

Shropshire Local Plan Examination

Shropshire Council Response to:

**ID40: Stage 2 Matters, Issues and
Questions**

Matter 30



Matter 30 - Natural and Historic Environment (policies DP12 – DP24)

Issue: Whether the Plan has been positively prepared and whether it is justified, effective and consistent with national policy in relation to development in the natural and historic environment.

Questions: Policy DP12 – The Natural Environment

Question 1. *Is the policy justified, effective and consistent with national planning policy and in particular the Planning Policy Guidance on Biodiversity net gain (2024)?*

Shropshire Council Response:

- 1.1. Shropshire Council considers draft Policy DP12 is justified, effective and consistent with national planning policy.
- 1.2. The intention of this policy is to provide the policy framework, complemented by the other policies in the draft Shropshire Local Plan, which ensures the conservation, restoration and enhancement of natural environment assets in Shropshire.
- 1.3. Due to Shropshire’s rich and varied geography, the County contains extensive and diverse natural environment assets. This includes internationally and nationally designated sites, locally designated biodiversity and geological features, and priority species and habitats.
- 1.4. In addition to their inherent value, these assets provide extensive ecosystem functions. This includes flood relief, soil retention, climate change mitigation and adaptation, carbon sequestration, interception of airborne pollutants, water filtration, amenity value, health and well-being benefits, and opportunities for tourism and recreational activities.
- 1.5. Ensuring the conservation, restoration and enhancement of these natural environment assets is an important component of ensuring the long-term sustainability of Shropshire. As such, the Council considers this draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire. It is also aligned with national policy and legislation.
- 1.6. The Council considers the requirements of this policy are justified, as they are responsive to and are informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.7. In particular, these requirements are informed by Sustainability Appraisal (SD006.01-SD006.22) (SA); Habitats Regulations Assessment (SD008.01-SD008.03) (HRA); Environmental Networks

Guidance (EV055.01); Green Infrastructure Strategy (EV052.01-EV052.30); and the Local Plan Development Viability Study (EV115.01) (LPDVS). The Council would note that:

- a. The SA (SD006.01) concludes this draft policy will have significant positive effects on SA Objectives 1 and 13 (protecting and enhancing wildlife habitats, plants and animals and promoting adaptation and mitigation of climate change) and no significant negative effects.
 - b. The HRA (SD008.01-SD008.03) concludes that this draft policy performs an important role in ensuring the draft Shropshire Local Plan complies with the habitat regulations, this is illustrated in paragraph 3.191 of SD008.01 which recognises the various mechanisms in the draft Shropshire Local Plan that ensure compliance with the Habitats Regulations – including draft Policy DP12.
 - c. The HRA (SD008.01-SD008.03) informs identification of locations where project level HRA's and specific mitigation requirements of this draft policy apply.
 - d. Environmental Networks Guidance (EV055.01), identifies the assets that contribute to environmental networks in Shropshire and the approach to ensuring they are conserved, mitigated and enhanced. This approach has informed the site assessment process undertaken to identify proposed allocations and is embedded within draft Policy DP12.
 - e. Green Infrastructure Strategy (EV052.01-EV052.30) informs the identification of assets relevant to this policy and the application of specific requirements of this draft policy apply.
 - f. The LPDVS (EV115.01) appropriately considered the requirement of this draft policy for development to achieve a minimum of 10% biodiversity net gain (BNG) alongside other requirements with potential viability implications in the draft Shropshire Local Plan – as detailed with Table 10.23. It concludes these requirements are appropriate.
- 1.8. The draft policy has also been subject to and informed by Regulation 18 (Plan-Making) and Regulation 19 (Pre-Submission) consultations.
 - 1.9. The Council considers this policy is effective as it provides clear expectations regarding the assessments required to inform proposals and decision making; it also provides clear expectations regards requirements for the conservation, restoration and enhancement of natural environment assets in Shropshire.
 - 1.10. The Council considers this policy is consistent with national policy, particularly Chapter 15 of the 2021 National Planning Policy Framework (NPPF), which addresses the conservation and enhancement of the natural environment.

Question 2. *Has the effect of levels higher than 10% biodiversity net gain been viability tested?*

Shropshire Council Response:

- 2.1. For the purposes of clarity, it is important to note that draft Policy DP12 does not require development to achieve higher than 10% biodiversity net gain. Rather, paragraph 3 of draft Policy DP12 requires development to deliver "*at least a 10% net gain for biodiversity*" (BNG).
- 2.2. Shropshire Council can confirm that within the Local Plan Development Viability Study (EV115.01) (LPDVS), the requirement to achieve 'at least 10% BNG' is considered alongside other local and national requirements that have the potential to impact on development viability.
- 2.3. Paragraphs 2.52-2.55 of the LPDVS (EV115.01) address BNG, confirming that Government was intending to mandate achievement of BNG. Paragraphs 8.35-8.40 of the LPDVS (EV115.01) expand on this, addressing the intention for policies in the draft Shropshire Local Plan to require compliance with emerging legislation on BNG. Table 10.23 then confirms that achievement of at least 10% BNG constitutes a minimum policy requirement within the modelling undertaken.
- 2.4. To provide confidence in the deliverability and viability of the draft Shropshire Local Plan and development proposals in Shropshire; a Viability Assessment Briefing Note (GC49) has been prepared by the consultants that undertook the LPDVS (EV115.01). This confirms that achievement of at least 10% BNG was considered within the initial modelling and concludes that "**...the Council can continue to have confidence in the 2020 LPDVS and rely on it in the plan-making process.**"

Questions: Policy DP13 – Development in the River Clun Catchment (see MMs 045-046)

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. A series of modifications are proposed to draft Policy DP13, as detailed in the schedule of proposed main modifications (GC4m).
- 1.2. Shropshire Council considers draft Policy DP13, with the identified proposed modifications, is justified, effective and consistent with national planning policy.

- 1.3. The intention of this policy is to protect the integrity of the River Clun Special Area of Conservation (SAC) and ensure compliance with the Habitats Regulations, by establishing requirements for development within the River Clun catchment.
- 1.4. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.5. In particular, these requirements are informed by Sustainability Appraisal (SD006.01-SD006.22) (SA); Habitats Regulations Assessment (SD008.01-SD008.03) (HRA); and the Water Cycle Study (EV117.01-EV117.03). The Council would note that:
 - a. The SA (SD006.01) concludes this draft policy will have a significant positive effect on SA Objectives 9 (conserving and enhancing water quality and reducing risk of water pollution) and no significant negative effects.
 - b. The HRA (SD008.01-SD008.03), particularly paragraphs 3.23-3.36 of SD008.01 which address the appropriate assessment undertaken for the River Clun, and paragraph 3.191 which recognises the various mechanisms in the draft Shropshire Local Plan that ensure compliance with the Habitats Regulations – including draft Policy DP13. As such, the HRA concludes this draft policy performs an important role in ensuring the draft Shropshire Local Plan complies with the habitat regulations.
 - c. The Water Cycle Study (EV117.01-EV117.03) includes recommendations regarding the River Clun (in Table 14.3), including the need to consider mitigation options to prevent impact of growth on the River Clun SAC through the Local Plan HRA; the need for an updated nutrient management plan; and the need for opportunities for natural flood management to reduce run-off. These recommendations have informed the HRA for the draft Shropshire Local Plan and this draft Policy.
- 1.6. The draft policy has also been subject to and informed by Regulation 18 (Plan-Making) and Regulation 19 (Pre-Submission) consultations.
- 1.7. The Council considers this policy is effective as it provides clarity regarding development within the Clun Catchment. Specifically, that in order to protect the integrity of the Clun Catchment and comply with the Habitats Regulations, major development can only occur in the Clun Catchment where it demonstrates that:
 - a. It achieves either nutrient neutrality or a reduction in nutrient levels.
 - b. These measures can be secured and funded for the lifetime of the development's effect.
 - c. It does not compromise the ability of the River Clun SAC to achieve favourable conservation status.

