

# Shropshire Council Response

## Proposed reforms to the National Planning Policy Framework and other changes to the planning system

*Respondent: Shropshire Council*

*Respondent Address: The Guildhall, Frankwell Quay, Shrewsbury, Shropshire, SY2 6ND*

*Respondent Email Address: [planningpolicy@shropshire.gov.uk](mailto:planningpolicy@shropshire.gov.uk)*

*Respondent Phone Number (Planning): 0345 678 9004*



**1) Do you have any views on how statutory National Development Management Policies could be introduced in the most effective manner, should a future decision be made to progress these?**

Shropshire Council considers that to provide certainty on the status of National Development Management Policies they should be statutory rather than non-statutory as currently proposed.

If they remain non-statutory, the 'soundness' test for Development Plan documents regarding consistency with national policy (including stating these documents must not duplicate, substantively restate or modify national policy) is inappropriate and must be subject to change.

One or other of these changes is necessary as failing to have statutory policies addressing critical matters (such as heritage and ecology assets) poses a risk for compliance with other statutory requirements; will provide insufficient certainty of approach; and will reduce confidence amongst communities, decision-makers and applicants. It is also considered contrary to the intended purpose of the planning system.

Failing to enact one of these changes would present a significant challenge to Local Planning Authorities when undertaking Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) of Development Plan Documents. Policies on key matters addressed in the National Development Management Policies are often relied on when considering management or mitigation of adverse effects, but if non-statutory (either nationally or locally) there is likely to be insufficient certainty to rely on them.

It is understood that one of the perceived advantages of the non-statutory status of National Development Management Policies is the ability to rapidly review them. In actuality this is a weakness, as it increases the risk of a policy vacuum on key issues that the Development Plan relies on; further reduces the confidence of communities, decision-makers and applicants; and enhances the challenge when undertaking SEA and HRA.

Shropshire Council welcomes the continued commitment to a plan-led system, as specified in paragraph 2 of the new draft National Planning Policy Framework (NPPF). This is considered essential in order to achieve the overriding purpose of the planning system - achievement of sustainable development, by managing the use and development of land in the long-term public interest.

However, the Council is concerned about the legality of the phraseology in paragraph 3 of the NPPF, which specifies the document should be "*read alongside the policies in the development plan.*" This implies that the NPPF would be considered as part of the Development Plan for an area rather than as a material consideration. This is contrary to paragraph 1 of the NPPF which specifically recognises the NPPF is a material consideration and planning law which requires decision to be made in accordance with the development plan – unless material considerations indicate otherwise.

**2) Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council supports the proposed layout of the NPPF, which provides a clearer distinction between those policies that address plan-making and those which address decision-making.

It is noted that paragraph 8 of the NPPF specifies that plan-making policies should not be used when making decisions, but it does not specify whether decision-making policies should be used when preparing Development Plans. Clarity on this matter is required.

**3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council agrees with the principle of including annexes, which provide further detail of specific matters, within the NPPF. The Council is also generally supportive of the proposal in paragraph 9 of the NPPF that these annexes would constitute national policy.

Furthermore, the scope of the issues addressed within the proposed annexes is considered generally appropriate, providing valuable clarity/status to key issues. However, the Council does have specific comments on the content of certain annexes. These are addressed in responding to other questions within this consultation.

**4) Do you agree with incorporating Planning Policy for Traveller Sites within the draft Framework?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers, subject to the wording of relevant policies and tailored provision for the very specific accommodation needs of the GRT community that this may facilitate greater consistency and clarity of approach.

**5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree*

Partly agree

**a) Please provide your reasons, particularly if you disagree**

Shropshire Council supports the clearer distinction between plan making policies and national decision making policies and the clarity for decision makers to the approach to weighting.

With decision making policies proposed to be non-statutory, Shropshire Council has reservations as to the potential for their weight to be interpreted differently. This could lead to a lack of consistency contrary to the aims of their introduction.

**6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

The introduction of this strategic level of plan making, combined with the revisions proposed to the duty to cooperate process, is likely to enable more constructive cross boundary discussions and agreed outcomes. However, for Local Planning Authorities outside existing Combined Authority areas, there remains substantial uncertainty about the spatial geography involved in plan-making, and these fundamental matters must be resolved before full support can be provided to this approach.

In addition, there are significant concerns regarding the resource burden this new layer of plan-making will inevitably create. Without additional national financial support, it is unclear how areas without an existing Combined Authority function will be able to successfully navigate a dual approach to plan-making at the strategic and local levels. Without confirmation of additional financial support, we are unable to offer full support to the role and purpose of spatial development strategies (SDS).

It would also be helpful if the NPPF could provide clarity to Local Planning Authorities on the hierarchy and timing of the interconnecting parts of the Development Plan, most notably that there remains an expectation that Local Plan progress should not be delayed even if an SDS is still early in its development. This reassurance is required to reduce risk to Local Planning Authorities and to mitigate any potential challenge to a Local Plan process at Examination.

In addition, it is noted that in the current consultation by MHCLG 'areas for producing spatial development strategies' (published 12<sup>th</sup> Feb 2026), it is stressed that SDS's "are not big local plans". This seems to be predicated on the fact SDS's cannot be site specific or allocate/designate particular sites. Whilst this 'hierarchy' is supported, it is considered this important principal is potentially at odds with some of the expectations placed upon the SDS regarding their proposed remit and burden of evidence (policy PM1) and their examination (policy PM14).

For instance, policy PM1(d) indicates that in order to set a sustainable pattern of growth and in order to identify broad locations for strategic development, the SDS should identify the "general extent" of where Green Belt boundary changes may be needed through the Local Plan preparation. Whilst logical, this places a high evidence base burden on Strategic Planning Authorities. This is emphasised in policy PM14(2)(c) which requires an examiner to be satisfied that Local Plans will be capable of identifying sites allocations to implement the SDS spatial strategy, which would indicate that the evidence base requirements of an SDS cannot be dissimilar to that of a Local Plan.

It is important that the role and context of an SDS is clear from the outset, especially for areas without a history of joint working in the past on Local Plans. As written, there is concern policy PM1 does not achieve this. It is strongly suggested that additional guidance is required for an SDS, akin to the Local Plan making guidance, to allow Strategic Planning Authorities to move forward with confidence.

**7) Do you agree that alterations should be made to spatial development strategies at least every 5 years to reflect any changes to housing requirements for the local planning authorities in the strategy area?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

It is clearly good practice for parts of the Development Plan to be reviewed when required. However, given the 'genuinely strategic nature' of the SDS (as detailed in policy PM1(1)), it is doubtful a full review will be required any earlier than every five years.

