

SHROPSHIRE LOCAL PLAN EXAMINATION

Stage 1 Hearing Statement

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| Representor unique Part A Ref * | A0149 – Raby Estate |
| Matter | 3 – Development Strategy |
| Relevant questions nos | 4, 5, 6, 7, 15, 16, 20, 21, 23, 24 |
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*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/>



Raby Estate (A0149)

MATTER 3 - DEVELOPMENT STRATEGY

Shropshire Local Plan Examination Hearing
Statement

Matter 3 – Development strategy

Introduction

- 1.1.1. This representation should be read in conjunction with the previous Regulation 19 representations made by Raby Estate (ref: A0149).
- 1.1.2. The Raby Estate is promoting two sites for development. The proposed new settlement of Beslow and a site in the village of Cressage with Hub status in the Local Plan. The Estate is also concerned with the ongoing viability and economic resilience of its rural estate and is preparing a Whole Estate Plan (WEP) that seeks to enhance the social, environmental and natural capital of the estate.

Question 4 – Should Policy SP2 define the scale of development expected in the various urban locations and rural settlements?

- 1.1.3. Yes. It is important SP2 defines both the scale of development as a percentage for each of the different settlement types (expressed as a percentage) and also the scale of development for each settlement expressed as a total number of dwellings or hectares of employment land. SP2 is a strategic policy, and this approach would ensure any potential Neighbourhood Plans coming forward in the plan period meets the expected scale of development. The parish council of Cressage are in the early stages of preparing a Neighbourhood Plan and a defined scale of development in SP2 would give confidence in plan making process that the settlement delivered the expected level of housing.

Question 5 – The spatial strategy in the Core Strategy has a rural focus, while the submitted Local Plan’s spatial strategy is urban focussed. The latter holds a list of ‘saved sites’ in appendix 2 which the Council intends to rely upon to meet the new spatial strategy and development requirements. Do the ‘saved sites’ accord with the spatial distribution of the submitted Local Plan? What will be the policy basis for these ‘saved sites’? By relying upon such an approach, is the Local Plan positively prepared, justified, effective and consistent with national policy?

- 1.1.4. The inclusion of the saved sites within the housing requirement is inconsistent with the spatial strategy which has been revised to promote an urban focus. The spatial distribution of the saved sites is as follows:
 - Shrewsbury: 22.39%
 - Principle Centres: 47.33%
 - Key Centres: 15.4%
 - Community Hubs: 14.8%
- 1.1.5. It is only when the saved sites are included within the overall residential guidelines does the planned distribution compute in accordance with the spatial strategy.
- 1.1.6. The Plan is not justified or effective (per NPPF Paragraph 35) as there has been no further consideration given to the saved sites. There is no evidence in the plan the saved sites are deliverable over the plan period, and they have not been subject to recent consultation. This is not effective or justified as per NPPF Paragraph 35.

- 1.1.7. To meet the tests of Paragraph 35 the sites should be subject to reassessment, sustainability appraisals and consultation. Following this, the Plan would then require the introduction of a 'saved sites' policy.
- 1.1.8. The shift in strategic approach to an urban focus restricts growth in rural areas where Shropshire has successfully relied on consistent rates of delivery and completions. The strategic approach reduces significantly the distribution of development in particular to key centres, hubs and clusters. The Core Strategy approach was justified on the basis it accommodated growth 'in such a way that it helps make more sustainable, balanced, vibrant and self-reliant places in which to live and work' (Core Strategy para 4.5). The Draft Local Plan justifies the urban focus with exactly the same justification at 3.23.
- 1.1.9. Given the dispersed location of the principle and strategic centres there is also a disproportionate level of growth in different geographic regions of the local authority area. This is particularly true for the Much Wenlock Place Plan area where levels of planned growth in settlements where the population currently meets its day-to-day needs (Cressage and Much Wenlock) is low in comparison to the scale of population.
- 1.1.10. This is a fundamental flaw of a development plan in what is a predominantly rural authority, meaning the plan is not justified and will struggle to be effective. As outlined above, the Plan should be refocused to promote rural development and encourage growth in the rural local authority area.

