

Shropshire Local Plan 2016-2038

Additional Public Consultation Representations

Land at Clive Barracks

Prepared by Fisher German LLP on behalf of The Defence Infrastructure Organisation

Project Title

Land at Clive Barracks, Tern Hill, Shropshire

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1. Introduction

1.1 These representations have been prepared by Fisher German on behalf of the Defence Infrastructure Organisation (DIO) in respect of Ministry of Defence land at Clive Barracks, Tern Hill, as illustrated at Figure 1 below. These representations respond to the 4 documents as published on the Council’s Examination website on the 25th April 2024, and their potential implications for policy direction within the Local Plan.

1.2 Clive Barracks is a proposed Strategic Settlement allocation within the emerging Local Plan under Policy S19.

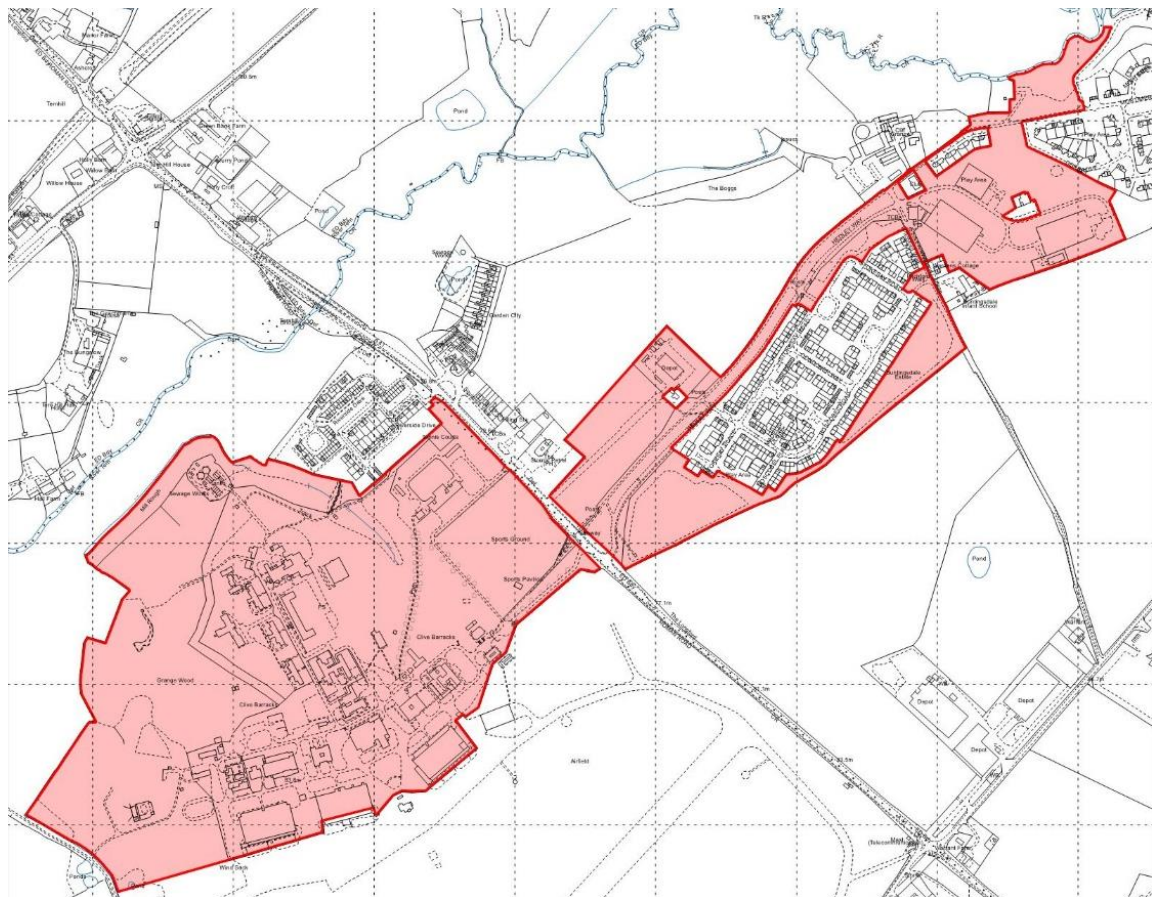


Figure 1: Land at Clive Barracks, Tern Hill

1.3 The proposed allocation is supported and the DIO remain fully committed to the delivery of housing and employment at Clive Barracks and recognise the role of the site in the delivery of this during the Local Plan Review plan period and beyond.

