

SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

Representor unique Part A Ref *	A0633
Matter	3
Relevant questions nos	17,18 19,20,21

*Your unique reference can be found in the Schedule of Respondents (Schedule 3 of document SD014.01) at:

<https://shropshire.gov.uk/planning-policy/local-planning/local-plan-review/draft-shropshire-local-plan-2016-2038-examination/examination-library/earlier-regulation-18-plan-making-stages-of-consultation/regulation-19-pre-submission-draft-of-the-shropshire-local-plan-consultation/>

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3.1 With regard to policies SP12 and SP13, in my Reg 19 response, I raised detailed objections to the inclusion of certain sections in these policies and the lack of certainty in the wording of the policies that in effect would allow unrestricted economic development outside settlements. I also suggested in that response a single general economic development policy. It is not considered that the Council have answered these queries in their post Reg19 documents and so evidenced that the policies are within national policy and sound. As such it is considered that the policies as presently worded are not justified, effective or consistent (as evidenced in my Reg19 response).

3.2 Similar comments to 3.1 above apply to policy SP14. The generality of corridors without defining spatially the extent of these on a map, and the flexible wording of what will be allowed in them, again provides no planning certainty and gives wide discretion to developers and the Council to allow what economic development they want and where they want. As these general areas include large tracts of Green Belt, land can easily be released from Green Belt for development not normally permitted on the basis that it complies with this policy in some way, thus overriding the normal requirement for exceptional circumstances to be proven. The subsequent Reg 19 evidence from the Council fails to answer how developments within the corridors will be controlled and Green Belt protected when any developer can use the wide planning discretion allowed by the policy to justify their proposals. As such, for the reasons set out in my Reg19 response, it is not considered that the policy complies with national policy and is sound.

3.3 On SP15, the Council's subsequent response to my Reg19 consultation comments was that the policy provides "a positive opportunity for Estates to cover a number of issues around ensuring sustainable land management". They did not respond to say how they defined "meaningful public consultation", nor why they listed in Appendix 3 of the Plan, estate plans as supporting evidence, yet confirmed that no estate plans have yet been prepared and agreed. How can estate plans be supporting key evidence when none have been prepared?

3.4 The Council have failed to justify since the Reg19 objections were submitted, why they are giving "Estates" preferential policy treatment and how they are defining Estates (is there a minimum size? Can any landowner who calls their land an Estate use the policy? Why Estates and not large farm holdings where sustainable land management can be just as relevant? Why exclude other major landowners of land, eg utilities, who may not be defined as estates but where again sustainable land management is relevant). Bearing in mind that such Estates are likely to be in the countryside and Green Belt, the lack of planning controls that the policy allows and lack of public involvement in the process is considered unjustified, inconsistent and unsound.

3.5 There is no reason why Estates should be singled out for a specific strategic policy compared to other landowners, nor why any such Estate Plans could not be dealt with as supplementary planning guidance and subject to the full rigours of all Local Plan policies and public involvement in the process.

3.6 In my Reg 19 response, I drew attention to NPPF paragraph 70 (now para 71) on windfall and the need for “compelling evidence” that it will provide a “reliable” source of supply. I provided evidence that the proposed windfall allowance for Shifnal did not meet the compelling evidence test. The Council simply responded that this would allow smaller developers to enter the market, and was “modest”, but failed to provide rebuttal evidence or justification for the windfall total proposed for the town. They failed to provide evidence required by NPPF para71 to justify the level of windfall allowance or how this was achievable within the town without adversely impacting on the total supply and hence likely to require land outside the town in Green Belt or Safeguarded Land having to be released to ensure the total housing allocation for the town was met.

3.7 In their Housing Topic Paper, the Council state that windfall allowances have been informed by consideration of each settlement role in the settlement hierarchy and its specific constraints and opportunities. That it allows for a cautious and robust amount of development, and includes consideration of past provision, existing commitments and further “appropriate” sites. That specific allowances for each settlement are appropriate and robust.

3.8 I provided evidence to show that Green Belt/Safeguarded Land constraints and the limited availability of potential redevelopment sites within the town, cast considerable doubt on the proposed Shifnal windfall allowance being achievable and the consequences of this on allowing further development outside the town. Although the Council state that the allowances considered the role of each settlement, the percentage windfall allowance of total supply for Shifnal does not compare with its size, character and constraints to other towns. It is not considered, therefore, that the Council has provided rebuttal evidence to challenge this evidence.

3.8 It is noted that in the Housing Topic Paper, the Council have revised the windfall allowance for Shifnal from 92 to 64, presumably on the basis that there have been windfall permissions in the intervening period from March 2019 to 2021. This assumes, therefore, that there were 28 permissions for windfall developments within the town in that 2 year period. However, looking at permissions granted in that 2 year period, shows totals a much lower figure. Looking at possible windfall sites through SLAA assessments also indicates only a small proportion of the proposed total windfall allowance would be provided if all of these “appropriate” sites were redeveloped..

3.9 It is considered, therefore, that the Council has not provided appropriate and robust “compelling” evidence within the three criteria it states were used for the settlement amounts in the Plan for Shifnal. Nor has it provided rebuttal evidence to the Reg 19 objections to the Shifnal windfall allowance. Its proposals for Shifnal, therefore, are contrary to NPPF para71 and unsound.