- 1.8. In effect, the Council recognises undertaking major development in the River Clun catchment is currently not possible, without identifying appropriate mitigation that achieves nutrient neutrality in a way that can be secured and funded for the lifetime of the development's effects and will demonstrably not undermine the achievement of restoration of the River Clun SAC. The intention of draft Policy DP13 is to provide certainty on this matter.
- 1.9. The Council considers this policy is consistent with national policy, particularly Chapter 15 of the 2021 National Planning Policy Framework (NPPF), which addresses the conservation and enhancement of the natural environment.
- 1.10. This policy is also consistent with the requirements of the Habitats Regulations, in that it ensures that development resulting from the draft Shropshire Local Plan will not result in either further degradation of the condition of the SAC or undermine the ability to achieve restoration of the SAC. Indeed, in circumstances where a reduction in nutrient levels is achieved, development will contribute to the restoration of the SAC.

Question 2. *What is the latest position on this matter?*

Shropshire Council Response:

- 2.1. Shropshire Council has commissioned a number of evidence base documents regarding potential restoration and mitigation measures in the River Clun catchment, including GC4u-w, GC4y and GC42a-b. These documents demonstrate that there are a variety of mechanisms available to achieve nutrient neutrality.
- 2.2. Shropshire Council and Natural England have continued to engage proactively on this issue, including to further support the upcoming Hearings. An updated SoCG is being prepared, but in advance Natural England have issued a letter which has been placed on the Examination Library webpages (OD007).
- 2.3. OD007 states *"we acknowledge that on review of Shropshire Council's current position, including the current proposed main modifications, to Policy DP14 (Development in the Clun Catchment) the Inspectors may decide the Local Plan can be adopted with the inclusion of the proposed site allocations in the Catchment. If this is the case, then Natural England is satisfied that the Local Plan policies ensure development will only be permitted if it is nutrient neutral and can demonstrate that the ability to restore the catchment is not compromised. If the Inspector determines that the plan can be adopted on this basis, then NE would have no objection to this."*

- 2.4. This response goes on to say, *"We also recommend that the council considers reviews its Habitats Regulations Assessment to ensure it is confident that it is in full compliance with the Habitats Regulations."*
- 2.5. It is therefore the Council's view that the outstanding objections from Natural England regarding the suitability of draft Policy DP13 and the proposed allocations in Clun Catchment have been suitably addressed.
- 2.6. With respect to the Habitats Regulations Assessment (HRA), the Council has given due consideration to the process undertaken and conclusions reached. In conclusion, the Council considers that this remains fully compliant with the requirements of the Habitats Regulations and other legal requirements. The Council also consider that it is proportionate and robust. As such, the Council does not consider that an update is necessary at this time.
- 2.7. With regard to the Environment Agency, the Council have sought but have not been successful in securing a meeting with them to discuss this matter and their objection. However, the Council does understand that the Environment Agency have been in discussions with Natural England on this matter. As such, the Council would expect them to provide a hearing statement to the Examination for consideration.
- 2.8. Shropshire Council would also note that a Neighbourhood Plan was recently 'made' for Bishop's Castle, which includes a new residential site allocation. As Bishop's Castle is located within the Clun Catchment, the Examiner gave specific consideration to this matter, whilst specifically recognising that this is of course not binding on the Inspectors examining the Local Plan, and concluded:
- "...as a result of nutrient neutrality problems, no land for major development of housing in or next to the town of Bishop's Castle is deliverable now and that includes land that was considered to be deliverable before the consequences of the Dutch Nitrogen case were known. This results from law. Developing a major development of housing without resolving the nutrient neutrality issue is at present impossible. However, given the efforts that are being made to resolve the problems, there are good grounds for considering it likely that it will be resolved within the Draft NDP period [which runs to 2038]. I have concluded that, notwithstanding the problem, it is, in the circumstance where the problem applies to every major development of housing, reasonable and helpful for the draft Plan to allocate a site in advance of defining mitigation measures, while making it clear that development cannot proceed without appropriate measures."*
- 2.9. The Examiners Report for the Bishop's Castle Neighbourhood Plan is appended to the Council's Matter 1 response.

2.10. In conclusion, Shropshire Council recognises undertaking major development in the River Clun catchment is currently not possible, without identifying appropriate mitigation that achieves nutrient neutrality in a way that can be secured and funded for the lifetime of the development's effects and will demonstrably not undermine the achievement of restoration of the River Clun SAC. The intention of draft Policy DP13 is to provide certainty on this matter.

2.11. However, the Council also recognise that draft Shropshire Local Plan is intended to cover the period to 2038, and given the various evidence documents available regarding potential restoration and mitigation measures (including GC4u-w, GC4y and GC42a-b); the ongoing efforts to support appropriately mitigated development in catchments such as the River Clun at a national level (details on which are summarised in GC16); and the expected timescales for the preparation of a Restoration Plan for the River Clun SAC (latest information provided in OD007), it is reasonable and helpful for the draft Shropshire Local Plan to allocate sites in advance of defining mitigation measures, while making it clear that development cannot proceed without appropriate mitigation measures that will demonstrably not undermine the achievement of restoration.

Question 3. *Are there any outstanding objections from the Environment Agency or Natural England? If so, what is being done to resolve the outstanding matters?*

Shropshire Council Response:

3.1. See response to Question 2 regarding draft Policy DP13.

Questions: Policy DP14 – Green Infrastructure (see MMs 047-048)

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. A series of modifications are proposed to draft Policy DP14, as detailed in the schedule of proposed main modifications (GC4m).
- 1.2. Shropshire Council considers draft policy DP14, with the identified proposed modifications, is justified, effective and consistent with national planning policy.
- 1.3. The intention of the policy is to support the improvement and expansion of the Green Infrastructure network as an integral part of open space provision. In Shropshire, the green infrastructure network includes Shropshire's environmental and ecological network and may include water based 'blue infrastructure.'

- 1.4. The Council considers the draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire. It is also considered to align with national properties.
- 1.5. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.6. In particular, the requirements of this policy are informed by Sustainability Appraisal (SD006.01-SD006.22) (SA), the Green Infrastructure Strategy (EV052.01-EV052.30) and Habitats Regulations Assessment (SD008.01-SD008.03) (HRA). The Council would note that:
 - a. The SA (SD006.01) concludes this draft policy will have significant positive effects on SA objectives 1 (protect and enhance the range of plants and animals in Shropshire and the quality and extent of wildlife habitats.), 7 (support active and healthy communities) and 13 (Promote adaptation and mitigation to climate change). No significant negative effects were identified.
 - b. The Green Infrastructure Strategy (EV052.01) provides a review of the Green Infrastructure context for Shropshire and includes a bespoke open space assessment (EV052.03) to inform the Green Infrastructure strategy. The strategy identifies the opportunities for the protection, enhancement and provision of green infrastructure, focused around the Strategic, Key and Principal settlements and identifies 6 key themes (biodiversity and geology; landscape, heritage and culture; water resources; active travel, access and recreation; health and wellbeing and climate change).
 - c. The HRA (SD008.01-SD008.03) concludes that this draft policy performs an important role in ensuring the draft Shropshire Local Plan complies with the habitat regulations, this is illustrated in paragraph 3.191 of the HRA (SD008.01) which recognises the various mechanisms in the draft Shropshire Local Plan that ensure compliance with the Habitats Regulations – including draft Policy DP14.
- 1.7. The draft policy has been subject to and informed by Regulation 18 (Plan-Making) and Regulations 19 (pre-submission consultations).
- 1.8. The Council considers this policy is effective as it provides a clear strategy to maintain and enhance green infrastructure networks and make sufficient provision for their conservation.
- 1.9. The Council considers this policy is consistent with national policy, particularly paragraphs 20, 92, 154 and 175 of the 2021 National

Planning Policy Framework (NPPF) as it supports the overarching strategy for the provision of Green Infrastructure.