2. GC25: The newly proposed draft policy on Housing Provision for Older People and those with Disabilities and Special Needs and its explanation

- 2.1 This document provides proposed policy wording, and justification for a proposed draft policy - Housing Provision for Older People and those with Disabilities and Special Needs. The DIO have several concerns with the proposed policy as published.
- 2.2 As a general comment the policy in its current form could likely do with a level of simplification and made to be more concise. The operation of the Policy relies upon a number of interconnected criteria which means the implications of the policy may not be readily apparent.
- 2.3 For clarity we will comment on the relevant criteria in order that they appear within the Draft Policy, referring to the justification provided where appropriate.

Criterion 1

- 2.4 It is queried whether this text is a suitable planning policy, or whether it would better sit as part of the reasoned justification.

Criterion 2

- 2.5 The DIO have no objection to this criterion in isolation; however concern is raised in the way this requirement then forms a policy requirement later in the Policy. We provide commentary in relation to this matter in respect of Criteria 3.

Criterion 3

- 2.6 The application of this policy becomes somewhat confusing from this criterion onwards. It is not clear how the interaction between this requirement relates to later requirements, particularly at criteria 15, 16 and 17. It is not clear at this stage where it is intended that these policies 'stack', i.e. that there is a requirement for a scheme of 500 dwellings to deliver:

- 5% of dwellings as M4(3),
- 70% of dwellings as M4(2), and
- 20% of the housing provided must form of specialist housing for older people and/or those with disabilities and special needs as documented within Paragraph 8 of the Policy

(discussed below)

- 2.7 Does the specialist housing for older people and/or those with disabilities and special needs if delivered at M4(3) standard count for the purposes of the M4(3) and M4(2) provision, thus reducing the need for M4(3) provision entirely and the M4(2) provision down to 55% of the remaining properties. Or are the standards of criterion 3 anticipated to apply only in relation to the market and affordable housing element of the scheme. This again relates back to the previous comment in relation to the policy needing refinement and clarity. Moreover, the relationship between this policy and affordable housing needs to be clearly articulated.
- 2.8 Notwithstanding the above, as a matter of principle the DIO do not consider that a requirement of 75% of new housing to meet M4(2) and M4(3) standards has been sufficiently justified. As per other technical standards, it is accepted that increases may be justifiable, but we do not believe that a requirement that the vast majority of new build housing being built to M4(2) and M4(3) standards has been sufficiently justified. The draft Policy's proposed reasoned justification confirms that the rationale for this requirement is contained within the SHMA, albeit it is noted that the SHMA actually comes to a different conclusion on the needs for M4(2) and M4(3) homes. Paragraph 28 of the reasoned justification within Appendix 1 states *"the need for M4(2) and M4(3) housing was specifically considered within the SHMA. It estimated that for the total projected growth in households in Shropshire during the Local Plan period, 13% will require wheelchair accessible dwellings, M4(3) standard and 33% will require accessible and adaptable dwellings to M4(2) standard"*.
- 2.9 The Policy however seeks to move away from the SHMA evidence's conclusions and increase the need for the quantum of M4(2) and M4(3) homes sought by a significant quantum. The rationale for this is provided in a somewhat confusing sentence at Paragraph 29 of the reasoned justification, which states *"closer inspection of household growth by the age of Household Reference Person, reveals a significantly higher level of household growth in households with a Household Reference Person aged 65 years and over"*. It is not clear if this conclusion is a result of new evidence, or is a direct challenge to the credibility of SHMA itself, as the SHMA directly considers age as a key element of Table 100 when coming to the conclusions set out at Paragraph 2.8 above.
- 2.10 Paragraph 6.291 of the SHMA confirms that the figures referenced above may underestimate the actual need for M4(2) and M4(3) units. This may be the case, but the NPPF requires planning policies to be justified to be considered sound as per NPPF Paragraph 35. The Council's actions in uplifting the requirement for of M4(2) and M4(3) dwellings is not considered to be justified.

