

Shropshire Council. Examination of Shropshire Local Plan 2016-2038

Inspectors: Louise Crosby MA MRTPI & Carole Dillon BA (Hons) MRTPI

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Mr E West
Planning Policy
Shropshire Council
PO BOX 4826
Shrewsbury
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3 November 2021

Dear Mr West,

Inspectors' Initial Questions

Introduction

1. Following the submission of the Shropshire Local Plan (2016-2038) (the Plan) we have begun our initial preparation and identified a number of initial questions that would benefit from early clarification. These are intended to assist in our understanding of the Plan and the evidence base, to help in our assessment of soundness and legal compliance, and to provide clarity and potentially narrow down the focus of the examination.
2. At this early stage in the examination, we have some concerns in respect to the Plan and the evidence base as submitted. We also have some questions regarding the soundness of the Plan, some of which are raised here and others which will be set out in our Matters Issues and Questions (MIQs) in due course.
3. The Council is requested to provide a response to the following questions with reference to the main relevant evidence. In doing so,

it would be helpful if the Council could consider whether it might be necessary to advance any potential Main Modifications to the Plan in order to make it sound. Therefore, please draft any suggested changes to the relevant part of the Plan and maintain them in a schedule giving reasons for why they are proposed.

Legal Compliance

4. Has the Plan been prepared in accordance with the Local Development Scheme?
5. Has the Plan been prepared in general accordance with the Statement of Community Involvement and public consultation requirements?
6. Following Duty to Cooperate discussions, have signed Statements of Common Ground now been secured between the Council and all relevant parties? Furthermore, have any significant concerns been expressed by interested parties about the Duty to Cooperate which remain in dispute?
7. Have any significant concerns been expressed by interested parties about the Sustainability Appraisal (SA) which remain in dispute?
8. Have any significant concerns been expressed by interested parties about the Habitat Regulations Assessment which remain in dispute?
9. Have any concerns been expressed about the Equality Assessment?

National Planning Policy

10. An updated version of the National Planning Policy Framework (NPPF) was published in July 2021. Are there any implications for the published Plan or the evidence base arising from the changes to the NPPF? If so, what are these and how does the Council intend to remedy them?
11. Have there been any changes to the Planning Practice Guidance that have implications for the published plan or the evidence base? If so, what are these and how does the Council intend to remedy them?

Housing

12. The Plan seeks to accommodate some of the unmet housing need from the Black Country. Has the unmet housing need been tested through a local plan examination? Also, can the Council please explain how the figure of 1500 dwellings over the Plan period was arrived at. A housing topic paper would be helpful in setting out this information along with the details of the Council's spatial strategy and distribution and how it was arrived at. A housing trajectory to demonstrate how the housing requirement will be delivered over the plan period should also be provided. We have appended a proforma for you to complete with this information (Annex 2). In addition, the topic paper should cover the Council's approach to providing affordable housing, small and medium sized sites, what reliance is being place on windfall sites and any other information the Council think may be helpful in providing an overview of this topic.
13. In terms of whether the Council will have a 5-year housing land supply (HLS) on adoption of the plan, we cannot find any detailed evidence in this regard. We have appended a form (Annex 1) to this letter to be completed for every site that the Council intend to rely on to demonstrate their 5-year HLS.
14. The Draft Housing Strategy is undated. Please advise when this was prepared and what its status is?
15. In terms of Gypsy and Traveller accommodation it appears that the 2017 Gypsy and Traveller Accommodation Assessment (GTAA) was refreshed in 2019. Did the refresh include re-surveying the gypsy and traveller community and if not, why is this? Is the evidence base in terms of Gypsies and Travellers considered to be sufficiently up to date and robust?
16. Has the Council sought to meet any of the identified need for additional gypsy and traveller pitches through a call for sites or other

method, such as allocating council owned land or allocating land on the edge of strategic housing allocations? If not, why is this?

Employment land

17. The Plan seeks to accommodate some of the unmet employment land need from the Black Country. Has the unmet need been tested through a local plan examination? Also, please can the Council explain how the figure of 30 hectares of employment land over the Plan period was arrived at and where it would be accommodated? A topic paper would be helpful in setting out this information along with the details of the Council's spatial strategy and distribution and how it was arrived at.
18. In relation to Policy S16.6 Shrewsbury, site SHR 166, paragraphs 4.1.6 and 4.1.7 of the Statement of Common Ground between Historic England and Shropshire Council, dated August 2021 state, "Historic England is undertaking further work in liaison with landowner in the Summer of 2021 in order to understand the significance of the site and will keep Shropshire Council fully informed. Once further information is known about the buried archaeology of the site and its significance, then the principle of development may, or may not be established. If the principle of development is established, then Historic England would agree to development being carried out in an appropriate way, together with mitigation, in association with the Council's Natural and Historic Environment Manager. However, it is Historic England's view that there is insufficient evidence available at the present time to make such a judgement on the principle of development at this site." Can the Council please advise what the latest position is on this matter. Also, are there any other unresolved matters in relation to the historic heritage of this site?