The reference in policy PM1(3) to limited alterations is therefore welcomed, although it is considered this should be expanded to reference the circumstances where an examination of a review would be required, i.e. would an examination be required of an SDS where only partially reviewed, but did not alter the core strategic components? Additional guidance on the role and content and an SDS would help clarify these procedural matters.

Ultimately, to ensure resources are utilised on the most appropriate areas, and to ensure delivery of site allocations within a sustainable pattern of development, it is perhaps more important to ensure than in time the SDS and their 'sister' Local Plan documents are in sync with each other. It is therefore considered more likely for there to be a need to review Local Plans rather than SDS's, even if this does not alter the overall strategic direction of growth.

**a) If not, do you think there should be a different approach, for example, that alterations should only be made to spatial development strategies every five years where there are significant changes to housing need in the strategy area?**

See response to question 7.

**8) If spatial development strategies are not altered every five years, should related policy on the requirements used in five year housing land supply and housing delivery test policies, set out in Annex D of the draft Framework, be updated to allow housing requirement figures from spatial development strategies to continue to be applied after 5 years, so long as there has not been a significant change in that area's local housing need? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

To avoid unhelpful and unnecessary reviews to a "*genuinely strategic document*", it is generally considered helpful for as much weight to be applied to an SDS beyond 5 years.

**9) Do you agree with the role, purpose and content of local plans set out in policy PM2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council is generally supportive of the role, purpose and content of local plans set out in policy PM2.

However, the Council would again raise the concern about the proposed limitation on the scope of Development Management policies to not duplicate, substantively restate or modify national policy. This is because they are not statutory policies and failing to address critical matters (such as heritage and ecology assets) through statutory policy poses a risk for compliance with other statutory requirements; will provide insufficient certainty of approach; and will

reduce confidence amongst communities, decision-makers and applicants. It is also considered contrary to the intended purpose of the planning system.

Shropshire Council supports the principle that Local Plan policies can address “particular local issues”. However, linked to the above concern, the Council has a specific concern that in preparing such policy, it could be perceived that national policy on associated issues is being modified – which is contrary to policy PM15.

As such, it is recommended that to avoid potential risk of internal conflict within the NPPF and to ensure that Local Planning Authorities are able to introduce Local Plan policy to address genuine ‘local issues’, further consideration is given to the wording of the restriction on Local Plan policy to modify national policy in PM15 and related policies.

Paragraph 3 of policy PM2 details the circumstances within which a review of the Local Plan should commence. It includes where the housing requirement has significantly increased. To provide certainty for all, Shropshire Council considers this increase should be quantified. It is suggested a 20% increase is appropriate, reflecting the transitional arrangement in the current NPPF regarding circumstances in which an immediate review of emerging Local Plans is required.

Shropshire Council notes footnote 7 outlines requirements for site allocations. These principles are generally supported, but it would suggest an example template may be of value. It must also be noted that this process is extensive and in combination with increased expectations for levels of development has resource implications for Local Planning Authorities.

**10) Do you think that local plans should cover a period of at least 15 years from the point of adoption of the plan? Yes/No**

Yes.

**a) If not, do you think they should cover a period of at least 10 years, or a different period of time. Please explain why.**

Shropshire Council recognises that the expectation that Local Plans ‘look forward’ a period of at least 15 years is well established and provides opportunities to consider the longer terms needs and opportunities of an area. It is also recognised that the forthcoming amendments to the plan-making process are intended to speed-up plan-making thereby reducing the risk of the need to amend the end of the plan period during it.

However, Local Planning Authorities have only limited control of the examination process and the timescales associated with it. As such, it is suggested that it may be more appropriate to align the 15 year period with the point of submission for examination, rather than adoption. This avoids the risk

that a protracted examination (potentially resulting from parties that wish to delay the examination for this very reason) results in the need to extend the plan-period.

One conclusion from the question about the most suitable time period for a Local Plan is: that the period for delivering a Plan Strategy, whatever the number of years may be, should commence from the formal adoption date for a Local Plan. In this way, delays during a Local Plan Examination or issues encountered through the preparation of a Local Plan, will not result in an otherwise 'sound' Local Plan being withdrawn because the time remaining to deliver the Plan Strategy has fallen below the prescribed number of years.

A Local Planning Authority will also not be left without a Local Plan because a currently adopted Plan expired before a new Local Plan could be adopted.

In advocating this conclusion, it is considered that most new Local Plans will be adopted nearly 8 years after the adoption of a preceding Local Plan. Adopted Local Plans should be implemented for 5 years and a new Local Plan will take nearly 3 years to adopt. The effects of an extended Examination possibly with preceding delays at Gateways 2 and 3 could extend this time period between adoption dates, up to or beyond 10 years in some instances.

**11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree.

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers that to provide certainty on the status of National Development Management Policies, they should be statutory rather than non-statutory as currently proposed.

If they remain non-statutory, the 'soundness' test for Development Plan documents regarding consistency with national policy (including stating these documents must not duplicate, substantively restate or modify national policy) is inappropriate and must be subject to change.

One or other of these changes is necessary as failing to have statutory policies addressing critical matters (such as heritage and ecology assets) poses a risk for compliance with other statutory requirements; will provide insufficient certainty of approach; and will reduce confidence amongst communities, decision-makers and applicants. It is also considered contrary to the intended purpose of the planning system.

Failing to enact one of these changes would present a significant challenge to Local Planning Authorities when undertaking Strategic Environmental

Assessment (SEA) and Habitats Regulations Assessment (HRA) of Development Plan Documents. Policies on key matters addressed in the National Development Management Policies are often relied on when considering management or mitigation of adverse effects, but if non-statutory (either nationally or locally) there is likely to be insufficient certainty to rely on them.

It is understood that one of the perceived advantages of the non-statutory status of National Development Management Policies is the ability to rapidly review them. In actuality this is a weakness, as it increases the risk of a policy vacuum on key issues that the Development Plan relies on; further reduces the confidence of communities, decision-makers and applicants; and enhances the challenge when undertaking SEA and HRA.

**12) Do you agree with the approach to initiating plan-making in PM7?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

**a) Please provide your reasons, particularly if you disagree**

Shropshire Council considers the outlined approach is generally appropriate and aligns with its understanding of the process garnered from previously published guidance on the new plan-making process.

It is noted that footnote 13 refers to relevant tools and templates to support the initiation of plan-making. Such tools would be welcome, but do not currently appear to be available. The Council would encourage their provision at the earliest opportunity.

**13) Do you agree with the approach to the preparation of plan evidence set out in policy PM8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes recognition that evidence should be relevant to the matters being considered in the Development Plan, proportionate and focused/not unnecessarily extensive. The Council also welcomes the specific recognition in PM8(2) that it is often proportionate to rely on existing evidence (updated where appropriate).