2.11 Paragraph 6.292 states that “Table 94 [Estimate of Total Housing Need (2016-2038) for Households with at Least One Person with an LTHPD] already identifies that 19,785 older households (77% of the 25,554 growth in older households) will require either M4(2) or M4(3) standard housing”. However, this does not fully explain the conclusions of Table 94. Firstly, this is the upper end of a range provided within the table, so represents the worst case scenario (the lower end of the range being a greatly reduced 8,772 dwellings). Moreover, the table includes a further step to discount this identified need on the basis of the quantum of need which could be accommodated in existing housing that could be reasonably adapted to M4 (Category 1) standards. The introduction of this logical step reduces the range from 8,772 - 19,785 dwellings to 4,128 - 9,311 dwellings.

2.12 The DIO strongly consider that the amended, lower range is more robust. It is noted that the published document itself references at numerous points the People’s Strategy for Shropshire, which is a document which adopts a principle of supporting people to ***“remain independent within their own homes, within their existing communities and with access to their established support networks”*** [our emphasis]. There is therefore an internal inconsistency in that the Council advocate a strategy in which people have a preference for staying in their own homes but discard that same principle as it appears at Table 94 in calculating the level of M4 housing needed. As the clear preference of Shropshire’s adopted strategy, and accepted logic, is that people will seek to stay in their own home if possible, the lower end of the range should be utilised, not the upper as proposed by the Council.

2.13 The result of this approach is the Council want new development to disproportionately meet the district’s M4(2) and M4(3) needs, much of which is already existing. New development is generally expected to resolve the issues generated by itself, not be required to ‘fix’ pre-existing shortfalls or issues which are not directly related to the development itself, in accordance with the CIL regulations tests and Paragraph 57 of the Framework – namely reasonably related in kind and scale to the development.

2.14 Moreover, logically it is not a likely proposition that 75% of the purchasers of new homes will be strictly older people or people with disabilities, for whom such housing is required to meet the needs of. As acknowledged by the Council most people’s preference will be to remain in their own homes. Thus delivering 75% of housing to M4(2) and M4(3) specification is likely to significantly oversupply the market when compared to people who will likely need such properties. Moreover, the Council has outlined a specific requirement to increase its supply of specialist housing for older people and those with specialist needs, which again will help absorb some of the aforementioned need, further reducing the need for M4(2) and M4(3) dwellings.

2.15 Whilst it may be considered beneficial to increase such delivery generally, that again does not make it justified. Moreover, this approach is actually likely to result in unexpected and unwanted consequences. The cost of such requirements will result in higher build costs and whilst that may be absorbed by the landowner, given how competitive the housing land market is currently, it may also be partially passed to house buyers. Thus, people with no need for M4 housing, may end up paying a premium for it to be delivered.

2.16 Increasing populations of older, or otherwise unwell populations are national issues, however there is no national requirement to deliver such uplifts. Whilst this may change through building regulations, potential changes to national building regulations are again not sufficient justification for this policy requirement.

2.17 Whilst we concede there is likely some justification for an uplift in M4(2) and M4(3) standards in Shropshire, we do not believe a requirement for 75% new homes to be delivered to this standard has been adequately justified, and likely the evidence actually conflicts with the Council's own strategy and data as contained in Table 94 of the SHMA which points to a lower need. As such this requirement should be reduced to levels consistent with that initially suggested in the SHMA (Paragraph 6.290), with higher delivery an optional/aspirational target for developers to consider on a site by site basis.

