

Shropshire Local Plan Examination

Stage 2 Matters, Issues and Questions

Matter 1 Statement: Legal/Procedural Requirements (Policy SP3)



Prepared for:
Yareal Llanforda Ltd

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Prepared by:
Ben Cook

Project/File:
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Shropshire Local Plan Examination, Stage 2 Matters, Issues and Options
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Prepared by _____
Signature
Ben Cook
Printed Name

Reviewed by _____
Signature
Mark Sitch
Printed Name

Approved by _____
Signature
Mark Sitch
Printed Name



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Acronyms / Abbreviations

Acronyms / Abbreviations

NPPF	National Planning Policy Framework
SA	Sustainability Appraisal
SAC	Special Area of Conservation



Sustainability Appraisal

1 Introduction

1.1 Context

This Matter 1 Statement has been prepared by Stantec on behalf of Yareal Llandforda Limited (our Client) who are promoting Land to the north of Market Drayton at Longslow Farm (the 'site'), and Land to the north of Trefonen, for residential development.

Representations have previously been submitted on behalf of our Client to the 'Strategic Sites Consultation' (2019), 'Preferred Sites Consultation (2019), the Regulation 18 Pre-Submission Draft Shropshire Local Plan (2020), and Regulation 19 Pre-Submission Draft Local Plan (2021) in relation to the Local Plan Review process. These representations have been prepared by Stantec (formerly Barton Willmore – representor ID **A0387**) and David Parker Planning Associates (representor ID **A0430**). Stantec is now representing Yareal Llanforda in respect of both responses.

It is submitted that our Client's sites are suitable for meeting the housing needs of Market Drayton/Trefonen and the wider County in the Plan period and should be identified as residential allocations in the Shropshire Local Plan.

Outlined in Section 2 of this Statement are responses to a select number of the Inspectors' questions which set out why we consider changes to the Local Plan are necessary to ensure the soundness of the Plan.

Reference to supporting documents are contained within bold square brackets e.g **[SD001]**.

This Statement has been prepared in line with the Guidance Note **[ID41]** for the Examination.

1.2 Yareal Llanforda

Yareal Llanforda Ltd is a subsidiary of Yareal UK Ltd; a farming and property business with two hubs: Lincolnshire in the East and Shropshire in the West. The business was established in 2015 as a vehicle to invest in the sector and develop a modern and sustainable agricultural, property and food business based on owned and rented land with diversity in location and activity. The Shropshire farms have livestock as their focus in the main. However, at the farm in Longslow, the activities are now mainly arable as the previous dairy was old-fashioned and uneconomical to run. The long-term dairy use at the farm is under consideration and various options are being explored to understand what is feasible, including the possibility of building a new dairy elsewhere within the estate. The development of Land at Longslow Farm would undoubtedly help to facilitate a new dairy as well as bringing a range of associated benefits to the local economy.

In the meantime, the crops grown on the estate provide feed for the cattle and other animals at their other farms in Shropshire.



Sustainability Appraisal

2 Updated Sustainability Appraisal

Question 1 – Are the likely environmental, social, and economic effects of the Plan adequately and accurately assessed in the updated Sustainability Appraisal (SA)?

See answer to Question 2 below.

Question 2 – Does the updated SA test the Plan against the preferred options chosen and all reasonable alternatives?

No. The *Updated Sustainability Appraisal* ('SA') [GC44], and accompanying Housing and Employment Topic Paper [GC45], follows the Inspectors' Interim Findings following Stage 1 Hearing Sessions [ID28] which noted that agreement to accommodate 1,500 dwellings to support the unmet needs emerging in the Black Country came during the plan preparation process after most of the evidence base had been completed, including the SA, and a concern that the contribution towards meeting the unmet need of the Black Country was being subsumed into, rather than added to, Shropshire's housing requirement of 30,800 dwellings/ 1,400 dwellings a year contained in the Submission Plan [SD002].

The Inspectors sought a Topic Paper to clarify the housing need and requirement, and further SA work to assess the likely effects of meeting Shropshire's housing needs and contributing towards unmet needs from the Black Country, including consideration of sites.

The outcome of this exercise is a proposed housing requirement of 31,300 dwellings/ 1,423 dwellings a year. That is an uplift of only 500 dwellings on the housing requirement of the submission Plan. The annual requirement remains virtually the same – that is 1,423 dwellings compared to 1,400 dwellings. How this proposed requirement has been arrived at is not clear.

The Housing and Employment Topic Paper (April 2024) [GC45] summarises that, of the options tested, the SA process concluded "Option 3b: High Growth" was the most sustainable option (31,300 dwellings between 2016 and 2038, plus 1,500 dwellings towards the unmet housing need arising from within the Black Country).

