

SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

Representor unique Part A Ref *	A0629
Matter	3
Relevant questions nos	3, 9, 11 (best fit), 16, 17, 20

Q3. What is the basis for the overall spatial strategy and broad distribution of growth set out in Policy SP2? What options were considered and why was this chosen?

1. KEY STATEMENTS

In the draft Local Plan, section 2. "Introduction" states:

"2.28. The **availability of sufficient infrastructure** underpins good plan making, and quite rightly is one of the issues which attracts comments at consultation. The Council **have worked alongside infrastructure providers** in preparing the Plan and these conversations are captured within the Infrastructure Plan which itself draws upon the conclusions of the County's 18 Place Plans. Where there is a known infrastructure constraint from otherwise sustainable development proposals, the individual settlement policies identify these needs." *[our highlighting]*

and at SP1 (the "Shropshire Test") sets out:

"g. Provides sufficient infrastructure, services, facilities, and where necessary provides opportunities for their enhancement."

2. DISCUSSION

The details provided in the draft Local Plan in support of SP2 do not show consideration of immediate energy needs or the development of infrastructure in support of energy needs.

The assertion in 2.28 *"...The Council have worked alongside infrastructure providers..."* is at least partially untrue as:

- a) The Council had adduced no evidence of working with the Distribution Network Operators (we discuss this further under our submission to Matter 8, Q2) regarding the planning of FUTURE energy infrastructure, they have merely listed the present DNO projects which are themselves based on five-year old assumptions and are not informed by future planning needs.
- b) There is no evidence that the Council have worked with suppliers of renewable energy systems to incorporate the use of these services in the planning underpinning SP2; there are merely 'mentions' of climate change.

We therefore consider that:

".. the basis for the overall spatial strategy and broad distribution of growth set out in Policy SP2.."

is UNSOUND, as it does not deal properly with the energy aspects of spatial strategy and in particular, does not explicitly consider renewable energy and carbon reduction measures. These could be supplied by national or local infrastructure, both of which require spatial consideration and are explicitly required elsewhere in the draft Local Plan.

We further consider that this defect can be rectified by a 'main modification'.

Q9. Is Policy SP3 justified, effective and consistent with national planning policy and Planning Practice Guidance (PPG)?

Considering each qualifier in turn:

- a) "justified": Yes, the need for this SP is clear.
- b) "effective": SP3 is NOT effective. We discuss this further in our submission under Matter 1, Q15, and summarise thus:
 - i. SP3 is couched in terms that do not carry the strength of meaning to compel the action implicit in the Framework, merely to encourage it, at best,
 - ii. it does not accord with other national policy imperatives and thus risks creating a Local Plan that is not applicable to the real world and
 - iii. it does not propose any system of measurement or 'carbon audit'.

Lack of measurement is a serious fault as:

- it is not in line with the general approach of the draft Local Plan, which uses a 'numeric scoring' approach to land use designation etc, and
- it is not possible to evaluate and measure progress with a strategy without measurement.

- c) “consistent”: It is NOT consistent with NPP as it does not compel action, as discussed above.
- d) “consistent with *Planning Practice Guidance*”: It is difficult to form a view here, as there is no controlled baseline for PPG as a single entity; it is merely a collection of articles that are managed independently of each other.

The most relevant section of the PPG to the basis of our submission is “**Renewable and low carbon energy**”. We note that this was released on 18th June 2015 (seven years ago). Since then, national energy policy has changed very significantly and therefore this item is obsolete and of dubious applicability.

We are therefore of the view that SP3 is NOT consistent with the PPG, as the relevant part of the PPG is itself of limited or no applicability.

Q11. The Framework at paragraph 28 advises that ‘non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods, or types of development. This can include...the provision of infrastructure and community facilities at a local level...establishing design principles...’ Are Policies SP5 and SP6 strategic policies or development management policies?

1. KEY STATEMENTS

SP 5(1) set out:

“New development will deliver high quality design by ensuring the creation of better places in which to live and work, improving sustainability, supporting active and healthy lifestyles and ensuring individual and community well-being.”

and

“Design and layout positively responds to our changing climate by taking opportunities to maximise energy efficiency (including maximising opportunities for solar gain), minimise carbon emissions”

SP6 does not set out any statement of relevance to our submission other than those dealing with ‘active transport’. We have addressed these under our submission to Matter 8.