- 1.10. Paragraph 20 of the NPPF requires strategic policies should make sufficient provision for *'conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.'*
- 1.11. Paragraph 92 of the NPPF states planning policies should aim to achieve healthy, inclusive and safe places which *'enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'*
- 1.12. Paragraph 154 of the NPPF states new development should be planning for in ways that: *'avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.'*
- 1.13. Paragraph 175 of the NPPF requires a strategic approach to be taken to maintaining and enhancing networks or habitats and green infrastructure.

Question 2. *Should Green Infrastructure be mapped for hubs and clusters?*

Shropshire Council Response:

- 2.1. The Green Infrastructure Strategy (EV052.01) undertook the review at a strategic level to establish the Green Infrastructure context for Shropshire and also at a smaller geography with a focus on the Strategic Centre, Principal Centres, Key Centres and Strategic sites which are likely to be affected by the greatest amount of new development during the plan period.
- 2.2. Shropshire Council considers the approach taken to the mapping of Green Infrastructure is proportionate and appropriate. It does not preclude work being carried out in the future for Community Hubs and Clusters. Even without a specific green infrastructure opportunity map for an area, improving the connectivity of green areas should still be considered and the draft policy encourages this.

Question 3. *Is the policy detailed enough?*

Shropshire Council Response:

- 3.1. Shropshire Council considers that the detail within the policy is appropriate and consistent with national planning policy and guidance.
- 3.2. The policy provides the approach to green infrastructure provision and sets out clear expectations for the creation, enhancement and management of green infrastructure networks, effectively signposting the Shropshire Green Infrastructure Strategy.
- 3.3. It is considered that the draft policy is effective and implementable through the planning application process, providing certainty to all (decision makers, developers and communities).

Questions: Policy DP15 – Open Space and Recreation

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. Shropshire Council considers draft policy DP15 is justified, effective and consistent with national planning policy.
- 1.2. The intention of this policy is to ensure equal access to an appropriate level of good quality and accessible open space, including sports and play facilities for all residents of new housing development. The provision of open space has wide ranging benefits from encouraging healthier lifestyles to creation of more cohesive communities and neighbourhoods.
- 1.3. As such, the Council considers the draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire. It is also considered to align with national priorities.
- 1.4. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.5. In particular, these requirements are informed by Sustainability Appraisal (SD006.01-SD006.22) (SA), Shropshire Open Space and Recreation Needs Assessment (2018)(EV088.01-EV088.05), The Green Infrastructure Strategy (2020) (EV052.01 – EV052.30), Playing Pitch and Outdoor Sports Strategy (EV089.01-EV089.03), Indoor Leisure Facilities Strategy (EV064.01-EV064.02) and Habitats Regulations Assessment (SD008.01-SD008.03) (HRA).

- 1.6. The Council would note that:
- a. The SA (SD006.01) concludes this draft policy will have significant positive effects on SA objective 4 (promote access to services for all sections of society) and 7 (support active and healthy communities). No significant negative effects are identified.
 - b. The Open Space and Recreation Needs Assessment (EV088.01-EV088.05) sets out typologies of open space, setting out population-based benchmarks and providing a review of the surplus/deficit of each open space typology for the whole of Shropshire. The report recommended the amount of open space to be provided through new development, including a requirement for 30sqm of open space to be provided per person.
 - c. The Green Infrastructure Strategy (EV088.03), includes a further Open Space Assessment (EV088.03) which assessed the quantity and accessibility of each open space typology informing the level of open space required by settlement/strategic site.
 - d. The Playing Pitch and Outdoor Sports Strategy (PPOSS) (EV089.01-EV089.03) assesses all formal sport and leisure facilities across Shropshire, providing a supply and demand assessment of playing pitch and other outdoor sports facilities. The strategy identifies areas of deficit and surplus provision, providing recommendations on the type and amount of sport pitches needed to support housing growth.
 - e. The Indoor Leisure Facilities Strategy (EV064.01-EV064.02) performs the same function as the PPOSS covering indoor facilities and identifies the qualitative and quantitative needs arising from planning growth.
 - f. The HRA (SD008.01-SD008.03) concludes that this draft policy performs an important role in ensuring the draft Shropshire Local Plan complies with the habitat regulations, this is illustrated in paragraph 3.191 of SD008.01 which recognises the various mechanisms in the draft Shropshire Local Plan that ensure compliance with the Habitats Regulations – including draft Policy DP15.
- 1.7. The draft policy has also been subject to and informed by Regulation 18 (plan-making) and Regulation 19 (pre-submission) consultations.
- 1.8. The Council considers this policy is effective as it provides clear quantitative and qualitative expectations, including regarding the amount of open space expected for new development and how open space provision will form an integral part of opportunities to improve green infrastructure networks in line with draft Policy DP14. The policy also provides a clear strategy for provision of functional areas of play and recreation.

- 1.9. The Council considers this policy is consistent with national policy particularly chapter 8 of the 2021 National Planning Policy Framework (NPPF) which aims to achieve healthy, inclusive and safe places.

Question 2. *Is the level of open space required justified and supported by evidence?*

Shropshire Council Response:

- 2.1. Draft policy DP15 seeks to carry through the open space standard currently used within adopted plan policy i.e. the open space requirement for new housing development to provide onsite open space equivalent to 30sqm per person (3ha per 1,000 population). Shropshire Council considers the level of open space is justified and strikes an appropriate balance to ensure access for all to a network of open space key to the health and wellbeing of communities.
- 2.2. The level of open space sought in draft Policy DP15 also reflects the multi-purpose role of open space including, as identified in the draft Shropshire Local Plan Habitats Regulations Assessment (HRA) (SD008.01-SD008.03), in relation to mitigating for the potential recreational impacts of development on protected wildlife sites.
- 2.3. Shropshire Council acknowledges that this expected quantum of open space is a starting point for discussion and the policy acknowledges that the provision of open space should not just be driven purely by mathematical calculation. As such the policy includes flexibility to consider quality over quantity, especially in instances where a development is proposing exceptionally high standard of provision.
- 2.4. Shropshire Council considers there is sufficient evidence to justify this approach. The Shropshire Open Space and Recreation Needs Assessment (2018)(EV088.01-EV088.05) and additional Open Space assessment within the Green Infrastructure Strategy (2020) (EV052.01 – EV052.30), provides a robust assessment of the need for open space within each settlements, including assessment of any deficit/surplus supply. The level of open space is derived from an amalgamation of this data by typology and the two separate studies reached similar conclusions. The methodology used in the evidence base is considered to be consistent with paragraph 98 of the 2021 National Planning Policy Framework (NPPF).

Questions: Policy DP16 – Landscaping of New Development

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. Shropshire Council considers draft policy DP16 is justified, effective and consistent with national planning policy.
- 1.2. The policy aims to encourage consideration of the landscape from the outset and provides a framework for the design of landscaping schemes for new developments. Shropshire has a diverse range of urban and rural landscape forms, the type and location of landscaping proposed as part of new development is important and makes a significant contribution to the sense of place and integration of new development with its surroundings.
- 1.3. Draft Policy DP16 also reflects the multi-purpose role of landscaping, not only for its visual contribution, but also, for example, in relation to potentially assisting with climate regulation, accommodating constraints such as flood risk, enhancing biodiversity, and on the creation of cohesive communities and neighbourhoods.
- 1.4. As such, the Council considers the draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire. It is also considered to align with national priorities.
- 1.5. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.6. In particular, these requirements are informed by Sustainability Appraisal (SD006.01-SD006.22) (SA), Landscape and Visual Sensitivity Study (LVSS) (EV071.01-EV071.62), Shropshire Landscape Typology (EV104), Shropshire AONB Management Plan 2019-2024 (EV103) and Historic Landscape Character Assessment (EV062). The Council would note that:
 - a. The SA (SD006.01) concludes this draft policy will have no significant negative effects.
 - b. Landscape and Visual Sensitivity Study (LVSS) (EV071.01-EV071.62), assesses landscape and visual sensitivity of the landscape around all the settlements identified for growth and identifies how sensitive the landscape in these locations is to change that would be caused by housing or employment development. It also provides guidance on protecting landscape and visual sensitivity that have informed the proposed approach in this draft Policy. It also directly informed the site assessment process undertaken by the Council.