Whilst the Council also agrees that evidence drawn from suitable and up-to-date sources, further recognition of what constitutes up-to-date varies dependent on subject would be welcome. As an example, mineral safeguarding is a factual assessment of minerals present and as such is unlikely to be subject to change

and therefore remains up-to-date irrespective of when the assessment was undertaken.

PM8(4) specifies "*evidence on development needs established early in plan preparation should not require reviewing and updating unless there are strong reasons to do so*". Whilst the Council welcomes this principle, it is considered greater certainty on what constitutes a 'strong reason' is required. In its absence there is a real risk that this could lead to unnecessary delays to plan-making and examination.

**14) Do you agree with the approach to identifying land for development in PM9? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes the clear expectations on site assessment identified in PM9 and associated guidance.

**15) Do you agree with the policies on maintaining and demonstrating cross-boundary cooperation set out in policy PM10 and policy PM11? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council supports the principle that cross-boundary cooperation is a soundness test rather than a legal test.

The Council is also generally supportive of the principles for cross-boundary cooperation detailed in policies PM10 and PM11. However, it considers that further clarification is required on a number of matters. This includes:

- a. Policy PM10(1) references the need to engage proactively with "*other relevant plan-making authorities (where there are strategic interdependencies across boundaries)*". It is considered that greater certainty is required on what constitutes 'strategic interdependencies'. In its absence there is a real risk that this could lead to a precautionary approach which may be disproportionate and result in unnecessary delays to plan-making and examination.
- b. Policy PM11(b) references distributing unmet needs across neighbouring and/or nearby areas. Shropshire Council would advocate removal of the reference to 'nearby areas' so as to ensure clarity, consistency with the

wider NPPF and the achievement of the needs of communities (recognising that the further removed such locations are from where the need originates the less likely they are to meet the actual needs of communities). If this reference is retained, then greater certainty is required on what constitutes a 'nearby area', in its absence there is a real risk that this could lead to unnecessary delays to plan-making and examination.

- c. Policy PM11 should include clear reference to evidence of cooperation being *proportionate*. Too often previous examinations have spent copious amounts of time debating whether cooperation has been undertaken despite the presence of Statements of Common Ground and representatives of relevant bodies confirming this to be the case.

**16) Do you agree that policy PM12 increases certainty at plan-making stage regarding the contributions expected from development proposals?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council agrees that Local Plans should outline the approach to developer contributions. However, it is critical that policy PM12 includes recognition that infrastructure needs evolve over the course of the plan implementation period and as further evidence becomes available in support of a development proposal. The Council is very much concerned that in its current format, this policy could undermine the ability to ensure that the infrastructure necessary to support development is provided.

**17) Do you agree that plans should set out the circumstances in which review mechanisms will be used, or should national policy set clearer expectations?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council recognises the need to detail the circumstances in which a review mechanism to reduce policy requirements is appropriate. However, the Council suggests in outlining this expectation, the policy should:

- a. Include the general expectation that the majority of development should achieve policy compliance, given these requirements will be informed by viability assessment.

- b. Clearly specify that it is only in limited and exceptional circumstances where a review mechanism would be utilised and detail what such circumstances entail – for instance where the form of development proposed is not comparable to those assessed within the Local Plan viability assessment.

**18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers that policy PM13 is overly-restrictive regarding the scope of local standards. As an example, PM13(1)(c) specifies such standards should not relate to the construction or internal layout of a building, but this is considered contradictory to PM13(1) which specifies quantitative standards can address design and placemaking (which can influence internal layout of a building) and PM13(1)(b) which confirms the ability to address accessibility standards (which again influence internal layout of a building). It also seems contrary to policy CC1.

**19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?**

Shropshire Council considers that the test of soundness for SDS's, as outlined in policy PM14, are largely appropriate - subject to the concern, explained more fully in response to question 1, that if Development Management Policies remain non-statutory, the 'soundness' test for Development Plan documents regarding consistency with national policy (including stating these documents must not duplicate, substantively restate or modify national policy) is inappropriate and must be subject to change.

However, the Council has concerns regarding the scope of the examination of SDS's outlined in policy PM14. Specifically, whilst the expectation that in examining SDS's the Inspector considers compliance with relevant procedural requirements and soundness is entirely appropriate, Shropshire Council is concerned about inclusion of an unambiguous ability for examiners to consider "*other matters*" they consider to be appropriate. It is strongly considered that to ensure certainty and transparency the remit of the Inspector is that of ensuring compliance with relevant procedural requirements and soundness.

Furthermore, the Council has concerns regarding the process in circumstances where an Inspector does not consider an SDS to be sound - suggesting modification *or* recommend withdrawal. To support Government ambitions it is considered this should be expressed as a hierarchy, with the clear preference being suggesting modifications where at all possible, before determining the need to recommend withdrawal.

Shropshire Council considers that the test of soundness for Local Plans as outlined in policy PM15 are largely appropriate - subject to the concern, explained more fully in response to question 1, that if Development Management Policies remain non-statutory, the 'soundness' test for Development Plan documents regarding consistency with national policy (including stating these documents must not duplicate, substantively restate or modify national policy)

However, it is considered that policy PM15(1)(e) would benefit from revision to provide greater certainty and confidence for Local Planning Authorities to progress the next round of Local Plans in advance of SDS's - currently there is a real risk that this test could result in unhelpful delays to plan-making and subsequent soundness challenges during examination.

Furthermore, the need for pragmatism should be recognised in circumstances where plan-making has significantly advanced before an SDS is sufficiently progressed to allow for its consideration. This will ensure timely plan-making and avoid unnecessary soundness challenge that can delay examination.

The Council is also supportive of the expectation, detailed in policy PM15(2), that these tests of soundness are applied in a proportionate way.

However, the Council has concerns regarding the use of 'panel of Inspectors' during examination of Local Plans. Whilst it is understood that in circumstances where there are complex Local Plans this may be required, this inevitably adds costs to the process despite best efforts of the Planning Inspectorate to avoid duplication. Furthermore, Local Planning Authorities, which are responsible for meeting these costs, have no control over decisions on the number of Inspectors appointed, the approach to examination, or the timescales for examination - in effect there is currently a need to write a 'blank cheque'.

As such, Shropshire Council would strongly recommend the total Inspector cost of an examination is preferably met by Government in a manner consistent

with S78 appeals. Alternatively, this total cost should be 'capped' so as to provide certainty to Local Planning Authorities and the Planning Inspectorate. Such an approach also aligns with the principles of universal Local Plan coverage and ensuring timely examination.

