxmill with other improvements to the Northern Corridor.

*“The proposals for the redevelopment of the Flaxmill are illustrated here. Its connection with the rest of the town forms part of the Northern Corridor project. This is likely to include improved streetscape and public realm along Castle Foregate and St Michaels Street. The proposal will include landscape enhancement and improvements to the pedestrian and cycle link that follows the former route of the canal. We have named this route the “low line” in deference to New York’s High Line project that follows the former elevated rail route.”*

The Flaxmill is a central component of the regeneration proposals for the Northern Corridor and will provide an important link to the above-mentioned green corridor. The making of the Order will contribute towards, and assist in, bringing these proposals to fruition.

### **Shrewsbury Big Town Plan: Masterplan Vision (January 2021)**

The Shrewsbury Big Town Plan: Masterplan Vision (January 2021) comprises a range of ambitious and bold opportunities for Shrewsbury, and the “Masterplan Vision” identifies how the town could evolve over the next two decades.

Six character areas are identified and provide the focus for the Masterplan. The Flaxmill (building upon the previously identified “Big Connection” as per the Shrewsbury Big Town Plan) is specifically referred to as being within one of the character areas: “the Northern Corridor leading to Flaxmill Maltings”.

The Masterplan places importance and significant emphasis on connecting the Flaxmill to Shrewsbury town centre and states that *“we must ensure that Flaxmill Maltings is a key aspect of the vision connecting the Northern Corridor of Shrewsbury and town centre”*. The vision of the Masterplan in this regard is articulated as follows:

*“The Northern Corridor will see the successful implementation of the SBTP (2018) ‘Big Connection’ concept linking Flaxmill Maltings to the town centre. The improvement of the existing green infrastructure will provide the catalyst to regenerate large areas of underutilised industrial land integrating the existing neighbourhoods of Castlefields and Herongate to the town centre”*.

The Masterplan concludes by outlining a series of key “Next Steps”, together with indicative timescales for the delivery and implementation of the same. The Flaxmill is identified as a “strategic development project” in respect of which the following milestones are highlighted: (i) between 2022 to 2024: *“Flaxmill*

*Maltings - later phase(s) wider masterplan proposals to provide residential uses and further commercial space*"; and (ii) between 2024 to 2025: *"Flaxmill Maltings: commencing delivery of later phases"*.

The Order will serve as a tool for securing the certain delivery of a comprehensively regenerated Flaxmill Maltings and, in doing so, the realisation of a strategic development project within Shrewsbury and a crucial element of the Masterplan Vision.

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