- c. Shropshire Landscape Typology (EV104) sets out the existing landscape character features and attributes which make up the 27 Landscape types within Shropshire. This policy expects development landscaping to take into account these landscape characterisations. This has informed the policy requirements which a proposed landscaping scheme for a new development is expected to address.
 - d. Good quality landscaping can contribute to the conservation and enhancement of landscape character and areas of heritage value and to ecological interest. The draft policy sets out a requirement for landscaping schemes to consider the impact on the Shropshire Hills National Landscape and to take ecological value and heritage assets and their settings into account. The Shropshire AONB Management Plan 2019-2024 (EV103) and Historic Landscape Character Assessment (EV062) informs this approach.
- 1.7. The draft policy has also been subject to and informed by Regulation 18 (plan-making) and Regulation 19 (pre-submission) consultations.
 - 1.8. The Council considers this policy is effective as it provides clear expectations for all (decision makers, developers and communities) when producing a landscaping scheme as part of a planning development, referencing current best practice as well as identifying the factors landscaping schemes need to take into account to achieve an appropriate contribution to the local environment and placemaking.
 - 1.9. The Council considers this policy is consistent with national policy particularly chapter 15 of the 2021 National Planning Policy Framework (NPPF) which aims to conserve and enhance the natural environment.

Questions: Policy DP17 – Landscape and Visual Amenity

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. Shropshire Council considers draft policy DP17 is justified, effective and consistent with national planning policy.
- 1.2. Shropshire has a diverse landscape, which plays an important role in the County's economy, contributes to the quality of life of our communities, and supports an extensive and varied ecology. Draft

Policy DP17 places high priority on the conservation and enhancement of the landscape character and visual amenity of the distinctive landscapes of Shropshire.

- 1.3. The overall aim of the draft policy is to ensure development respects, safeguards, and wherever possible restores or enhances landscape character and visual amenity in Shropshire. The policy provides a framework as to which types of development should be accompanied by an assessment of landscape and visual impacts and specifies what is expected of that assessment.
- 1.4. Appropriate signposting to draft Policy DP24 -Shropshire Hills Area of Outstanding Natural Beauty (now Shropshire Hills National Landscape) is included, reflecting national policy, notably paragraphs 176-177 of the 2021 National Planning Policy Framework (NPPF), and the specific weight that needs to be given be given to conserving and enhancing landscape and scenic beauty in the Areas of Outstanding Natural Beauty (now National Landscape).
- 1.5. The policy also makes it clear that any adverse landscape and visual effects will be a material consideration in determining planning applications. The policy appropriately supports an approach which seeks to ensure that measures to prevent or avoid significant adverse impact from development are sought in the first instance before mitigation measures will be considered. The policy also provides encouragement for schemes which are likely to safeguard or provide improvements landscape and visual quality.
- 1.6. As such, the Council considers the draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire. It is also considered to align with national policy.
- 1.7. The Council considers the requirements of this draft policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.8. In particular, these requirements are informed by Sustainability Appraisal (SD006.01-SD006.22) (SA), Landscape and Visual Sensitivity Study (LVSS) (EV071.01-EV071.62) and Shropshire Landscape Typology (EV104). The Council would note that:
 - a. The SA (SD006.01) concludes this draft policy will have significant positive effects on SA objective 16 (conserve and enhance landscape character and local distinctiveness). No significant negative effects are identified.
 - b. Landscape and Visual Sensitivity Study (LVSS) (EV071.01-EV071.62), assesses landscape and visual sensitivity of the

landscape around all the settlements identified for growth and identifies how sensitive the landscape in these locations is to change that would be caused by housing or employment development. It also provides guidance on protecting landscape and visual sensitivity that have informed the proposed approach in this draft Policy. It also directly informed the site assessment process undertaken by the Council.

- c. Shropshire Landscape Typology (EV104) sets out the existing landscape character features and attributes which make up the 27 Landscape types within Shropshire. This policy expects developer assessment of landscape effects to take into account these landscape characterisations.
- 1.9. The draft policy has also been subject to and informed by Regulation 18 (plan-making) and Regulation 19 (pre-submission) consultations.
- 1.10. The Council considers this policy is effective as it provides clear expectations for all (decision makers, developers and communities) in relation to landscape and visual sensitivity assessment as part of any planning application and the appropriate safeguarding of landscapes and views. The policy thus seeks to ensure that development is managed in a way that is sympathetic to the landscape and visual character of Shropshire.
- 1.11. The Council considers this policy is consistent with national policy particularly Chapter 15 of the NPPF. Paragraph 174 (a) and (b) are of particular relevance noting policies can contribute to enhance the natural and local environment by (a) '*protecting and enhancing valued landscapes...*' and (b) '*recognising the intrinsic character and beauty of the countryside...*'

Questions: Policy DP18 – Pollution and Public Amenity (see MMs 049-050)

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. Main modifications are proposed to draft Policy DP18, as detailed in the schedule of proposed main modifications (GC4m).
- 1.2. Shropshire Council considers draft policy DP18, with the identified proposed main modifications, is justified, effective and consistent with national planning policy.

- 1.3. The 2021 National Planning Policy Framework (NPPF) at paragraph 174(e) requires planning policy to *'prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.'* These requirements are then developed by paragraphs 183-187 the NPPF.
- 1.4. Notably paragraph 183 of the NPPF specifically set out the role of planning policies and decision making in respect of ground conditions with the responsibility of the developer/landowner for achieving safe development clearly identified at paragraph 184 of the NPPF. Also, paragraph 188 of the NPPF specifies that the role of the planning system is to consider if the use of land is appropriate, highlighting that there are separate pollution control regimes outside the planning system.
- 1.5. The aim of draft Policy DP18 therefore is to align with these requirements of the NPPF and align with national codes of practice related to public protection. The policy sets out the strategy for ensuring that new developments do not harm existing residents, future residents or the natural environment and that soil quality is conserved. The policy includes a framework to ensure development minimises air, noise and light pollution and ensure new development is not harmful to other land uses, human health, tranquillity or the natural and built environment without seeking to infringe on regulatory processes operating separate to the planning system.
- 1.6. Tranquillity is highlighted within draft Policy DP18 as a special quality of the Shropshire Hills National Landscape (formerly AONB) which requires protection. The draft policy thus provides local specificity and reflects the importance that is attached to National Landscapes as designated areas within the NPPF.
- 1.7. Taking a broader definition of objectives to safeguard environmental quality, the policy also addresses the potential impacts of development causing the loss of good quality agricultural land, by reflecting NPPF requirements in seeking to avoid Shropshire's best and most versatile agricultural land - unless the need for and benefit of the development justifies the scale and nature of the loss.
- 1.8. As such, the Council considers the draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire. It is also considered to align with national priorities.
- 1.9. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.10. The SA (SD006.01) concludes this draft policy will have significant positive effects on SA objectives 8 (protect and improve soil quality); 11(Conserving and enhancing Shropshire's air quality and

reduce the risk of air pollution); and 14 (Promoting efficient use of natural resources). No significant negative effects are identified.