2.18 Whatever the eventual level, the policy should enable this requirement to be negotiated depending on a range of factors, particularly geographic. Paragraph 10 of the proposed Reasoned Justification states in certain settlements that it "*is not always appropriate to provide new adaptable and accessible housing or specialist housing – due to their size and location*". Paragraph 11 states that older people and those with disabilities often have a clear preference to remain in their existing communities. Paragraph 18 confirms that "*if accessible and adaptable housing and specialist housing provision is to be capable of accommodating those that require support they must be of the right size, type, tenure and affordability. **Crucially it must also be in appropriate locations***" [our emphasis]. The Policy however does not allow for any such consideration of these factors, simply a blanket requirement on all dwellings. Notwithstanding therefore that the requirement is clearly too high in respect of the provision of M4(2) and M4(3) dwellings, the criterion should be amended to include the ability to consider other factors, including geographic, when considering planning applications, in accordance with the Council's rationale as set out above.

Criteria 5, 6 and 7

2.19 The provision of a footnote linking to paragraphs where Dementia Friendly Housing can be found may improve legibility of the policy as it is not a term everyone may immediately understand.

Criterion 8

2.20 Note again reference to the People Strategy for Shropshire, and the principle of supporting people to remain independent within their own homes. This criterion clarifies what type of housing will qualify for specialist housing provision for older people or those with disabilities and special needs, as it then interrelates with other elements of the policy as discussed in relation to Criterion 15 below. Criterion 8 confirms that for the operation of the Policy, specialist housing should be read as specialist housing which supports independent living, including age restricted housing; retirement/sheltered housing; extra care housing; nursing homes providing high-level care for those with dementia and/or complex needs.

Criterion 9

2.21 The DIO have no issue with the aim and intent of the Policy, but it is queried whether there may be an operational need for some facilities to be gated off, for security, health and safety reasons for residents, and such allowances should be enabled within the Criterion.

Criterion 15

2.22 Criterion 15 relates to schemes of 250 or more dwellings. Whilst there are similar policies for schemes of fewer dwellings at Criterion 16 and 17, due to the DIO's interests at Clive Barracks comments are directed and relate to Criterion 15 specifically. The Policy necessitates that on schemes of 250 or more dwellings, the Council expect that 20% of housing provided should meet the definition of Specialist housing as defined within Criterion 8. It is not clear how this interrelates with requirements for M4 dwellings as discussed above in relation to Criterion 3.

2.23 The DIO do not support this policy approach. Firstly, it is not clear whether the viability implications of this approach have been adequately explored. There are broad comments in the reasoned justification as to the ability of schemes of 250 dwellings to benefit from economies of scale, due to the achievement of a critical mass achieved on sites of this size. Whilst this can be true, such strategic sites can also be impacted by more significant infrastructure burdens not applicable to smaller schemes, so in many cases, and as accepted in Plan's elsewhere, there is actually less capability of strategic schemes to deliver additional requirements. Importantly the PPG is clear that

the viability of such policy requirements should be demonstrated by the LPA in evidence before being requested through a planning policy. The Council's statements relating to scale of development may be based on anecdotal knowledge, but this does not qualify as evidence to support the proposed requirement in accordance with the requirements of the PPG. In the lack of suitable viability evidence, this policy is not considered sufficiently justified in terms of its delivery or impact on development sites.

2.24 Secondly, the approach advocated disproportionately impacts larger schemes that are expected to deliver disproportionate amounts of specialist homes. Larger schemes by definition will deliver larger quantum of specialist homes even if at the same rate. The justification appears to relate only to viability, but this again is not founded in evidence. Moreover, as discussed, whilst delivery at scale can have cost and efficiency benefits, at a point the infrastructure burden may increase significantly for strategic schemes and this can impact scheme viability, even prior to the delivery of this requirement.