**20) Do you have any specific comments on the content of the plan-making chapter which are not already captured by the other questions in this section?**

Shropshire Council has concerns regarding policy PM6(1)(d) which outlines expectations for positive engagement with communities and other stakeholders "as early as possible during the plan-making process". Whilst the principle of effective community engagement is supported, given the timescales for plan-making and the specified scope of the informal scoping consultation and two statutory consultations outlined in guidance on the new plan-making process, it is concerned that this statement raises unrealistic expectations regarding consultation.

Shropshire Council would also suggest that referenced to Habitats Regulations Assessment is included in policy PM6(1)(e).

The Council also notes that policy PM6(1)(f) requires Development Plans to be published in a digital format. Whilst this expectation is understood, to ensure consistency and respond to resource availability it would welcome Government committing to providing Local Planning Authorities with free to use software to support achievement of this requirement.

Policy PM16 addresses the examination of Supplementary Plans. Shropshire Council would welcome the inclusion of clarity on which bodies are able to undertake this examination being included within the NPPF.

**21) Do you agree with the principles set out in policy DM1? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council is generally supportive of the principles set out in policy DM1. However, it considers that reference to this being undertaken 'where appropriate' is overly ambiguous. It is recommended that this is either removed from the policy or clarity is provided on circumstances where it is considered appropriate to undertake early engagement on proposals for major development.

Furthermore, policy DM1(1)(a) includes reference to both early engagement and pre-application engagement. Shropshire Council is unclear if this is

intended to refer to the same or two different processes. As such, it is recommended that clear distinction is made between early engagement with communities and statutory consultees and pre-application processes with Local Planning Authorities.

Policy DM1(2) specifies that other types of development should be supported by the "*minimum necessary information requirements to enable a decision*". Whilst Shropshire Council recognises the intention is to ensure that unnecessary information burdens are not placed on applicants, it is concerned that this wording could lead to unnecessary debate about what information constitutes the minimum necessary and, in any event has negative connotations. As such, it is recommended that this is instead phrased as 'sufficient information to enable a decision'.

**22) Do you agree with the policy DM2 on information requirements for planning applications?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Policy DM2(2) specifies local validation lists should only include additional requirements to those in Annex C of the NPPF where there is a policy in the Development Plan requiring a specific further assessment.

Whilst Shropshire Council supports the ability to include additional requirements to those in Annex C of the NPPF, it considers the circumstances in which these are allowed is overly restrictive. Specifically, it is considered that this approach reduces the ability to proactively respond to changing local circumstances that emerge following adoption of a Development Plan and raises concerns about the ability to comply with other legislation that may result in the need for a local validation list requirement – such as the Community Infrastructure Levy (CIL). As such, Shropshire Council recommend greater flexibility is provided regarding local validation list requirements.

Shropshire Council welcomes the inclusion of Heritage Impacts Assessments within the list of information requirements in Annex C. However, the wording in the third column does not explicitly mention archaeological interest and potential. It is therefore considered that for clarity this should be included as follows (insert the underlined text): *Assessment of the significance of the asset(s) affected (including any contribution made by their setting and where there is known or potential archaeological interest) and of the potential effect(s) of the proposal(s) on their significance.*

Annex C also makes no reference to the requirement for the essential arboriculture information (in line with the relevant British Standard currently in BS 5837: 2012). This information is needed to assess arboriculture matters as

a relevant material consideration across a range of planning applications and should not be dependent on inclusion of the required detail in local plan policy.

**23) Do you have any views on whether such a policy could be better implemented through regulations?**

N/A

**24) Do you agree with the principles set out in DM3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Whilst Shropshire Council is generally supportive of the principles outlined in policy DM3, it has concerns about certain aspects. Specifically:

- a. Paragraph (1)(a) specifies Local Planning Authorities should seek "*solutions to problems arising from initial proposals*". Whilst this principle is not unreasonable, there is a real risk that it is exploited - encouraging 'rushed', 'poor' or 'unevidenced' planning applications. This risks direct conflict with the expectation of a "timely decision". As such, it is recommended that this expectation is amended to reflect the fact it is the **responsibility** of the applicant to ensure that Local Planning Authorities have the information required to reach a decision at the point that a planning application is submitted and that proposals positively respond to this information. Further it should reflect that whilst Local Planning Authorities should of course seek to positively support applicants to resolve problems with their planning application, it is **not the role** of Local Planning Authority to resolve the problem. Finally, it is essential that this paragraph recognises that in circumstances where significant work will be required to resolve problems, in order to enable a timely decision it may be necessary to refuse the planning application.
- b. Paragraph (1)(c) specifies that decisions should not be delayed to secure advice from statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision. Whilst Shropshire Council is supportive of this principle, it is essential that this paragraph recognises that this is often exactly the situation in circumstances where such responses are awaited.

**25) Do you agree that policy DM5 would prevent unnecessary negotiation of developer contributions, whilst also providing sufficient flexibility for development to proceed?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council supports the principle in policy DM5(1) that policy compliant development should be assumed to be viable, reducing the potential for delays in granting planning permission for such development.

The Council is also supportive of the position in policy DM5(3) and DM5(6) - that the price paid/intended to be paid for land should not be a justification for failing to comply with policy requirements and that in circumstances where developer contributions are reduced the potential for them to be increased should be monitored over the lifetime of the development.

However, Shropshire Council has concerns about unintended consequences of policy DM5(2) and DM5(4). These include:

- a. Through the introduction of specific circumstances where viability assessment can be utilised to seek to reduce developer contributions, there is a real risk that developments will be structured so as to align with these circumstances with the intention of eroding developer contributions.
- b. The current wording of the policy is too broad, and an argument can be made for many developments that one or more of the example circumstances could apply. This poses the very realistic risk of delays to the determination of planning applications and increased costs to Local Planning Authorities as they review wholly unnecessary viability assessments.
- c. The current wording of the policy is considered too vague, with the circumstances where viability assessment may be required examples only. If this approach is to be retained, then Shropshire Council considers the circumstances where viability assessment could be appropriate should be expressed as a closed list. Failing to address this has the very realistic potential for delays on the determination of planning applications and increased costs to Local Planning Authorities as they review wholly unnecessary viability assessments.
- d. Policy DM5(4) does not align with DM5(2), as it does not require applicants submitting viability assessments to justify how the proposal complies with the circumstances outlined in DM5(2).

For these reasons, Shropshire Council would recommend that the policy is amended to make it clear that the use of viability assessments in the context of planning applications is very much the exception and applicable in only very limited and specific circumstances. Such an approach adds weight to the principle of a plan-led planning system, will support timely decisions on planning applications, and ensures that development balances the considerations of viability and delivering community benefit.

If this approach is retained, then the circumstances where viability assessment is appropriate should be very specific, clearly the exception rather than the rule, and the need for such an approach fully justified by the applicant.