- 1.11. The draft policy has also been subject to and informed by Regulation 18 (plan-making) and Regulation 19 (pre-submission) consultations.
- 1.12. The Council considers this policy is effective as it sets out a clear framework for managing proposals to safeguard the environment quality and public amenity.
- 1.13. As noted, the Council considers this policy is consistent with NPPF paragraphs 174(e), it is also considered consistent with paragraph 174(f) which states development should be '*remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate*'. The draft policy is also considered consistent with paragraphs 183 – 186 of the NPPF.

Questions: Policy DP19 – Water Resources and Water Quality (see MMs 051-052)

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. A series of modifications are proposed to draft Policy DP19, as detailed in the schedule of proposed main modifications (GC4m).
- 1.2. Shropshire Council considers draft Policy DP19 is justified, effective and consistent with national planning policy.
- 1.3. The intention of this policy is to provide the policy framework, complemented by the other policies in the draft Shropshire Local Plan, which ensures that adequate water infrastructure is in place to meet the needs of a development and also ensure that development does not adversely affect the quality, quantity and flow of both ground and surface water.
- 1.4. In this way, the Council considers this draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire and aligns with national policy and legislation.
- 1.5. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.6. A key component of this evidence base is the Water Cycle Study (EV117.01-EV117.03), which assesses the potential impacts of future development on water quality, water supply and wastewater collection & treatment.

- 1.7. The Water Cycle Study (EV117.01-EV117.03) includes a series of recommendations in Table 14.3 to ensure that water resources are sustainably managed and water supply and wastewater collection & treatment infrastructure has sufficient capacity to support existing and new development. Finally, it identifies locations where development may be dependent upon upgrade and/or enlargement of the existing water infrastructure network.
- 1.8. The recommendations of the Water Cycle Study (EV117.01-EV117.03) have informed the draft policies of the draft Shropshire Local Plan, including draft Policy DP19.
- 1.9. Other key components of the evidence base which have informed this draft Policy include the Sustainability Appraisal (SD006.01-SD006.22) (SA) and Habitats Regulations Assessment (SD008.01-SD008.03) (HRA):
 - a. The SA (SD006.01) concludes this draft policy will have a significant positive effect on SA Objectives 9 (conserving and enhancing water quality and reducing risk of water pollution) and no significant negative effects.
 - b. The HRA (SD008.01-SD008.03) concludes that this draft policy performs an important role in ensuring the draft Shropshire Local Plan complies with the habitat regulations, this is illustrated in paragraph 3.191 of SD008.01 which recognises the various mechanisms in the draft Shropshire Local Plan that ensure compliance with the Habitats Regulations – including draft Policy DP19.
- 1.10. The draft policy has also been subject to and informed by Regulation 18 (Plan-Making) and Regulation 19 (Pre-Submission) consultations.
- 1.11. Shropshire Council has proactively engaged with the water companies (Severn Trent Water, United Utilities and Welsh Water) operating in Shropshire and the Environment Agency, including through the Water Cycle Study (EV117.01-EV117.03). This engagement included the completion of Statements of Common Ground with both Welsh Water and Severn Trent Water (EV021 and EV026 respectively) and the Environment Agency (EV022). This engagement has also helped shape this draft policy.
- 1.12. The Council considers this policy is effective as it provides clear expectations for development to ensure that adequate water infrastructure is in place to meet its needs and also ensure that it does not adversely affect the quality, quantity and flow of both ground and surface water.
- 1.13. The Council considers this policy is consistent with national policy, particularly paragraph 174(e) of the 2021 National Planning Policy Framework (NPPF), which states "*Planning policies and decisions*

should contribute to and enhance the natural and local environment by:... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans..."

- 1.14. The Council also considers this policy is consistent with the requirements of the Water Framework Directive - through meeting the relevant River Basin Management Plans' requirements. For Shropshire, the Severn River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. Any development must safeguard these important water resources and protect and improve water quality with an overall aim of getting water bodies to 'good' status as defined by the Water Framework Directive. This policy directly supports this aim.

Question 2. *Are there any outstanding objections from statutory consultees to the policy? If so, what is being done to resolve the outstanding issues?*

Shropshire Council Response:

- 2.1. Within their Regulation 19 Representation, the Environment Agency (A0347) raised eight issues with draft Policy DP19. Informed by subsequent duty to cooperate engagement, Shropshire Council proposed main modifications to the draft Policy (captured within GC4m), which have resulted in five of these issues being resolved, as detailed within the Statement of Common Ground between Shropshire Council and the Environment Agency (EV022).
- 2.2. However, as also detailed within EV022, the Environment Agency considers that three issues raised within their Regulation 19 Representation remain unresolved.
- 2.3. The first relates to paragraph 2b of draft Policy DP19, which requires that development in groundwater Source Protection Zones avoids direct discharges of hazardous substances to groundwater. The Environment Agency consider this requirement should be extended to stipulate hazardous substances should be prevented and non-hazardous pollutants limited from entering groundwater in all locations.
- 2.4. Whilst the Council understands the intention of this proposal, it considers that this amendment would extend the draft Policy so that it duplicates the environmental permitting regime administered by

the Environment Agency. Draft Policy DP18 already stipulates that development "*will comply with existing pollution control regimes and national objectives for pollutants*" and the Council considers that the planning system should not unduly duplicate other regulatory regimes.

- 2.5. The second relates to paragraph 3 of draft Policy DP19, which stipulates that proposals in Source Protection Zone 1 are not encouraged. The Environment Agency considers this should be expanded to stipulate that development within Source Protection Zones 2 and 3 will only be permitted where an appropriate risk assessment is provided.
- 2.6. The Council considers that paragraph 2 of draft Policy DP19 establishes clear and robust requirements for development proposals in Source Protection Zones (including Zones 1 and 2).
- 2.7. Furthermore, the Council considers this amendment would extend the draft Policy so that it duplicates the environmental permitting regime administered by the Environment Agency. Draft Policy DP18 already stipulates that development "*will comply with existing pollution control regimes and national objectives for pollutants*" and the Council considers that the planning system should not unduly duplicate other regulatory regimes.
- 2.8. The third relates to paragraph 6 of draft Policy DP19, which seeks to encourage the conservation and enhancement of existing watercourses and riverside habitats. The Environment Agency consider this should be amended to require this conservation and enhancement to occur, where necessary.
- 2.9. Whilst the Council understands the appeal of such a change, it is important to note that draft Policies DP12 and DP19 together provide a policy framework which ensures the conservation, restoration and enhancement of natural environment assets and the quality, quantity and flow of both ground and surface water. This amendment would therefore impose an unjustified and unevidenced additional requirement on development.
- 2.10. The Council have sought but have not been successful in securing a meeting with the Environment Agency to discuss this matter. However, the Council would expect them to provide a hearing statement to the Examination for consideration.
- 2.11. The Council is not aware of other statutory consultees that have raised objection to draft Policy DP19.