Furthermore, the option of maintaining the submission housing requirement of 30,800 dwellings for Shropshire and adding 1,500 dwellings to contribute towards accommodating unmet needs in the Black Country – a total requirement of 32,300 dwellings – has not been considered. This is an obvious option, and alluded to in the Inspectors' Interim Findings (Paragraphs 10-12 of [ID28]), and its omission is not justified.

It is proposed to accommodate the 500-dwelling uplift through an increase to Settlement Guidelines and Windfall Allowances, and three existing proposed allocations have been identified to contribute towards accommodating the 1,500 dwellings contribution to the Black Country. It is not clear why this option to accommodate the uplift in dwellings is preferred over the identification of additional site allocations to meet the uplift, especially given the Topic Paper (Para 8.60) concludes that increasing site allocations is a "reasonable option". Moreover, no consideration is given to the need to off-set the allocation of existing sites to meet Black Country need with new allocations to meet Shropshire need.



Sustainability Appraisal

The Council suggest that the preferred option, that is, increasing Settlement Guidelines and Windfall Allowances, ensures certainty of delivery comparable to increasing site allocations [GC45]¹. It is difficult to see how this conclusion can be reached. Site allocations are a plan-led approach which provides greater certainty than windfalls, which, by definition, are a bonus and lack certainty. Conversely, site allocations are a more robust and effective strategy.

The National Planning Policy Framework (2021, Para 71) ('NPPF') requires compelling evidence for windfall allowances, including taking account of the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. The Topic Paper shows a consistent and significant decrease in windfall delivery 2018/19 to 2022/23 from almost 70% of total completions in 2018/19 to around 50% in 2022/23². Recent changes in national policy, notably the BNG requirement may potentially accelerate this trend.

In summary, it is unclear how the Council has arrived at its proposed new housing requirement. Fundamentally, the Council appear to retrospectively accommodating the 1,500 dwellings for the Black Country, with the aim of minimising modifications. The housing requirement should be increased and additional sites allocated. This should include Land at Longslow Farm and Land north of Trefonen.

¹ See paragraph 8.64(i)

² See Figure 8.1



Habitat Regulations Assessment

3 Habitat Regulations Assessment

Question 5 – What is the latest position in relation to nutrient neutrality and are there any outstanding objections from Natural England or the Environment Agency to the Plan proposals? If so, what are these and how is the Council working to overcome them?

The Council have provided a River Clun Catchment Update, December 2023 [GC42], together with a River Clun SAC Nutrient Mitigation Solution [GC42a] and River Clun SAC Addendum [GC24b].

The updated Schedule of Proposed Main Modifications (July 2024) [GC4m] includes an update to Policy CP14 (formerly DP13) (Main Modification 045/046) which seeks to maintain at least a nutrient neutral position. However, the proposed modification also includes a new requirement at Point C to “*not compromise the ability of the River Clun SAC to reach favourable conservation status.*” This is an additional requirement over and above requiring development to be nutrient neutral.

In its latest Update Letter (August 2024) [OD007], Natural England offer no objection to the above main modification, but reiterate that “Natural England has advised that there needs to be confidence that the Clun can be restored to Favourable Condition, before new development is allowed in the catchment.” This is in addition to development being nutrient neutral.

The letter goes on to state:

“Despite the work to restore the River Clun through voluntary schemes, individual project works and with substantial investment, there has not yet been adequate improvement to water quality and physical habitat and the freshwater pearl mussel remains in serious decline. Business as usual is not working, and further restoration measures are required.

A Clun nature recovery blueprint is currently being commissioned. The Blueprint will examine what is needed to achieve site restoration to favourable condition and identify a range of options and scenarios relating to restoration. ... We are currently writing the project specification and a tender brief and will shortly be starting the procurement process.

In parallel to this, the Environment Agency is producing a Diffuse Water Pollution Plan for the River Clun. This will complement the Blueprint and provide a review of available monitoring data and evidence; refreshed water quality modelling; an evaluation of the effectiveness of existing diffuse water pollution mitigation measures; and an appraisal of other planned or proposed measures and mechanisms.”

In short, there are two parallel workstreams required in order to restore the SAC to a favourable condition, neither of which are known, costed or begun. The effectiveness, feasibility and deliverability of these measures therefore cannot be known. Natural England acknowledges this, stating:

“These two pieces of work will form the basis for a decision on whether we are confident in our collective ability to restore the River Clun SAC to favourable condition. We will then be able to have informed discussions around what measures/locations are not needed for river restoration and could potentially be available for nutrient neutrality.”



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Habitat Regulations Assessment

Nonetheless, Natural England concludes that, given the proposed site allocations in the Clun catchment will be delivered towards the end of this plan period, after 2035³, “*considering the timeframes, we have high confidence in having a restoration plan in place prior to the delivery of the allocated sites*”.