2.25 The identification of the various typologies (50-150, 150-250 and 250+ dwellings) of development does not directly relate to meeting any need and are not formed by any obvious evidence. The Council does not appear to have undertaken any direct analysis as to the potential yield of specialist care through the proposed policy and tested this against need. Moreover, there has been no analysis of the potential for further specialist housing schemes being brought forward separately from strategic residential housing sites. Whilst there is clearly a need for increased specialist care, the Council have not adequately justified the proposed approach, justified the thresholds and requirements being placed on development nor have the Council adequately considered capacity to increase such delivery through other means. It is noted that the Plan proposes to enable some specialist care developments on designated employment land, which may assist in increasing supply.

2.26 Another fundamental issue with the Policy is that it is essentially silent on the circumstances where a suitable specialist housing provider does not come forward on a marketed site. The Policy should be clear if there is to be any requirement for such provision, that it can be transferred to other residential uses in the event that there is no interest in the site after 6 months of marketing. Ultimately as accepted by the Council, the delivery of such accommodation is geographically sensitive thus there may be locations where this use is simply not appropriate and not attractive to the market.

2.27 We are not aware of such a policy intervention being advanced elsewhere where strategic residential schemes are in effect forced to deliver care home type developments. Whilst we concede Shropshire's demographics do differ from much of the country, it is not the only place with an aging population. The Council should also be focussing attention on encouraging younger inward migration to ensure continued effective operation of the economy in terms of labour availability, but also the retention of balanced communities, etc.

2.28 Whilst there is acknowledged to be a need for specialist housing, the approach advocated by the Council is not supported. The Council should instead consider how it can support the delivery of such specialist housing in other ways, including permissive policy changes such as allowing appropriate development on allocated employment sites as advocated in the draft policy.

2.29 It is not clear the implications on this criterion with affordable housing and whether the affordable housing requirement is anticipated to be measured against the overall site yield, I.E. inclusive of the specialist care, or only the standard market housing element. Again, the viability implications of either option have not been sufficiently set out.

2.30 Whilst the Council is supported in its aim of increasing the provision of specialist housing, the approach advocated by the Council in respect of strategic development is not supported. Given latent market demand for such accommodation, it may become increasingly common that schemes are advanced including an element of specialist housing anyway, but the Council has not adequately justified this policy requirement in terms of need and viability to necessitate it, nor is it clear that the requirement will be effective having regard for the geographic location of qualifying sites. The Criterion is considered not sound on this basis, and the wording should be amended to make provision of such housing a target, but not an absolute requirement.

Impact of proposed Policy requirement on Clive Barracks

2.31 The concern of the DIO in respect of this policy is the impact on site viability, land take, masterplanning and general concerns in relation to the suitability of the site for this form of accommodation. As the Council are aware the Clive Barracks site is predominantly brownfield and requires suitable works to clear the site for development having regard for its current and historic uses. As detailed in respect of the draft policy for Clive Barracks (Policy S19), there are significant costs associated to unlock this major brownfield opportunity due to its location and use, including the need to provide on site education for example. Whilst the DIO are satisfied that Clive Barracks

will be viable, the impacts of this new requirement have not been fully tested and explored.

2.32 The requirement to deliver a potentially substantial structure will have masterplanning and land take issues which again need further exploration.

2.33 In terms of location, it is stated throughout the Council's documentation that there is a need to provide such housing in locations where people live, to enable people to stay in the communities in which they already reside, Clive Barracks represents the creation of a new community and thus that impetus logically does not exist here.

2.34 Whilst the Council have provided the ability for such accommodation to form part of employment land provision, there may be site specific reasons why this may not be appropriate on the Clive Barracks site specifically, thus the likelihood is this would need to be delivered instead of proposed standard market and affordable units. It is noted that to sustain a primary school and other similar facilities requires a critical mass of family housing and this requirement may potentially harm such delivery.