Question 6 – Is it appropriate to show 'saved sites' on the proposals map given they are not site allocations in the submitted Local Plan, bearing in mind regulation 9 of The Town and Country Planning (Local Planning) (England) Regulations 2012?

- 1.1.11. Showing the saved sites on the proposals map is not appropriate as there is no specific policy of the Plan they relate to, as they relate to the SAMDev. If a suitable policy was introduced to reallocate them, then it would be suitable to include them in the proposals map. The Local Plan should be amended to include such a policy, as outlined in our response to Question 5.

Question 7 – What proportion of housing supply comes from the 'saved sites'?

- 1.1.12. The Five-Year Housing Land Supply Statement (EV048.01) identifies 838 dwellings out of the 10,155 dwellings make up Shropshire's five-year housing land supply equates to 8.2% of the total.
- 1.1.13. Appendix 5 (Local Plan Review) indicates 3,564 dwellings will come from saved sites. This equates to around 12.4% of the total dwellings on identified sites (and 11.6% including community cluster and rural areas windfall sites).
- 1.1.14. This appears to indicate Shropshire does not envisage the saved sites coming forward proportionately to the housing requirement and does not envisage a significant portion of housing coming forward for development within the next five-years. This raises significant questions regarding the deliverability of the sites, at the end of the five-year period (2026), the sites would have been allocated for development for over a decade.
- 1.1.15. This does not suggest the approach of 'saving' sites is effective (per Paragraph 35 of the NPPF) or based on a sound evidence base (and therefore justified) as there are site constraints that need to be reconsidered and re-appraised for sustainability and deliverability, as outlined in our response to Question 5. To accommodate this, the Plan should identify Plan B sites (as outlined in our Reg 19 representations, ref: A0149).

Question 14 – Is Policy SP7 positively prepared, justified, effective and consistent with national policy? How have the residential guidelines been derived? Do these policies duplicate parts of other policies?

- 1.1.16. Policy SP7 has not been positively prepared and is inconsistent with national policy. The policy, along with Policies SP8, SP9 and SP10 seek to restrict development outside what has been identified in the residential guidelines, therefore the policy is not suitably flexible and cannot react to changes in need or market signals. Therefore, the policy does not meet the requirement of Paragraph 60 of the NPPF to significantly boost supply of homes where they are needed.
- 1.1.17. Parts 3 and 4 of this policy duplicate Policies SP8, SP9 and SP10 and are therefore not required, or SP7 could be significantly amended to avoid the duplication.

Question 15 – Is the Community Hub and Community Cluster approach to development set out in Policies SP8 and SP9 justified and effective and consistent with national planning policy? Do these policies duplicate parts of other policies?

- 1.1.18. Policy SP8 relates to Community Hubs. The policy is not effective, positively prepared or consistent with national policy as it seeks to restrict development above the residential guideline (however maximum would be a more accurate term). This policy restricts development beyond the development guideline and therefore makes the plan less agile and able to respond quickly to changes in circumstance (ie sites not coming forward for development as expected, or a sudden need).
- 1.1.19. Therefore, Policy SP8 is not consistent with national policy as it does not comply with NPPF Paragraph 16. Paragraph 16 reaffirms planning policies should take a positive and aspirational approach to growth. It is not aspirational to restrict growth over the minimum standards required to meet the identified housing requirement and therefore this overly restrictive policy is inconsistent with the NPPF and not positively prepared. We question if the 10% requirement for windfall sites can even be delivered through this policy. This is a fundamental shift away from Core Strategy Policy CS4, which did not place an upper limit of development (in terms of dwelling numbers or site size) and therefore encouraged sustainable growth, where sufficient justification existed.
- 1.1.20. Regarding Clusters, Policy SP9.6 needs to be amended to extend the circumstances where it is appropriate to bring forward settlements as a cluster through appropriate evidence. In particular the Raby Estate considers WEPs (Policy SP15) would be an appropriate approach that may provide sufficient evidence for the allocation of new clusters. The Raby Estate's Regulation 19 representation dated February 2021 (A0149) provided alternative wording to allow this as a mechanism.
- 1.1.21. The revised wording set out in our 2019 rep would enable the wider policies of the Plan (ie SP15) to be applied together without conflict and provide clear weight/precedence to WEPs. This is essential for the plan to be considered 'sound', as without this the Plan does not employ an appropriate strategy concerning the matter and is therefore not justified. This is as NPPF Paragraphs 78 and 79 outline rural areas, planning policies and decisions should be responsive to local circumstances and enhance the vitality of rural communities and per Paragraph 80, be flexible enough to accommodate needs not anticipated in the plan, to enable a rapid response to changes in economic circumstances. Without the proposed amendment, the plan cannot be considered to be justified and therefore not sound.
- 1.1.22. Policy SP9.5 is not required as it duplicates Policy SP10.