It is not understood how this conclusion is reached and that Natural England can assert that it has “*high confidence*” a restoration plan will be in place, given Natural England itself several paragraphs prior indicates that the two pieces of work are required in order to “*...form the basis for a decision on whether we are confident in our collective ability to restore the River Clun SAC to favourable condition*”.

Despite this contradiction, Natural England (and in turn the Council) are simply relying upon the issue being resolved by virtue of time. This is not sufficient and casts serious doubt over the deliverability of the allocations that fall within the River Clun catchment. Whilst it does not appear that the allocations that fall within the River Clun catchment have been specifically listed/identified in any documents; we understand them to be as follows:

Allocation Ref:	Name	New Local Plan / SAMDev?	# Dwellings	Planning permission?
BISH013	Schoolhouse Lane East	Saved SAMDev allocation	40	No - Application in 2019 - 19/04444/FUL – refused January 2023 on nutrient neutrality and visual impact from AONB.
BKL008a	Land adjoining Redlake Meadow on B4367, Bucknell	New Plan allocation	20	No – Application ref: 16/04933/OUT refused in 2017 due to being outside the settlement boundary at the time.
BUCK001	Timber Yard/Station Yard	Saved SAMDev allocation	70	Planning permission granted in 2011 for erection of 30 x dwellings (10 affordable); business and industrial use and demolition of existing buildings. No RM submitted - presumed expired.
CLU005	Land at Turnpike Meadow on B4368, Clun	New Plan	60	No.
CLUN002	Land at Turnpike Meadow	Saved SAMDev allocation	20	No.
LYD011	Land adjacent to church close	Saved SAMDev allocation	4	Outline application for 4 dwellings granted July 2019. No RM submitted - presumed expired.
LYD009	Former Garage	Saved SAMDev allocation	2	No - Application for 2 dwellings refused 2011. Live pending application for demolition and erection of storage building validated 29 th August 2024.
LYD008	North of telephone exchange	Saved SAMDev allocation	5	Outline application for 5 dwellings granted August 2019. No RM submitted - presumed expired.
LYD007	South of telephone exchange	Saved SAMDev allocation	8	No.
TOTAL			229	

The only way in which this can be suitably resolved is to allocate additional sites beyond the River Clun catchment for development (either as standalone allocations or as reserve sites). This could include Land at Longslow Farm and Land North of Trefonen, as neither fall within the River Clun catchment.

Including a review mechanism within the Local Plan to mitigate this issue will not be sufficient to resolve this, given that the effectiveness or otherwise of the restoration projects may not be known until the end of the Plan period. At which point, undertaking a Local Plan review will be too late.

³ As suggested by the Five Year Housing Land Supply Statement [GC47].



Habitat Regulations Assessment

Question 6 – Is the Local Plan’s approach to nutrient neutrality justified, effective and consistent with the National Planning Policy Framework (the Framework) and the requirements of HRA?

No, the approach is not justified. It is not an appropriate strategy taking account of reasonable alternatives – that is, in the absence of a restoration plan, locating development outside of the River Clun catchment. The approach is also not effective. There is uncertainty over delivery as a restoration plan is not in place. The approach defers rather than deals with the matter, requiring a review if the restoration plan requires a different approach to the quantity/ location of development.

Lastly, the approach is also not consistent with Planning Practice Guidance in respect of Habitat Regulation Assessments⁴ which requires a “precautionary approach” to decisions.

As set out above in response to Question 5, the only way in which this can be suitably resolved is to allocate additional sites beyond the River Clun catchment for development (either stand-alone or as reserve sites), such as Land at Longslow Farm, Market Drayton and Land North of Trefonen.

⁴ Public 24th February 2021, last updated 6th December 2023 - <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>



Plan Period

4 Plan Period

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

No. The Local Plan period is not consistent with the National Planning Policy Framework (2021, para 22) which requires strategic policies to look ahead over a minimum of 15 years from adoption. Even if the Local adopted today this requirement would not be met.

The Plan period should be extended, with a resultant increase in housing numbers and associated additional allocations.

If the Inspectors are minded to find the Plan sound with a period of 2016-2038, then the Plan should be subject to an early review.

A commitment to this, and trigger for its commencement and subsequent submission of an updated plan, should be built into Policy SP2. Practical consequences should be included to encourage timescales to be adhered to.

Taking account of the Inspectors' Note on 19 August 2024 [ID44] the trigger for commencement should be "immediately" given the significant increase in homes needed in Shropshire under the proposed revised method.

Policy SP2 should also be clear as to the key matters to be dealt with including revisiting Shropshire's housing need and meeting the unmet need of the Black Country authorities.





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