Questions: Policy DP20 – Water Efficiency

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. Shropshire Council considers draft Policy DP20 is justified, effective and consistent with national planning policy.
- 1.2. The intention of this draft policy is to provide specific requirements for the achievement of water efficiency measures within new development. In this way, the Council considers this draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire and aligns with national policy and legislation.
- 1.3. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.4. A key component of this evidence base is the Water Cycle Study (EV117.01-EV117.03), which assesses the potential impacts of future development on water quality, water supply and wastewater collection & treatment.
- 1.5. The Water Cycle Study (EV117.01-EV117.03) includes a series of recommendations in Table 14.3 to ensure that water resources are sustainably managed and water supply and wastewater collection & treatment infrastructure has sufficient capacity to support existing and new development. Finally, it identifies locations where development may be dependent upon upgrade and/or enlargement of the existing water infrastructure network.
- 1.6. One such recommendation is *"Use planning policy to require the 110l/person/day water consumption target permitted by National Planning Policy Guidance across Shropshire."* This recommendation aligns with the optional Building Regulation standard introduced by Government.
- 1.7. It is informed by evidence within the Water Cycle Study (EV117.01-EV117.03) which reports that the Environment Agency and Natural Resources Wales assessment of the Severn Trent and United Utilities supply regions classes them as areas of 'moderate' water stress. The intention is to reduce the water demand of new development, reduce the potential environmental impact of additional water abstractions in Shropshire, and also help to achieve reductions in carbon emissions. This recommendation has directly informed this draft Policy.
- 1.8. Other key components of the evidence base which have informed this draft Policy include the Sustainability Appraisal (SD006.01-

SD006.22) (SA); Habitats Regulations Assessment (SD008.01-SD008.03) (HRA); and the Local Plan Development Viability Study (EV115.01) (LPDVS):

- a. The SA (SD006.01) concludes this draft policy will have significant positive effects on SA Objectives 12 and 14 (reducing carbon dioxide emissions and promoting efficient use of natural resources) and no significant negative effects.
 - b. The HRA (SD008.01-SD008.03) concludes that this draft policy performs an important role in ensuring the draft Shropshire Local Plan complies with the habitat regulations, this is illustrated in paragraph 3.191 of SD008.01 which recognises the various mechanisms in the draft Shropshire Local Plan that ensure compliance with the Habitats Regulations – including draft Policy DP20.
 - c. The LPDVS (EV115.01) appropriately considered the requirement of this draft policy to incorporate measures to restrict water use to 110 litres per person per day, alongside other requirements with potential viability implications in the draft Shropshire Local Plan – as detailed with Table 10.23. It concludes these requirements are appropriate.
- 1.9. The draft policy has also been subject to and informed by Regulation 18 (Plan-Making) and Regulation 19 (Pre-Submission) consultations.
- 1.10. Shropshire Council has proactively engaged with the water companies (Severn Trent Water, United Utilities and Welsh Water) operating in Shropshire and the Environment Agency, including through the Water Cycle Study (EV117.01-EV117.03). This engagement included the completion of Statements of Common Ground with both Welsh Water and Severn Trent Water (EV021 and EV026 respectively) and the Environment Agency (EV022). This engagement has also helped shape this draft policy.
- 1.11. The Council considers this policy is effective as it provides clear expectations for the achievement of water efficiency measures within new development, in order to reduce the water demand of new development, reduce the potential environmental impact of additional water abstractions in Shropshire, and also help to achieve reductions in carbon emissions.
- 1.12. The Council considers this policy is consistent with national policy, particularly paragraph 153 of the 2021 National Planning Policy Framework (NPPF), which includes *"Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures..."*

- 1.13. The Council also considers that the requirements of this policy are appropriate as evidence demonstrates the necessary 'thresholds' whereby it is appropriate to introduce the optional Building Regulations standard of 110 litres per person per day are achieved. Specifically, the Water Cycle Study (EV117.01-EV117.03) demonstrate the necessity of this requirement and the LPDVS (EV115.01) demonstrate that the viability implications of this requirement have been duly considered.

Questions: Policy DP21 – Flood Risk (see MMs 053-054)

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. A series of modifications are proposed to draft Policy DP21, as detailed in the schedule of proposed main modifications (GC4m).
- 1.2. Shropshire Council considers draft Policy DP21 is justified, effective and consistent with national planning policy.
- 1.3. The intention of this policy is to synthesise the requirements of the 2021 National Planning Policy Framework (NPPF) and the guidance in the National Planning Practice Guidance: Flood Risk and Coastal Change (ID7) to provide a clear explanation of the process by which development can minimise flood risk in the first instance and manage residual risk in the second.
- 1.4. In this way, it provides the policy framework, complemented by the other policies in the draft Shropshire Local Plan and national policy in the NPPF, to ensure that new development safeguards people and property from flood risk – including necessary mitigation of the effects of climate change. As such, this draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire.
- 1.5. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.6. A key component of this evidence base is the two stage Strategic Flood Risk Assessment (Level 1: EV095.01-EV095.66; and Level 2: EV096.01-EV096.39) (SFRA-1 and SFRA-2).
- 1.7. The SFRA-1 considers various sources of flooding (including rivers (fluvial flooding) overloaded sewers (sewer flooding), rainfall or extreme weather events which can cause ground water flooding (where the water table rises) and surface water flooding (where

excess water is unable to soak into the ground or water drainage infrastructure) and establishes the flood zones in the County.

- 1.8. The SFRA-2 considers the flood risk for those sites proposed for allocation in this Plan which were deemed to be at most risk of flooding. This is complemented by the Sequential and Exception Test (EV094).
- 1.9. In positively responding to the Inspectors Interim Findings (ID28) the Council commissioned the consultants that undertook the SFRA-1 and SFRA-2 to prepare a Clarification Note (GC32) which addressed the robustness of these assessments. It is understood from GC32 that:
 - a. The SFRA utilised a cautious and robust methodology.
 - b. At the time that the SFRA was undertaken, it was based on best available information.
 - c. The hydraulic modelling undertaken within the SFRA is considered to be comprehensive and robust.
 - d. The approach to climate change modelling undertaken within the SFRA resulted in allowances that were generally comparable to those provided within the more recent guidance.
- 1.10. Other key components of the evidence base which have informed this draft Policy include the Sustainability Appraisal (SD006.01-SD006.22) (SA) and Habitats Regulations Assessment (SD008.01-SD008.03) (HRA):
 - a. The SA (SD006.01) concludes this draft policy will have a significant positive effect on SA Objectives 10 and 13 (reducing flood risk & improving flood management and promoting adaptation to & mitigation of climate change) and no significant negative effects.
 - b. The HRA (SD008.01-SD008.03) concludes that this draft policy performs an important role in ensuring the draft Shropshire Local Plan complies with the habitat regulations, this is illustrated in paragraph 3.191 of SD008.01 which recognises the various mechanisms in the draft Shropshire Local Plan that ensure compliance with the Habitats Regulations – including draft Policy DP21.
- 1.11. The draft policy has also been subject to and informed by Regulation 18 (Plan-Making) and Regulation 19 (Pre-Submission) consultations.
- 1.12. Shropshire Council has proactively engaged with the water companies (Severn Trent Water, United Utilities and Welsh Water) operating in Shropshire and the Environment Agency, including through the SFRA-1 and SFRA-2. This engagement included the completion of Statements of Common Ground with both Welsh

Water and Severn Trent Water (EV021 and EV026 respectively) and the Environment Agency (EV022). This engagement has also helped shape this draft policy.

- 1.13. The Council considers this policy is effective as it provides clear expectations for development to ensure that applicants have a clear understanding of the process by which development can minimise flood risk in the first instance and manage residual risk in the second, to ensure that new development safeguards people and property from flood risk – including necessary mitigation of the effects of climate change.
- 1.14. The Council considers this policy is consistent with national policy, particularly Chapter 14 of the 2021 National Planning Policy Framework (NPPF).