2.35 Notwithstanding our overarching objections to this requirement, it if was deemed to be sound, we would ask that the site-specific policy for Clive Barracks is clear that the requirements of this policy do not apply to Clive Barracks, for the reasons set out above.

Conclusions on GC25: The newly proposed draft policy on Housing Provision for Older People and those with Disabilities and Special Needs and its explanation

2.36 The Policy requirements of GC25 are considered disproportionately onerous, lacking justification and evidence in relation to the viability implications. In respect of M4(2) and M4(3) dwellings whilst the DIO concede there is likely justification for an element of such housing to be secured by policy, the quantum sought is not justified and conflicts with the Council's own evidence and corporate priorities, which envisages many people remaining in their own homes, not buying new build properties. Unlike affordable housing, what happens to such properties following development will be left to the market and therefore there is no guarantee suitable properties will be available at the time individuals require them. This policy is not considered to be justified, effective or consistent with national policy and guidance.

2.37 Turning to the requirement for developments of over 250 dwellings to provide 20% specialist housing, this is again strongly objected to. The implications of this policy have not been adequately explored in terms of viability, based instead on anecdotal statements from the Council. Moreover, there is insufficient evidence as to anticipated yield of the policy with other sources of supply against the anticipated need. Beyond those reasons the DIO consider the policy to be overtly and disproportionately onerous, particularly for larger schemes with other significant costs. The Council should instead seek to increase supply by encouraging, but not requiring, delivery on strategic sites, offsetting affordable delivery for example, or otherwise ensuring a permissive policy regime where such uses can be delivered on suitable sites without unduly impacting vitally needed strategic sites.

3. Shropshire Local Plan Additional Sustainability Appraisal Report Published: April 2024

- 3.1 The DIO supports the publication of this necessary evidence to safeguard the Plan from potential Judicial Review. Whilst the basis of the need and requirements for the Sustainability Appraisal (SA) are set out in legislation (Section 19 of the Planning and Compulsory Purchase Act 2004), the PPG confirms that the SA is a “*systematic process that must be carried out during the preparation of local plans and spatial development strategies. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives*”. The Inspector’s commentary correctly noted that in respect of the Plan’s proposed adoption of an apportionment of the Black Country’s unmet needs, there had likely been a failing to adequately test such an apportionment, and reasonable alternatives, through the SA process.
- 3.2 Whilst the need for robust SA testing of the delivery of unmet need is recognised, the approach adopted by the Council is supported by the DIO.
- 3.3 The SA considers site allocations, but the updates appear to relate solely to additional criteria which test sites suitability to meet the Black Country’s distributed unmet needs, whether that be for housing unmet need, employment unmet need or both. Our client’s interests at Clive Barracks have again been assessed under Reference BNT002. The assessment is largely unchanged; however the Council have considered the suitability of Clive Barracks in meeting unmet needs derived from the Black Country. The report concludes that the Clive Barracks site is not considered to be particularly appropriate for distributed unmet housing needs from the Black Country but could make a fair

contribution to the Black Country's unmet employment needs. The rationale for this conclusion derives partly from the site's location to the north of the Borough, though this is somewhat mitigated due to its location on the A41, which is identified as a Strategic Corridor and a key route providing access towards the Black Country.