**26) Do you have any further comments on the likely impact of policy DM5: Development viability?**

Recognising the commitment to a plan-led planning system, Shropshire Council considers that the general expectation in national policy must be that development should comply with the requirements of Local Plans. Local Plans constitute the statutory starting point for decision making and the requirements within them are informed by viability assessment and examination.

Recognising the commitment to timely decisions on planning applications, Shropshire Council considers that national policy must avoid introducing mechanisms that create unnecessary challenge and delay to the determination of planning applications.

For these reasons, the Council considers that the approach to viability in the NPPF must be clear that viability assessment in the context of planning applications is the exception rather than the rule.

**27) Do you have any views on how the process of modifying planning obligations under S106A, where needed once a section 106 agreement has been entered into, could be improved?**

Yes

**a) If so, please provide views on specific changes that may improve the efficacy of S106A and the main obstacles that result in delay when seeking modification of planning obligations.**

Shropshire Council considers delays frequently arise from the legal stages of the process and would welcome measures to streamline the legal processes, together with additional resourcing and targeted support for Local Authority legal teams to help enhance capacity, improve efficiency and support timely decision making.

**28) Do you have any views on how the process of modifying planning obligations could be improved in advance of any legislative change, noting the government's commitment to boosting the supply of affordable housing.**

No comment.

**a) If so, please provide views on the current use of s73 and, if any, the impact on affordable housing obligations.**

N/A

**29) Do you agree with the approach for planning conditions and obligations set out in policy DM6, especially the use of model conditions and obligations?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

Shropshire Council supports the alignment of the tests for planning conditions and clarification of the circumstances in which planning conditions should not be used, as this will assist with managing the expectations of those parties involved in the planning process. Shropshire Council also supports standardisation with model conditions to help with consistency and assist at appeal.

**30) Do you agree that policy DM7 clarifies the relationship between planning decisions and other regulatory regimes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council is very much supportive of the principles within policy DM7 and the clarity it provides regarding the inter-relationship between the planning application process and other regulatory regimes.

However, to ensure the operability of this policy, the Council would ask that careful consideration is given to the outcome of a recent judgement of a judicial review in Shropshire which addressed this specific issue and is of national importance. This Judgement: *The King (on the application of Alison Caffyn) v Shropshire Council* regarding Planning Application 17/05151/EIA.

Within this decision the Court adopted a narrower interpretation of the Local Planning Authority's ability to rely on regulatory regimes – specifically concluding it could not rely on the permitting regime or guidance. This has resulted in ambiguity over whether Local Planning Authorities can assume effective operation of Environment Agency / Natural England permitting regimes.

As a result, it raises a real risk that the planning process will be forced to duplicate other regulatory controls, contrary to long standing principles and the intentions of policy DM7 – which directly address the issues raised within this judgement.

The decision also poses a challenge under the Habitat Regulations, which is of course separate legislation to that governing the planning policy.

**31) Do you agree with the new intentional unauthorised development policy in policy DM8?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Policy DM8(2) addresses retrospective planning permissions for unauthorised development. It includes the requirement that "*evidence that the unauthorised development was intentional...should be given substantial weight*". Shropshire Council considers that further clarity on this expectation is required. Guidance would be welcome as to how to evidence proving intent. Training for local authorities would be required if the intention is to interview on cases to determine intent.

Shropshire Council has reservations as to how successful this aspect of the policy will be based on experience of using the existing powers set out in the Written Ministerial Statement *Green Belt Protection and Intentional Unauthorised Development*. In cases where Shropshire Council gave weight to the intentional nature of the development, the issue was not addressed in the Inspector's decision letter. To support consistent application additional training and clearer national guidance for Planning Inspectorate would be welcomed.

**32) Are there any specific types of harm arising from intentional unauthorised development, and any specific impacts from the proposed policy, which we should consider?**

No comment

**a) If so, are there any particular additions or mitigations which we should consider?**

N/A

**33) Do you agree with the new Article 4 direction policy in policy DM10?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes the intention of DM 10 providing a more flexible policy in relation to the use of Article 4 Directions. However, we would observe that, as currently worded, the policy actually implies that their use should be more restricted because of the limited range of examples given. In particular, we recommend that reference to their use within Conservation Areas and World Heritage sites, to conserve their character and appearance and Outstanding Universal Value, needs to be included.

**34) Do you agree with the proposed approach to setting a spatial strategy in development plans?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council is generally supportive of the proposed approach to setting a spatial strategy in development plans outlined in policy S2.

However, whilst policy S2(1)(a) specifies that the Development Plan should identify "*settlements within the development plan area*", which seems entirely logical given our plan-led system and the intention to achieve a sustainable pattern of development, the definition of a settlement in Annex B: Glossary specifies that it "*includes areas defined as a settlement in the development plan*".

Shropshire Council is concerned that this represents an unintended conflict within the NPPF. To remove this conflict and given the clear commitment to a plan-led system and achievement of a sustainable pattern of development within the NPPF, Shropshire Council would strongly encourage the definition of a settlement to be amended making it clear that settlements will be identified through the Development Plan. The examination of Development Plans will ensure that the approach to doing so is robust and avoids subsequent unnecessary debate on this matter.

In addition to resolving the unintended conflict within the NPPF, this change also reduces the potential for unnecessary delays during plan-making, examination and resultant decision-making.

Furthermore, policy S2(1)(c) specifies the Development Plan should identified land that is "*protected or proposed to be enhanced for specific purposes*". Shropshire Council supports this principle, but would wish to avoid the risk that Development Plans become quickly out of date – particularly relevant given the pace of change to the planning system at this time. As such, it is recommended that this paragraph is amended to allow for such changing circumstances.

**35) Do you agree with the proposed definition of settlements in the glossary?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a) Please provide your reasons, particularly if you disagree.**

Policy S2(1)(a) specifies that the Development Plan should identify "*settlements within the development plan area*", which seems entirely logical given the approach proposed in policies S4 and S5.

However, within Annex B: Glossary the definition of a settlement specifies that it "*includes areas defined as a settlement in the development plan*". Shropshire Council is concerned that this represents an unintended conflict within the NPPF. To remove this conflict and given the clear commitment to a plan-led system and achievement of a sustainable pattern of development within the NPPF, Shropshire Council would strongly encourage the definition of a settlement to be amended making it clear that settlements will be identified through the Development Plan. The examination of Development Plans will ensure that the approach to doing so is robust and avoids subsequent unnecessary debate on this matter.

In addition to resolving the unintended conflict within the NPPF, this change also reduces the potential for unnecessary delays during plan-making, examination and resultant decision-making.

**36) Do you agree with the revised approach to the presumption in favour of sustainable development?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council has specific comments on policies S4 and S5, as addressed in response to questions 37 and 38.