Question 2. *Are there any outstanding objections from the Environment Agency to this policy? If so, what is being done to resolve the matter?*

Shropshire Council Response:

- 2.1. Within their Regulation 19 Representation, the Environment Agency (A0347) raised 12 issues with draft Policy DP21. Informed by subsequent duty to cooperate engagement, Shropshire Council proposed main modifications to the draft Policy (captured within GC4m), which have resulted in eight of these issues being resolved, as detailed within the Statement of Common Ground between Shropshire Council and the Environment Agency (EV022).
- 2.2. However, as also detailed within EV022, the Environment Agency considers that four issues raised within their Regulation 19 Representation remain unresolved.
- 2.3. The first related to the specific wording of paragraph 4.194 of the explanation to draft Policy DP21, but during subsequent duty to cooperate discussions evolved to concern that the Strategic Flood Risk Assessment (Level 1: EV095.01-EV095.66 (SFRA-1) was likely to require updating from 20th July 2021 when new climate change allowances for peak river flows (fluvial) are published.
- 2.4. Shropshire Council would note that the concern regarding the SFRA-1 was not raised during the Regulation 19 consultation. Shropshire Council considers that the SFRA-1 utilises a proportionate and robust methodology and is entirely appropriate and it is entirely disproportionate to suggest it should be updated following the conclusion of the Regulation 19 Consultation.
- 2.5. Furthermore, in positively responding to the Inspectors Interim Findings (ID28) the Council commissioned the consultants that undertook the SFRA-1 and the Strategic Flood Risk Assessment

(Level 2: EV096.01-EV096.39) (SFRA-2) to prepare a Clarification Note (GC32) which addressed the robustness of these assessments. It is understood from GC32 that:

- a. The SFRA utilised a cautious and robust methodology.
- b. At the time that the SFRA was undertaken, it was based on best available information.
- c. The hydraulic modelling undertaken within the SFRA is considered to be comprehensive and robust.
- d. **The approach to climate change modelling undertaken within the SFRA resulted in allowances that were generally comparable to those provided within the more recent guidance.**

- 2.6. As such, GC32 provides further confidence in the robustness of the SFRA-1.
- 2.7. The second relates to paragraph 10 of draft Policy DP21, which specifies expected considerations for development in catchments where the cumulative effect of development is likely to have the greatest impact on flood risk (as set out in the SFRA-2), including developer contributions to community flood defences.
- 2.8. The Environment Agency considered this should be extended to state all development within flood zone 3, accessed via flood zone 3, or reliant upon flood warning/defences could provide financial contributions towards new or existing flood defence schemes.
- 2.9. Whilst the Council understands the appeal of such a change, it is not aware of any available evidence which demonstrates such a requirement is consistent with paragraph 57 of the 2021 National Planning Policy Framework (NPPF), which states "*Planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.*"
- 2.10. The third and fourth relate to paragraph 4.193 of the explanation to draft Policy DP21 which explains that the draft policy details circumstances where a site-specific Flood Risk Assessment is required. The Environment Agency suggested this should stipulate that such an assessment must demonstrate that new dwellings have accesses that are above the 1% flood level plus climate change / access to an area of dry ground above the 1% flood level plus climate change.
- 2.11. To create certainty on this matter, the Council has proposed a main modification (captured within GC4m) which stipulates the Flood Risk Assessment must follow the guidance in National Planning Practice Guidance: Flood Risk and Coastal Change (ID7).

- 2.12. The Environment Agency have suggested that this could be expanded to also reference SFRA-2 – in principle, the Council has not objections to such a proposal.
- 2.13. The Council have sought but have not been successful in securing a meeting with the Environment Agency to discuss this matter. However, the Council would expect them to provide a hearing statement to the Examination for consideration.
- 2.14. The Council is not aware of other statutory consultees that have raised objection to draft Policy DP21.

Questions: Policy DP22 – Sustainable Drainage Systems (see MMs 055-056)

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. Main modifications are proposed to draft Policy DP22, as detailed in the schedule of proposed main modifications (GC4m).
- 1.2. Shropshire Council considers draft Policy DP22 is justified, effective and consistent with national planning policy.
- 1.3. The intention of this draft policy is to detail the Council's expectations regarding the use of sustainable drainage measures in the form of Sustainable Drainage Systems (SuDS). Specifically it:
 - a. Requires all major development to include SUDS.
 - b. Encourages all non-major development to include SuDS wherever practicable.
- 1.4. SuDS provide opportunities to reduce the causes and impacts of flooding; reduce the burden on traditional water management systems such as sewers; remove pollutants; and provide amenity, recreation and biodiversity benefits.
- 1.5. The Council expects SuDS to be considered at an early stage in the design process for any development, informing site layout. Furthermore, wherever possible, the Council expects SuDS to be naturalistic, using softer green infrastructure options, thereby maximising the opportunities associated with their provision.
- 1.6. In this way, the Council considers this draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire and aligns with national policy and legislation.
- 1.7. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.

- 1.8. A key component of this evidence base is the two stage Strategic Flood Risk Assessment (Level 1: EV095.01-EV095.66; and Level 2: EV096.01-EV096.39) (SFRA-1 and SFRA-2).
- 1.9. The SFRA-1 considers various sources of flooding (including rivers (fluvial flooding) overloaded sewers (sewer flooding), rainfall or extreme weather events which can cause ground water flooding (where the water table rises) and surface water flooding (where excess water is unable to soak into the ground or water drainage infrastructure) and establishes the flood zones in the County.
- 1.10. The guidance within the SFRA-1 includes a recommendation at paragraph 12.4 that *"All new major development proposals should ensure that sustainable drainage systems for management of run-off are put in place. The developer is responsible for ensuring the design, construction and future/ongoing maintenance of such a scheme is carefully and clearly defined and that the SuDS system is designed in accordance with national and local SuDS Standards."* This recommendation has informed this draft Policy.
- 1.11. The SFRA-2 considers the flood risk for those sites proposed for allocation in this Plan which were deemed to be at most risk of flooding. This is complemented by the Sequential and Exception Test (EV094). This also recognises the important role of SuDS and has informed this draft Policy.
- 1.12. In positively responding to the Inspectors Interim Findings (ID28) the Council commissioned the consultants that undertook the SFRA-1 and SFRA-2 to prepare a Clarification Note (GC32) which addressed the robustness of these assessments. It is understood from GC32 that:
 - a. The SFRA utilised a cautious and robust methodology.
 - b. At the time that the SFRA was undertaken, it was based on best available information.
 - c. The hydraulic modelling undertaken within the SFRA is considered to be comprehensive and robust.
 - d. The approach to climate change modelling undertaken within the SFRA resulted in allowances that were generally comparable to those provided within the more recent guidance.
- 1.13. Another key component of this evidence base is the Water Cycle Study (EV117.01-EV117.03), which includes a series of recommendations, in Table 14.3, to ensure that water resources are sustainably managed and water supply and wastewater collection & treatment infrastructure has sufficient capacity to support existing and new development. Finally, it identifies locations where development may be dependent upon upgrade and/or enlargement of the existing water infrastructure network.

- 1.14. The recommendations in the Water Cycle Study (EV117.01- EV117.03) include *"developers will be expected to demonstrate to the Lead Local Flood Authority (LLFA) that surface water from a site will be disposed using a sustainable drainage system (SuDS) with connection to surface water sewers seen as the last option..."* This recommendation has directly informed this draft Policy.
- 1.15. Other key components of the evidence base which have informed this draft Policy include the Sustainability Appraisal (SD006.01- SD006.22) (SA) and Habitats Regulations Assessment (SD008.01- SD008.03) (HRA):
- a. The SA (SD006.01) concludes this draft policy will have a significant positive effect on SA Objectives 9 and 10 (conserving and enhancing water quality & reducing risk of water pollution and reducing flood risk & improving flood management) and no significant negative effects.
 - b. The HRA (SD008.01-SD008.03) concludes that this draft policy performs an important role in ensuring the draft Shropshire Local Plan complies with the habitat regulations, this is illustrated in paragraph 3.191 of SD008.01 which recognises the various mechanisms in the draft Shropshire Local Plan that ensure compliance with the Habitats Regulations – including draft Policy DP22.
- 1.16. The draft policy has also been subject to and informed by Regulation 18 (Plan-Making) and Regulation 19 (Pre-Submission) consultations.
- 1.17. Shropshire Council has proactively engaged with the water companies (Severn Trent Water, United Utilities and Welsh Water) operating in Shropshire and the Environment Agency, including through the Water Cycle Study (EV117.01-EV117.03) and SFRA-1 / SFRA-2 (EV095.01-EV095.66 and EV096.01-EV096.39). This engagement included the completion of Statements of Common Ground with both Welsh Water and Severn Trent Water (EV021 and EV026 respectively) and the Environment Agency (EV022). This engagement has also helped shape this draft policy.
- 1.18. The Council considers this policy is effective as it provides clear expectations regarding the use of sustainable drainage measures in the form of Sustainable Drainage Systems (SuDS) in developments of all sizes.
- 1.19. The Council considers this policy is consistent with national policy, particularly paragraph 169 which includes *"Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c)*

have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.”