Question 16 – 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? Is 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?

- 1.1.23. This policy is not consistent with national planning policy as it does not comply with NPPF Paragraph 16, which reaffirms planning policies should take a positive and aspirational approach to growth. It is not aspirational to restrict growth over the minimum standards required to meet the identified housing requirement and therefore this overly restrictive policy is inconsistent with the NPPF and not positively prepared.
- 1.1.24. This is echoed by NPPF Paragraph 79, which promotes sustainable development in rural areas and direct housing where it will enhance or maintain the vitality of rural communities. Policy SP10 restricts development and therefore cannot enhance the vitality of rural communities. As such the policy is inconsistent with national policy and not prepared in a positive manner. It should be amended to ensure sustainable development (regardless of housing targets) is permitted and encouraged to maintain vitality.

Question 20 – 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?

- 1.1.25. The Raby Estate has provided detailed evidence of the purpose of WEPs in its representations to the Regulation 19 Local Plan consultation (A0149).
- 1.1.26. NPPF Paragraph 78 requires planning policies and decisions to be responsive to local circumstances and support housing development that reflect local needs. NPPF Paragraph 79 says to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. NPPF Paragraphs 84 and 85 promote policies for the diversification of the rural economy including local services and facilities, and that development is sensitive to its surroundings. NPPF Paragraph 94 outlines policies should consider the social, economic and environmental benefits of estate regeneration. Taken together these paragraphs provide the support to allow for WEPs to be used as a mechanism for identifying and responding to needs at a finely granular local scale.
- 1.1.27. The nature of Local Plan making means it is not efficient at identifying needs at finely grained scale local geographies. Neighbourhood Planning achieves this for specific geographies that meet relevant criteria. WEPs would provide a mechanism for identifying needs in rural areas where Neighbourhood Plans are not appropriate. WEPs would include evidence of the needs of small-scale rural geographies and would give a greater degree of depth than the local plan to understanding local circumstances. Once endorsed by the LPA the evidence of the WEP would then be taken into account in decision making as a material consideration.
- 1.1.28. Evidence on the process of endorsement, drawing on case studies of other local planning authorities, is provided in our representations of to the Reg 19 draft Plan (A0149, Section 3). Endorsement would be an essential part of the WEP making process to trigger their status as a material consideration (similarly to eg Village Design Statements).
- 1.1.29. WEPs (and Policy SP15) would assist with promoting the vitality of rural communities with growth, regeneration and diversification. Given the rural geography of Shropshire the function of WEPs in

encouraging a strong rural economy is a matter that is strategic in nature. Policy SP15 should therefore remain as a strategic policy.

Question 21 – Does the Local Plan strategy rely on windfall development and is the windfall allowance based on paragraph 71 of the Framework? Does the windfall allowance for housing need to be set out in the Local Plan?