- 3.4 Whilst the SA assessment has remained consistent over its iterations, and whilst the site remains a proposed allocation, the DIO maintain their position that the site scores unduly negatively in respect of the criteria relating to Ancient Woodland and the nearby Local Wildlife Sites. The SA marks down the site scoring it a double minus score (denoting a 'Strongly Negative' effect) for featuring an Ancient Woodland and being close to Wildlife Sites. The effect is described to be: "Likely to have a significant adverse impact on the whole, or on a large part of, Shropshire, on internationally or nationally protected assets or on areas outside the county. The effect is predicted to be direct, permanent, irreversible and of major magnitude".
- 3.5 This is not considered to be a fair assessment. Whilst the Ancient Woodland falls within the site, it will be retained. The supporting work undertaken by DIO has been used to inform the proposed buffers to the woodland to ensure that it is not impacted by the development (a buffer of a minimum of 30 metres). The Local Wildlife sites fall outside of the site, but again have been considered in full in developing the proposals for the site. Buffers of a minimum of 15 metres have been taken forward in developing the masterplan. Whilst we understand that in respect of Criterion 2 the site is within the prescribed distance to reserve a '-' scoring, we consider insufficient justification for the scoring of the site in respect of Criterion 1 to justify the '--'scoring against the prescribed methodology for impacts on Ancient Woodlands as set out within the published methodology.
- 3.6 The proposed development at Clive Barracks will provide additional woodland planting which will connect the Ancient Woodland with other woodland onsite, providing an enhancement to both of these habitats. An appropriate woodland management regime could also be introduced which would enhance the structural diversity of the woodlands. Having regard to the above, it is considered that the SA scoring relating to Ancient Woodland and Wildlife Sites should be amended from '-' to '0' score denoting a neutral impact.
- 3.7 The DIO also retains concerns over the scoring of the site in respect of accessibility to open space facilities. The site has been marked down within the SA because the site's boundary is not within 480 m of the following:
- Children's Playground
 - Outdoor Sports Facility

- Amenity Green Space
- Accessible Natural Green Space (natural/semi-natural green space)

3.8 This assessment still does not however take into account that all of the above facilities already exist onsite and the proposed development (as demonstrated by the Illustrative Masterplan) will reinstate these amenities, and more. The site should not therefore be marked down in respect of accessibility to open space facilities. It is considered that the scoring for these elements should be amended to '0'.

3.9 Taking into account these suggested amendments to the SA scoring, this would bring the site's total SA score of – 14 (Fair) up to – 6 (Good), which better reflects its suitability for allocation. Failure to recognise such measures may create unwarranted objection to this scheme, on the basis of incorrect information within the SA scoring.

3.10 Turning to the additional criteria included in the updated SA, we cover these in turn. The Settlement Conclusion relating to residential is scored as fair. This scoring is supported by the DIO. As for the Black Country Residential conclusion of Poor, again the DIO consider this scoring to be reasonable, having regard for the spatial location of the site, located away from the Black Country, but remains eminently suitable to meet the needs arising within Shropshire, which make up the vast majority of development proposed in the Plan. The site does score higher in relation to employment, scoring fair in both relation to the settlement conclusion assessment and Black Country contribution assessment. Again, the DIO supports this proposed scoring. The assessment concludes that the site is of a sufficient scale to contribute to the needs of both Shropshire and/or the Black Country, but logically is better suited to deliver Shropshire's needs specifically.

3.11 Overall, the DIO support the updated document and hope it assists the Examination proceed to a timely and robust resolution.

4. GC45 Updated Housing and Employment Topic Paper - April 2024

4.1 The DIO notes and supports the Council's continued approach towards its land interests at Clive Barracks. Whilst this document proposed no changes to Clive Barracks in terms of yield, the report does clarify that Clive Barracks is not a site anticipated to specifically meet any of the Black Country's

unmet needs. This approach as discussed in relation to Matter 3 is supported, given the geographic location of Clive Barracks in comparison with the Council's identified sites (for meeting Black Country residential need) at Tasley Garden Village, Bridgnorth; Land between Mytton Oak Road and Hanwood Road, Shrewsbury and the Former Ironbridge Power Station.

- 4.2 The DIO continue to support the Council's delivery assumptions for Clive Barracks as set out at Table 8.1 of the Topic Paper. Particularly the identification of 350 dwellings to be delivered within the Plan period. Whilst work is ongoing as to the full capacity of the Clive Barracks site, including whether additional growth above the 750 dwellings identified can be achieved, having regard for matters such as BNG for example, such additional delivery if achievable would not alter the in-plan delivery and thus is not material for this examination.

5. GC46 Updated Green Belt Topic Paper - April 2024

- 5.1 The DIO has no comments on this updated document.