It is noted that policy S3 is titled the presumption in favour of sustainable development. Given the intentions of the planning system, Shropshire Council would recommend this and all subsequent references are adjusted to a presumption in favour of sustainably **designed and located** development.

Policy S3 deals with the sustainability of development in relation to its location within or outside defined settlements and appears to imply that defined settlements will be isolated and self-contained locations. The aim of Draft NPPF: Chapter 4 is to achieve sustainable development and consequently, the 'presumption in favour' must also include a 'primary objective' for communication, travel, transport, accessibility or connectivity with other locations. This 'primary objective' might reasonably be taken from or reflect Policy TR3 – Locating Development in Sustainable Locations. This amendment to Policy S3 would more properly apply the 'presumption in favour' test in the assessment of development proposals. This policy provision will also help to achieve the aim of Draft NPPF: Chapter 15 Promoting Sustainable Transport and the objective of promoting the Connectivity Tool.

The failure to include a 'primary objective' for communication, travel, transport, accessibility or connectivity overlooks the significant contribution that transport considerations make to achieving sustainable development, to moving towards

Net Zero Carbon lifestyles and economic processes and adapting to the impacts of, or directly addressing the causes of, climate change.

The concept of a 'simpler' presumption in favour test is challenging within the broader policy framework of the Draft NPPF. Two of reasons for this conclusion are outlined below. It is considered these reasons, with matters that may be raised by other respondents, suggest that a 'simpler' presumption in favour test will be difficult to implement effectively. As a result, many decisions that fall to this 'simpler' presumption in favour test may need to be determined by the Inspectorate and even by the Courts. Consequently, the presumption in favour test should be more sophisticated and more detailed than currently drafted, to best serve the NPPF objectives within a modern planning system.

The Draft NPPF pursues broader policy objectives with greater effect and includes many instances where, it is expected that development proposals should be refused for reasons that are not 'high level' policy objectives. This includes making effective use of land (Policy L3(4)); delivering well designed places (DP3(2)); protecting the health of young people (HC5(1)) and improving broadscale biodiversity (N2(2)).

A number of 'high level' policy objectives also identify circumstances where development should be refused along with the instances above. Where an NPPF Policy requires the impacts of a development to be assessed 'against the national decision-making policies in this Framework', a detailed and careful assessment of the planning balance will be required in decision making whereas the proposed presumption in favour test indicates this would be an uncomplicated and rather simplistic decision. Policy S3 therefore presents a misleading policy position for developers and other applicants who propose development schemes to the local authorities.

**37) Do you agree to the proposed approach to development within settlements?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Whilst Shropshire Council is generally supportive of the principles in policy S4, it has concerns about specific details within the policy.

These concerns include:

- a. Reflecting the principles of Policy S2, it is considered reference to settlements in this policy should be clear that this **constitutes settlements identified within the Development Plan**. Examination of Development Plans will ensure that the approach to identifying settlements is robust and this approach reflects the intended plan-led planning system and avoids subsequent unnecessary debate on this matter.

- b. Policy S4(1) includes an expectation that development is assessed against the national decision-making policies of the NPPF. Consistent with the continued commitment to a plan-led system and the requirements of policy S3(1)(c), Shropshire Council considers it is critical that this also includes an expectation that development is in conformity with the Development Plan.
- c. Policy S4(2) addresses the circumstances where proposals within settlements could have unacceptable impacts. Whilst it is noted that these considerations are not a 'closed list', it is concerning that specific reference is not included in policy S4(2)(a)(ii) to such considerations as public protection (noise, dust, odour, air pollution, contamination etc) and heritage assets. It is considered that it is critical that this is addressed to ensure that development achieves sustainable outcomes for new and existing communities and businesses.
- d. Policy S4 includes no reference to efficient use of land and design quality (including responding to the characteristics of the site and surroundings). The Council considers specific reference to these considerations is critical for sites within settlements.

**38) Do you agree to the proposed approach to development outside settlements?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council has concerns about the potential for conflict between this policy and Local Plans. On reflection, the Council considers Development Plans are a more effective mechanism for identifying forms of development appropriate outside of settlements than a national policy. This is because the approach to such development in Development Plans is informed by consideration of the wider spatial strategy and local circumstances, neither of which can be considered in national policy. For this reason, the Council would recommend the scope of this policy is significantly reduced.

With regard to the detail of the policy, Shropshire Council has the following comments:

- a. Policy S5(1) includes an expectation that development is assessed against the national decision-making policies of the NPPF. Consistent with the continued commitment to a plan-led system and the requirements of policy S3(1)(c), Shropshire Council considers it is critical that this also includes an expectation that development is assessed for conformity with the Development Plan (other than in circumstances where development is to address an evidenced unmet need).

- b. Policy S5(2) addresses the circumstances where proposals within settlements could have unacceptable impacts. Whilst it is noted that these considerations are not a 'closed list', it is concerning that specific reference is not included in policy S4(2)(a)(ii) to such considerations as public protection (noise, dust, odour, air pollution, contamination etc) and heritage assets. It is considered that it is critical that this is addressed to ensure that development achieves sustainable outcomes for new and existing communities and businesses.
- c. Policy S5 includes no reference to efficient use of land and design quality (including responding to the characteristics of the site and surroundings). The Council considers specific reference to these considerations is critical for all sites either within or outside settlements.
- d. Footnote 24 provides a definition of an existing building. This is not consistent with the definition provided in footnote 49 of the draft NPPF, the existing definition of an original building in the current NPPF or as established through case law, which is 'as constructed or at 1 July 1948'. To avoid unintended consequences Shropshire Council strongly recommends this definition aligns with that utilised elsewhere.
- e. Policy S5(5) clarifies the application of policy S5 in the Green Belt. Shropshire Council supports provision of this clarification, but considers the qualification regarding where development is not inappropriate in the Green Belt should also reference conformity with the Development Plan as well as the NPPF – consistent with the continued commitment to a plan-led system.
- f. The Council has a number of concerns about the specific categories of development addressed in policy S5 – this is addressed in response to question 39.

**39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a) Please provide your reasons.**

Minerals extraction in policy S5(1)(a): Whilst Shropshire Council recognises the importance of ensuring minerals supply, it is concerned about lack of explicit reference in this presumption to meeting identified needs or consideration of potential impacts. It is strongly recommended that mineral extraction is addressed as a separate entry in policy S5 so as to allow for reference to these two important issues. Furthermore, there is currently no reference to policies M3-M6 of the NPPF within any of the subsequent requirements of policy S5. Shropshire Council considers it is critical for such a reference to be included to ensure consistency of approach between policy S5 and policies M3-M6 of the NPPF.