- 1.1.30. The draft Local Plan does not establish what percentage of dwellings will be brought forward via windfall development.
- 1.1.31. The windfall allowance should be established clearly in the Local Plan. This would highlight the reliance Shropshire Council are placing on windfall sites coming forward for development in the plan period. The Local Plan submission document outlines 2,682 dwellings will come forward on windfall sites within the Strategic Centre, Principal Centre Key Centres and Community Hubs (per Appendix 5 of the Local Plan), with an additional 3,000 windfall dwellings (circa 10% of the requirement) planned to come forward within Community Clusters and rural areas, as outlined in GC4i. Therefore around 19% of the total housing requirement is planned to be met via windfall sites.
- 1.1.32. 19% of the total housing coming from sites that are yet to be identified is extremely high and means delivery is uncertain. Therefore, the Plan cannot provide reassurance that all the required housing will come forward for development. To counteract this, additional sites should be allocated.
- 1.1.33. The assumption that is being made in relation to windfall sites is based on the policies of the Core Strategy (2011) and SAMDev (2015). The spatial strategies of these plans were to focus development in rural areas and encouraged windfall development in the community hubs and rural areas (Policies CS4 and CS5). Therefore, the current delivery of windfall sites has been based on a favourable policy position.
- 1.1.34. The Local Plan Review has changed its spatial strategy and is now urban focused (Policy SP2) and seeks to restrict the development to windfall sites in rural areas, despite the fact circa 19% of the housing requirement is proposed to be met by windfall sites (see above).
- 1.1.35. The revised spatial strategy and Policy SP7 which restricts windfall development above the residential guidelines means if such does not come forward in urban areas, there will be a lack of certainty regarding where windfall development will come forward as rural windfall sites will be consistent with the strategic approach. This is consistent with our Question 15 response which highlights the restrictive nature of the new policies.
- 1.1.36. Therefore, the historic rates of windfall development cannot be accurately used to plot a trajectory for future windfall development as the policy position and spatial strategy context has fundamentally changed. Therefore, this aspect of the plan is inconsistent with NPPF Paragraph 35 in that it is not based on appropriate evidence or deliverable, rendering ineffective and unjustified.

Question 23 – Should the Local Plan include more small and medium size sites to provide greater choice, flexibility, and certainty?

- 1.1.37. A balance should be recognised, as there are benefits of both larger and smaller sites. A greater proportion of smaller and medium sites should be allocated in lieu of making considerable allowances for windfall sites, as these smaller and medium sites can provide more certainty in the short term.
- 1.1.38. This position is supported by NPPF Paragraph 69 which recognises small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often

built out relatively quickly However, it is also recognised that over a longer period of time, large scale development is well placed to help authorities deliver large numbers of dwellings.

- 1.1.39. Having regard to the above, it is clear that larger sites can provide long time certainty for the authority to meet their housing requirement, however this needs to be supported by a greater number of small and medium sized sites to provide the dwellings required in the short-term. The Plan as drafted does not allow for this and is overly restrictive (see response to question 14, 15 and 16) in most areas meaning smaller and medium sites are unlikely to come forward with ease to meet housing need if there are delays in the delivery of larger sites.

Question 24 – How have the settlement boundaries been decided and were they reviewed when preparing this Local Plan?

- 1.1.40. While the Preferred Sites Consultation (2018) outlined the amended settlement boundaries for the first time, it is not clear for all sites how conclusions regarding the form of the boundaries were arrived at.
- 1.1.41. Following the review of settlement boundaries, there is a danger that owing to how tight the boundaries have been drawn around settlements (such as Cressage in the Much Wenlock Place Plan Area), there is little opportunity to bring forward windfall development.
- 1.1.42. This could have the effect of stifling the development of the windfall dwellings that Shropshire is relying on to meet its housing requirements, as development outside of settlement boundary is tightly restricted.
- 1.1.43. The settlement boundaries should be reviewed to take account of this matter, as currently, they conflict with Policy SP2 and SP12, which seeks to direct a significant proportion of development to windfall sites and could be rendered undeliverable (and they are therefore ineffective per NPPF Paragraph 35).

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