Question 2. *Are there any outstanding objections from the Environment Agency or drainage authorities to this policy? If so, what is being done to resolve the matter?*

Shropshire Council Response:

- 2.1. Within their Regulation 19 Representation, the Environment Agency (A0347) raised three issues with draft Policy DP22. Informed by subsequent duty to cooperate engagement, Shropshire Council proposed main modifications to the draft Policy (captured within GC4m), which have resulted in these issues being resolved, as detailed within the Statement of Common Ground between Shropshire Council and the Environment Agency (EV022).
- 2.12. The Council is not aware of other statutory consultees that have raised objection to draft Policy DP22.

Questions: Policy DP23 – Conserving and Enhancing the Historic Environment

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. Shropshire Council considers draft policy DP23 is justified, effective and consistent with national planning policy.
- 1.2. Shropshire has a rich diversity of heritage assets, which make an important contribution to the County’s character and local distinctiveness. Draft Policy DP23 provides a positive framework aimed at the conservation and enhancement of Shropshire’s designated and non-designated heritage assets and their setting.
- 1.3. As such, the Council considers the draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire and aligns with national policy.
- 1.4. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.5. In particular, this policy has been informed by the vast array of evidence regarding Shropshire’s diverse heritage, which this draft policy seeks to conserve.

- 1.6. This includes:
 - a. The extensive information available locally and nationally (particularly that maintained by Historic England) on designated and non-designated historic assets in Shropshire. These constitute invaluable resources on the location and character of these assets; and best practice for protecting, conserving and sympathetically restoring/ enhancing them. This has directly informed draft Policy DP23 and will underpin its implementation.
 - b. The 'live' Shropshire Historic Environment Record, which details non-designated heritage assets in Shropshire. This is expanded on through the Historic Farmsteads Characterisation Project (EV061) which maps the historic farmsteads across Shropshire. These information sources highlight the diversity of Shropshire's non-designated historic environment, have informed draft Policy DP23, and will directly support its implementation.
 - c. The Historic Landscape Character Assessment (EV062) provides an assessment of the historic and archaeological character of the landscape of Shropshire. This document has also informed draft Policy DP23, and will directly support its implementation.
 - d. The Shrewsbury Battlefield Heritage Assessment (EV098) and Guidance Note on this asset (EV056), which entail a heritage setting assessment of the Shrewsbury Battlefield and a guidance on the implementation of local and national heritage policies when assessing development proposals which might affect the significance of the Registered Battlefield of Shrewsbury. These documents have informed the content of draft Policy DP23, and will directly support its implementation.
- 1.7. Another key source of evidence is the Sustainability Appraisal (SD006.01-SD006.22) (SA), which concludes this draft policy will have a significant positive effect on SA Objective 15 (conserve and enhance features and areas of heritage value and their setting) and there will be no significant negative effect.
- 1.8. The draft policy has also been subject to and informed by Regulation 18 (plan-making) and Regulation 19 (pre-submission) consultations.
- 1.9. Draft Policy DP23 is considered to be effective as it provides clear guidance on the protection, conservation and sympathetic enhancement and restoration of the historic environment in Shropshire. This includes:
 - a. Establishing the basic principle that wherever possible, proposals must avoid harm or loss of significance to designated and non-designated heritage assets, including their settings.

- b. Detailing circumstances where Heritage Assessment will be required to inform development of proposals and subsequent decision making. It also details the expectations for such assessments.
 - c. Establishing the criteria which will be used to determine the appropriateness or otherwise of proposals that are likely to result in any loss of, harm to, the significance of designated and non-designated heritage assets. It also recognises that where appropriate this will be expended upon through more detailed supplementary documents.
 - d. Establishing detailed requirements for development considered appropriate which is likely to have an impact on the significance of a heritage asset and/or its setting.
 - e. Promoting the delivery of positive benefits for heritage assets – both directly and indirectly through development.
- 1.10. The policy mechanisms contained within draft Policy DP23 are directly implementable through the Planning Application process, providing certainty to all (decision maker, applicants and communities).
- 1.11. The Council considers draft Policy DP23 is consistent with national policy, particularly Chapter 16 of the 2021 National Planning Policy Framework (NPPF), which focuses on conserving and enhancing the historic environment.
- 1.12. It also supports compliance with Paragraph 20 of the NPPF, supporting the strategic policies of the draft Shropshire Local Plan setting out an *"overall strategy for the pattern, scale and quality of development, and make sufficient provision for... conservation and enhancement of the natural, built and historic environment, including landscapes and Green Infrastructure and planning measures to address climate change mitigation and adaptation."*

Questions: Policy DP24 – Shropshire Hills Area of Outstanding Natural Beauty (see MM057)

Question 1. *Is the policy justified, effective and consistent with national planning policy?*

Shropshire Council Response:

- 1.1. Modifications are proposed to draft Policy DP24, as detailed in the schedule of proposed main modifications (GC4m).
- 1.2. Shropshire Council considers that draft policy DP24 is justified, effective and consistent with national planning policy.

- 1.3. Shropshire has a diverse range of landscape forms which support a similarly varied geology and ecology, contribute to the quality of life of our communities, and play an integral part in the County's economy.
- 1.4. The importance of the County's landscape is recognised with the Shropshire Hills being formally designated as a National Landscape (formerly and still legally known as an Area of Outstanding Natural Beauty (AONB)).
- 1.5. Draft Policy DP24 aims to reflect the strategic objectives of the 2021 National Planning Policy Framework (NPPF), placing great weight on conserving and enhancing the landscape and scenic beauty of the Shropshire Hills National Landscape.
- 1.6. It also aligns with and supports the conservation and enhancement of the purposes for which this National Landscape was designated – informed by the Management Plan (EV103).
- 1.7. Specifically, the draft policy seeks to ensure that great weight is given to the conservation and enhancement of the landscape and scenic beauty of the Shropshire Hills National Landscape. This should be considered from the outset when contemplating and designing any proposals that may affect this asset; and within the decision making process.
- 1.8. As such, the Council considers the draft policy supports the achievement of the proposed vision, objectives and spatial strategy for Shropshire. It is also considered to align with national priorities.
- 1.9. The Council considers the requirements of this policy are justified, as they are responsive to and informed by the evidence base prepared to inform the draft Shropshire Local Plan.
- 1.10. In particular, these requirements are informed by Sustainability Appraisal (SD006.01-SD006.22) (SA) and the Shropshire AONB Management Plan 2019-2024 (EV103). The Council would note that:
 - a. The SA (SD006.01) concludes this draft policy will have significant positive effects on SA objective 16 (conserve and enhance landscape character and local distinctiveness). No significant negative effects are identified.
 - b. The Shropshire AONB Management Plan 2019-2024 (EV103) sets out policies and guidance and expects all development to be sustainable, consistent with the primary purpose of the designation and support the special qualities of the National Landscape set out within the Management Plan. This has

informed the draft policy requirements and will support its implementation.

- 1.11. The draft policy has also been subject to and informed by Regulation 18 (plan-making) and Regulation 19 (pre-submission) consultations.
- 1.12. The Council considers draft Policy DP24 is effective, as it highlights the national and local significance of the Shropshire Hills National Landscape and provides clear expectations for, and factors to determine the suitability of, development proposals of various scales that may affect the designated area.
- 1.13. The Council considers this policy is consistent with national policy particularly Chapter 15 of the NPPF, in particular para 176 which states *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.”*
- 1.14. The policy is also consistent with paragraph 177 of the NPPF, the requirements of which are specifically referenced. This paragraph states, *“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*