Rural businesses and services, including tourism in policy S5(1)(b): Whilst Shropshire Council is supportive of rural tourism, such provision must be sustainable. As such, it is recommended that a clear distinction is made between visitor accommodation and other forms of tourism provision. Visitor accommodation should be directed towards settlements (addressed in policy S4) unless directly associated with wider tourism provision that requires accommodation and is of an appropriate scale and character to their surroundings. Other forms of tourism may be appropriate to be addressed in policy S5, subject to inclusion of further criteria regarding provision of evidence that it enhances the role of the tourism sector, benefits the local community, is sensitive to the natural and built environment, and is of an appropriate scale and character to their surroundings.

Limited infilling with groups of houses in policy S5(1)(e): Shropshire Council has significant concerns that this will result in development in unsustainable locations. This is because groups of houses are scattered across the countryside and perpetuating this pattern of development is directly contrary to the principles of sustainable development and will inherently contradict spatial strategies in Local Plans for the rural area. If the intention is to allow for development within sustainably located groups of housing, it is unnecessary in policy S5, as such development is already addressed in policy S4. As such, it is strongly recommended that this form of development is removed from policy S5. If it is retained, then clear definitions of what constitutes 'limited infilling' and 'groups of housing' is required, as is reference to sustainable locations and what this constitutes, as this is currently entirely ambiguous.

**40) Do you agree with the proposed approach to development around stations, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly agree

**a) Please provide your reasons.**

Shropshire Council is generally supportive of the definition of a qualifying railway station - which provides a high level of connectivity to jobs and services, within footnote 26. However, further clarity on what constitutes reasonable prospect that planned upgrades / agreement with a rail operator that service provision will increase is considered necessary to avoid unnecessary delays regarding interpretation.

The Council is also supportive of the requirement for such development to be within a reasonable walking distance of a qualifying railway station. However, it is considered that a clear definition of what constitutes a reasonable walking distance is required to avoid unnecessary debate on this matter.

Furthermore, the Council is supportive of the requirement for such development to be physically well related to a qualifying railway station, although this is somewhat contradicted by its extension to 'the settlement within which the railway station is located'. If this extension of suitable locations is retained, it further increases the importance of specifying what constitutes a reasonable walking distance to a station.

**41) Do you agree that neighbourhood plans should contain allocations to meet their identified housing requirement in order to qualify for this policy?** *Strongly agree, partly agree, neither agree or disagree, partly disagree, strongly disagree.*

Partly agree

**a) If not, please provide your reasons**

Shropshire Council is very supportive of neighbourhood planning and on this basis is supportive of the continuation of the approach to them within the context of the presumption in favour of sustainable development. However, it is important to note the pertinence of the words 'where it is appropriate to do so' in PM5 1a, as allocations for housing within neighbourhood plans must respond to the needs and context of their locality, with the caveat that PM5 2 must also apply.

**42) Do you agree with the approach to planning for climate change in policy CC1?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

The principles in policy CC1 are generally supported by Shropshire Council. However the Council:

- a. Would highlight that, as policy CC1 contains several new specific duties for Local Planning Authorities, additional resources to support their implementation will be required. A particular example is the expectation that Local Planning Authorities undertake baseline assessments of carbon emissions and the potential effect of development options on future emissions and their mitigation.
- b. Is concerned that there is potential conflict between the intention of this policy of achieving a sustainable pattern of development and policy S5 (particularly with regard to the approach in policy S5 to infilling of groups of houses which are often unsustainably located).

- c. Considers there is conflict between the requirements of this policy and policy PM13 which addresses setting standards (which states policies should not relate to the construction or internal layout of a building).
- d. Suggests the principles of adaptation in policy CC3 could also be addressed in policy CC1.
- e. Supports consideration of the LNRS (in accordance with N1). However, it should be noted that the LNRS is opportunities map and landowners can add or remove their land from the LNRS when it is updated. Therefore, any opportunities identified may not be available for the life of a Local Plan.

**43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) If not, what additional measures could be taken to ensure climate change mitigation is given appropriate consideration?**

Policy CC2 is strongly supported by Shropshire Council, it is considered fundamental to achieving sustainable patterns of development. As a result, Shropshire Council would suggest that this policy is specifically referenced in policy S5 – to ensure the location of development is appropriately considered.

Shropshire Council is concerned that policy S5 is currently in conflict with CC2(1)(a&b), particularly with regard to the infill of groups of houses which are often unsustainably located, particularly given that where such groups of houses form part of a settlement they are already addressed in policy S4.

**44) Do you agree with the approach to climate change adaptation through planning decisions in policy CC3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) What additional measures could be taken to ensure climate change adaptation is given appropriate consideration?**

Policy CC3 is strongly supported by Shropshire Council, addressing many of the key considerations to ensure new development is responsive to our changing climate. However, the Council considers that:

- a. The scope of this policy could be expanded to address such issues as urban heat islands, nature-based solutions, building retrofits, use of permeable parking / integration of nature into parking areas, and the role of green infrastructure in climate change adaptation.

- b. The principles of adaptation in CC3 could be integrated into wider NPPF policy chapters to ensure it is not viewed as just a technical requirement.
- c. The policy could be supported by further guidance on adaptation measures, and importantly approaches to monitoring and maintenance – including responsibilities.

**45) Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons**

The Council considers the reference to wildfire adaptation would benefit from greater explanation of the risks, how they are exacerbated by climate change, and adaptation/mitigation measures and opportunities. This may be best achieved through accompanying guidance.

**46) How should wildfire adaptation measures be integrated with wider principles for good design, and what additional guidance would be helpful?**

In summary, Shropshire Council would suggest integration of wildfire adaptation measures in site analysis, building layout, materials, movement networks and green infrastructure design.

The Council would welcome clearer technical guidance on issues such as the definitions and recommended methods of wildfire risk assessment; defensible space (dimensions, gradients, maintenance); accepted standards for fire resistant landscapes, materials and construction details; and maintenance and stewardship to ensure wildfire adaptation is not a one-off design feature.

Shropshire Council would also encourage integration of this issue into Building Regulations with clear signposting between planning and building control. This could help address ember resistant detailing (vents, roof junctions, eaves), resistance to radiant heat through glazing and materials and requirements for external water supply or firefighting infrastructure.

**47) Do you have any other comments on actions that could be taken through national planning policy to address climate change?**

The Council would welcome details on how the climate change policies are intended to 'link' together and inform decisions on the circular economy.

**48) Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Policy HO1 is generally supported by Shropshire Council.

However, the Council considers HO1(1)(c) should be qualified to recognise that the progression of SDS's/Local Plans across different geographies often do not align. There is also concern that discussions regarding adjoining areas unmet needs are inevitably changeable, and have unhelpfully been used as a means to derail Local Plans at Examination. For this reason it is specifically suggested HO1(1)(c) should include the sentence "before the point at which a Local Plan reaches Gateway 2 *during the plan making process, but before the examination stages*" after "within neighbouring areas" .

