

# Shropshire Local Plan 2016- 2038 Stage 2 Hearing Statement

## Matter 1 – Legal/Procedural Requirements

### Land at Clive Barracks

Prepared by Fisher German on behalf of the Defence  
Infrastructure Organisation

## Project Title

Land at Clive Barracks, Tern Hill, Shropshire

## Agent

Fisher German

## Contact details

The Estates Office

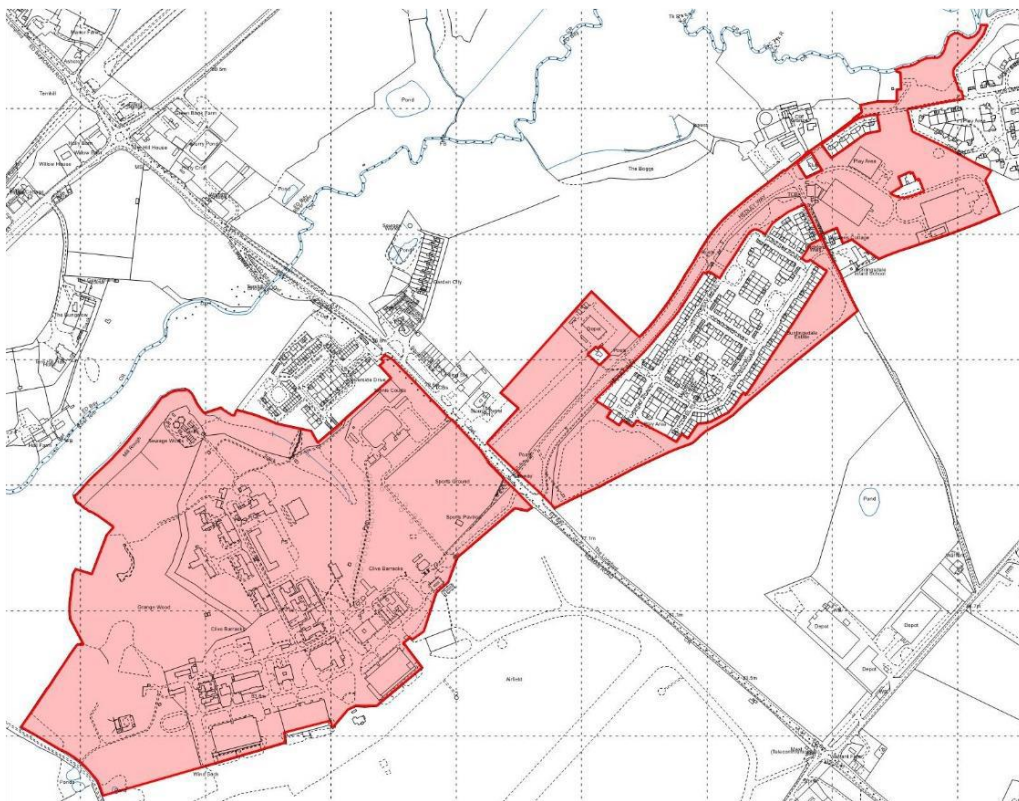
Norman Court

Ashby de la Zouch

LE65 2UZ

# 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.
- 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, employment and ancillary services and facilities at Clive Barracks and recognise the role of the site in the delivery of this during the Local Plan Review plan period and beyond. The DIO and Shropshire Council have prepared and submitted to this Examination a number of Statements of Common Ground (SoCG) to reflect the most up to date position in respect of the site and to aid the Examination of the Plan. The SoCG comprise the initial SoCG (May 2022) (SoCG04), an Addendum (June 2023) (SoCG04a) and the most recent SoCG (August 2024).

## 2. Matter 1 – Legal/Procedural Requirements

### Plan Period

7) Is the Local Plan period of 2016 to 2038 consistent with national policy? If not, is there justification for this?

- 2.1 Paragraph 22 of the NPPF affirms that ‘Strategic Policies’ should look ahead over a minimum 15-year period from adoption. At this stage in the Examination process, the earliest we would envisage the Plan’s adoption would be is 2025. This means that to achieve the 15-year minimum period envisaged by the NPPF would result in a Plan period extending to 2040; an additional 2 years. There is therefore a conflict with the NPPF, but as per all conflicts with national policies, the determination must be made in consideration of all matters.
- 2.2 The wording adopted by the NPPF is clear that the 15-year period is expressed specifically as a minimum, which indicates it should be exceeded only. The NPPF could have adopted more flexible language but this requirement, which has been present in all iterations of the Framework since 2018, is clear this is a minimum threshold to deliver a sound plan period, and to be sufficiently consistent with National Policy (Paragraph 35d).
- 2.3 There is however precedent under the current system and NPPF for sub-15-year Plan periods post adoption through the inclusion of a Policy requiring an immediate review of the Plan. Moreover, should the Shropshire Local Plan Examination conclude following the publication of the new NPPF (assuming it is published as per the Consultation version), it is very likely that there will be a requirement for an immediate review of the Shropshire Local Plan anyway (assuming a 200 dwelling per annum Local Housing Need differential still results in a need for immediate Plan review for submitted Plans under the transitional arrangements). Whilst the new NPPF will not be directly applicable to this Examination, the requirement for immediate review as currently proposed would in our view be material in the decision-making process as in so doing it would extend the Plan period. The insertion of a policy requirement for an immediate review (detailed further in response to Matter 25), combined with likely potential requirements of a revised NPPF ensures that a Plan covering the full 15 years will be progressed. It enables the existing emerging Plan to progress through Examination without any further significant delays and most importantly does not further delay the delivery of much needed homes.

2.4 We are further aware from correspondence from Matthew Pennycook MP and Minister of State for Housing and Planning (Email to PINS: 30 July 2024)<sup>1</sup> that there is a requirement for the Planning Inspectorate to avoid protracted Local Plan Examinations. Whilst this direction is to be effective immediately, Plan's already submitted are offered additional leniency. Regardless, the clear aim is to reduce the length of Local Plan Examination's, but whilst still being pragmatic and working towards the positive adoption of Local Plans where appropriate.

2.5 On the above basis, whilst ideally the Plan would have a period extending at least 15-years post adoption, there are avenues open to this Examination which enable this issue to be reasonably and quickly rectified, either enforced outside the remit of this Examination (new NPPF), or via a requirement within the Plan's policies (plan review), which we consider on this occasions to be suitable justification for the failure to provide a 15-year Plan period post adoption.

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<sup>1</sup> <https://edrms.bedford.gov.uk/OpenDocument.aspx?id=ULGVTXWY2spakeCJquZ5bg%3d%3d&name=ED88%20minister%20pennycook%20to%20PINS.pdf>