2. DISCUSSION

We consider that it is not possible to operate a “development management policy”, unless it is supported by a corresponding “strategic policy”. Without the latter, the former does not exist in a coherent framework. We therefore take the view that SP5 must be considered as a “strategic policy”, or not at all.

As an SP we consider that SP5 is internally inconsistent. Para (1) set out *inter alia* 'improving sustainability. Para 3 (a) mentions the effect of layout on energy efficiency. Beyond that, SP5 deals only with 'standard' architectural aspects of physical design and appearance. It fails to mention the means of 'designing in' low carbon features and sustainability.

Our view is therefore that SP5 should be considered as a strategic policy and that it is UNSOUND by reasons of internal inconsistency.

Q16. Is the approach to development in the countryside, set out in Policy SP10, justified and effective and consistent with national planning policy? Should it be more flexible and less restrictive? the policy overly long and complicated and does some of it duplicate other policies? Would this policy be more effective as several shorter, targeted development management policies?

SUBMISSION

We are concerned that the types of development set out in SP10 para. 3 and in the following discussion presented in support of it deal only with the existing / current types of land use and economic activity and thus contains inherent and unnecessary constraints.

We note that the NPPF para 81. sets out:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. ..."

From this it follows that the answer to *Should it be more flexible and less restrictive?* is YES. We consider that new forms of economic activity based around renewable, 'circular-economy' processes and energy generation are critical and should be positively encouraged by this policy, not possibly precluded.

We suggest, as implied by the last two question elements in Q16, that the policy should be rewritten by a 'main modification' so that it is then couched in **terms of the planning and environmental attributes and outcomes** of the development, NOT as a specific list of development types. This will give better and more future-proof guidance as to the nature of acceptable development without limiting innovation and allowing for completely new (and presently unimagined) forms of activity over the lifetime of this Local Plan.

Q17. Is Policy SP12 justified effective and consistent with national policy?

1. KEY STATEMENT

SP 12 5 (b) sets out:

“The delivery of employment will be supported by investment in: Renewable and low carbon energy generation including decentralised energy sources and to promote the productive use of this energy by businesses to reduce energy costs and increase energy ‘independence’ in the local economy;”

2. SUBMISSION

Taking each qualifier of Q17 in turn:

- a) “justified”: Yes.
- b) “effective”: NO, because whilst of positive value of itself, the effect of this policy is negated by the weak construction of other policies (particularly SP3) dealing with low carbon energy. It cannot succeed unless these other policies are amended to provide a consistent spatial planning and economic investment platform.
- c) “consistent”: Yes, but this consistency is limited. SP12 does not, for instance, show consistency with the long-term NPPF economic objectives that should be set out in SP5, as discussed above in our response to Q16 and its relationship to NPPF para. 81.

Q20. What is the national planning policy basis for Whole Estate Plans (Policy SP15)? What will be the process for endorsement and what will be their purpose? Should SP15 be a non-strategic policy?

SUBMISSION

NPPF Basis: We consider that a WHE is a convenient working term in support of the objective of the NPPF para. 25:

“Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships,.....”

In a rural economy such as Shropshire, the large estates are equivalent to (and are often members of) the bodies such as LEPs and business partnerships that are present in the more urban context. As such, they represent an important source of input to rural strategic policy making.

Endorsement and Purpose: It is our view that a Whole Estate Plan should have the same status as a 'community plan' or a Neighbourhood Plan prepared by a group of communities. This would also deal with the situation where the 'estate' is not physically contiguous.

These communities already form a spatial part of the 'estate' preparing a whole plan and it thus wholly appropriate that these communities endorse such a plan. Similarly, the 'purpose' of the plan would now be that agreed by both estate managers and their contained communities.

By regarding a Whole Estate Plan in this way, a WEP can be made in such a way as to present the wishes of the estate managers but also the communities which are inevitably subsumed in the spatial area of applicability.

END