Green Belt

19. We note that the Plan identifies some sites to be taken out of the Green Belt and allocated for development purposes. Proposals to re-draw Green Belt boundaries should generally follow a two-stage approach. The first stage is the evidence gathering and assessment that leads to an in-principle decision by the Council that review of the Green Belt boundary is necessary to help meet development needs in a sustainable way, as set out in the NPPF¹.
20. The second stage determines which site or sites would best meet the identified need having regard to Green Belt harm and other relevant considerations. It is only after satisfactory completion of the two stages that exceptional circumstances are capable of being fully demonstrated.
21. Typically, the first stage involves several steps, starting with a thorough investigation of the capacity of the existing urban areas and whether this has been maximised. Subtracting this from the local housing need (LHN) leaves the amount of development to be provided outside the urban areas. The next step is to consider whether there is any non-Green Belt rural land which could meet all or part of the unmet need in a sustainable manner and having regard to any other significant constraints. These two steps address the requirements of NPPF paragraph 142 and 143 and give a scale of unmet need which can only be met by Green Belt release.
22. In some situations, it may then be necessary to consider whether, in principle, this residual need is one which should be met by Green Belt release. This might involve examining not only the justification for meeting the LHN (or the consequences of not meeting it) but also addressing sustainability considerations and consistency with the overall strategy of the Plan reflecting NPPF paragraphs 142 and 143.

¹NPPF paragraphs 142 & 143

23. Can the Council please provide a Green Belt topic paper which explains the steps taken by the Council prior to making the decision to allocate land in the Green Belt for development. This should include reference to relevant parts of the evidence base. Can the Council also set out in the topic paper how it has addressed NPPF paragraph 141 and where necessary, provide evidence to substantiate this. Also, please explain whether taking unmet need from the Black Country has led to the need to release land from the Green Belt.

Environmental Matters

Water neutrality

24. In table 4.1 of the statement of common ground between the Council and Severn Trent Water Ltd (STW), dated June 2021, item No 4 says "STW and SC agree to explore potential for water neutrality (as advised by STW and EA) for relevant development proposals – in particular for RAF Cosford, Albrighton and Shifnal. SC agrees to explore water neutrality concept through their climate change agenda." Can the Council please advise what progress has been made with this.

River Clun catchment issue

25. We note that in a letter to the Council dated 22 June 2021 from Natural England and the Environment Agency (appended to the statement of common ground between the Council and the Environment Agency) they say, "Natural England (NE) and the Environment Agency (EA) have significant concerns regarding the sites proposed in the Shropshire Local Plan for the Clun catchment and deliverability of policy DP13 Development in the river Clun catchment. We advise that Shropshire Council removes the housing allocations located in the catchment of the River Clun SAC until there is greater certainty around available nutrient neutrality options. This is because

in our view there is not currently the required degree of certainty that nutrient neutrality could progress without undermining the ability of the River Clun SAC to reach favourable conservation status.”

26. It appears that the Council has been advised to produce, as part of the local plan evidence base, details of possible mitigation measures, in sufficient detail including feasibility/likely cost, etc. It seems that this work might then contribute to the restoration plan. Can the Council please advise what the latest position is with regards to this matter.

Infrastructure

27. We note that Highways England in their Regulation 19 consultation response, dated 22 February 2021, state that further transport evidence, in the form of highway modelling is being prepared which will be followed by the production of a Statement of Common Ground between the Council and Highways England. When will the further evidence and statement of common ground be completed and available to the examination?
28. In addition, the Council’s Infrastructure Implementation Plan (ev067) dated December 2020 has a significant amount of unknown costs and many projects with no known funding source. Are the Council able to update this document and if not, when will this information be available?

General Matters

29. We are unaware as to whether the Council has a running list of draft Main Modifications (MMs), although we note that a list of minor modifications (sd003) has been submitted. However, we deem some of these to be MMs that may form part of discussions at hearings and therefore will eventually need to be consulted upon, whilst others are Additional Modifications (AMs) which are not necessary for soundness and tend to be of a minor nature e.g., typographical matters. It would

be helpful if you could draw up a list of MMs. If the Council is unsure which modifications in the list are MMs, then we can assist with this.

Conclusion

30. An early response to the above queries would be appreciated. We are keen that the above matters are resolved promptly, in so far as they can be, in order to ensure that the examination is not unduly delayed. We have not set a deadline as there are a number of matters for you to consider and we realise that some may take longer than others to deal with. However, can you please provide an indication of when you are likely to be able to reply in full, by Friday 12 November 2021.
31. If you have any queries regarding any of the above matters, then we can be contacted via the Programme Office. A copy of this note and the Council's response should be placed on the examination website as soon as possible.

Louise Crosby and Carole Dillon
Planning Inspectors
3 November 2021

Annex 1

Local plans: five-year housing land supply

The following information should be provided for every site that the Council assumes will contribute to current 5-year supply (from 1 April 2021).

A. All sites with detailed planning permission, and sites of <10 homes and <0.5ha that have outline planning permission

Site name					
Local plan ref					
Total capacity					
Plan period completions					
Five-year completions					
	2021/2	2022/3	2023/4	2024/5	2025/6
Completions					

These sites can be considered deliverable unless there is clear evidence that homes will not be delivered within five years.

B. Other sites (including those of at least 10 homes or at least 0.5ha with outline permission, with a grant or permission in principle, allocations, or identified on brownfield register)

Site name					
Local plan ref					
Total capacity					
Plan period completions					
Five-year completions					
	2021/2	2022/3	2023/4	2024/5	2025/6
Completions					

Clear evidence relating to:

Developer's delivery intentions including anticipated start and build out rates
Current planning status and progress towards the submission of an application
Progress with site assessment work
Site viability
Availability: ownership, any existing uses, etc
Infrastructure provision

Annex 2

Local plans: summary of overall housing land supply

Use the table below (extended to cover the whole plan period) to summarise the overall housing land supply identified in the Plan.

							Annual completions							
Ref	Name	Size Ha	Total capacity	Planning status*	21/2	22/3	23/4	24/5	25/6	26/7	27/8	28/9	29/30	30/1
Windfalls (if applicable)														
Total														

* Planning status: completed, under development, detailed planning permission, outline planning permission, allocation without planning permission, etc