Notably, this approach is not dissimilar to that proposed regarding a Local Planning Authorities own local housing need in policy PM8(3).

Policy HO2 is also generally supported by Shropshire Council.

However, the Council considers that where policy HO2(1) references circumstances where a housing or pitch/plot requirement established in an SDS may need to be re-tested within a subsequent Local Plan, greater specificity is required to provide certainty for all.

To achieve this, the Council would suggest that what constitutes a 'significant change' should be quantified – with a 20% increase/decrease considered appropriate, to reflect the transitional arrangement in the current NPPF regarding circumstances when a review of emerging Local Plans is required.

Shropshire Council would also suggest that policy HO2(2) would benefit from a cross-reference to policy PM8(3) to ensure consistency of approach regarding evidence of local housing need.

Furthermore, the Council considers policy HO2(3)(b) should include a cross-reference to policy S1 (similar to HO2(4)) to ensure consistency of approach to unmet need arising in neighbouring Local Planning Authorities.

An understanding of any Gypsy and Traveller accommodation needs that cannot be met within neighbouring areas is best understood by joint evidence preparation and working to ensure appropriate apportionment of need which considers density and mix of established existing GRT population.

**49) Is further guidance required on assessing the needs of different groups, including older people, disabled people, and those who require social and affordable housing?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a) If so, what elements should this guidance cover?**

Shropshire Council considers existing guidance and best practice an appropriate balance between ensuring consistency of approach and allowing response to any specific local circumstances.

The Council is also concerned that if such guidance were provided then it could result in the need to re-assess these needs, contrary to the intentions of policy PM8.

**50) Do you agree with the approach to incorporating relevant policies of Planning Policy for Traveller Sites within this chapter?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers, that as pitches and plots are types of residential accommodation, this Chapter is the most appropriate location for the inclusion of policy for Gypsy and Traveller sites and allows for greater consistency of approach.

Specific policies will nevertheless need to acknowledge that securing appropriate pitch provision needs to be approached in a different way to delivering homes for the settled population. Specific comments, including in respect of the scarcity of promoted land and different development models to that for 'bricks and mortar' accommodation, are made in this regard in response to other questions.

**51) Is further guidance needed on how authorities should assess the need for traveller sites and set requirement figures?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a) If so, what are the key principles this guidance should establish?**

Whilst a standard methodology could reduce debate (including at appeal) regarding the appropriateness of a methodology for assessing accommodation need, the Council is concerned about the availability/ability to achieve a consistent dataset to support such a standard methodology and the risk that a

standard methodology would not be sufficiently responsive to local circumstances – particularly relevant given the relatively small but diverse Gypsy and Traveller population, their differing requirements to the settled population, and difficulties in achieving effective engagement. The suitability of a standard methodology for assessing accommodation needs would therefore depend on whether these concerns can be suitably addressed.

As referenced in respect of policy HO2, an understanding of any accommodation needs that cannot be met within neighbouring areas is best understood by joint evidence preparation and working to ensure appropriate apportionment of need.

**52) Do you agree the new Annex D to the draft Framework is sufficiently clear on how local planning authorities should set the appropriate buffer for their local plan 5-year housing land supply? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers the approach to the buffer of the five year housing land supply is sufficiently clear in Annexe D.

However, the Council would note that it continues to have significant reservations regarding the interplay between the housing delivery test and the extent of the buffer of the five year housing land supply. This is because whilst supply can be a factor that influences delivery, this is very unlikely to be the determinative factor in circumstances where a robust five year housing land supply is demonstrated.

Therefore, linking the housing delivery test to the buffer of the five year housing land supply is not only likely to be ineffective, but more critically is an action that 'masks' the real problem – capacity and demand within the housing market.

Notably, whilst Local Planning Authorities have a key role to play in ensuring sufficient supply of land, it has very limited ability to influence the housing market – which is the role of central Government and the development industry as a whole.

**53) Do you agree the new Annex D to the draft Framework is sufficiently clear on the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers the approach to the wider procedural elements of 5-year housing land supply, the Housing Delivery Test and how they relate to decision-making is sufficiently clear in Annexe D.

However, the Council would note that it continues to have significant reservations regarding the interplay between the housing delivery test and the extent of the buffer of the five year housing land supply as whilst supply can be a factor that influences delivery, this is very unlikely to be the determinative factor in circumstances where a robust five year housing land supply is demonstrated.

**54) Do you agree the requirements to establish a 5 year supply of deliverable traveller sites and monitor delivery are sufficiently clear?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree.

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers there is insufficient recognition of the complexity of undertaking an annual assessment of the five year supply of deliverable traveller sites and insufficient guidance on this matter.

Also, given the relatively small extent of pitch and plot need and development (compared to dwellings) any variations have a disproportionate impact on expected delivery. As such, forecasting an accurate trajectory over the Plan period is a significant challenge.

Shropshire Council welcomes explicit reference in policy HO3 to potential inclusion of a windfall allowance in achieving pitch and plot supply. This reflects the Authority's experience that delivery of suitable private traveller sites is facilitated by an enabling development management policy.

The general development pattern, and understood GRT community preference in Shropshire, is towards smaller rural sites (mainly less than 5 pitches and many constituting family sites). Enough suitable small sites would thus need to be promoted to the Council for potential allocation. The Council continues to have significant reservations regarding the achievability of a sufficient number and mix of sites for allocation given the scarcity of land promoted for this purpose.

**55) Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential**

**and mixed-use development are sufficiently clear?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Whilst Shropshire Council considers the requirements for large-scale residential and mixed-use development is sufficiently clear in policy HO4, the Council considers that there is specific tension between this and the requirements of policy HO6 (they are not complementary).

**56) Do you agree our proposed changes to the definition of designated rural areas will better support rural social and affordable housing?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree.

Shropshire Council welcomes the provision of a definition of designated rural areas and supports the ability to set lower thresholds at which affordable housing contributions are required in such geographies.

**57) Do you agree with our proposals to ask authorities to set out the proportion of new housing that should be delivered to M4(2) and M4(3) standards?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree.

Shropshire Council welcomes the recognition of the importance of accessible and adaptable housing in meeting the future needs of communities, particularly given current and future demographics both locally and nationally.

However, Shropshire Council remains of the view that a more effective and immediate approach would be through a specific change to the national building regulations – mandating a specific quantity of properties achieving M4(2) and M4(3) standards. This could then be complemented by raising this quantum where local circumstances and demographics justify.

The Council remains unclear on why a different approach is proposed to this and energy efficiency/generation matters. Both are nationally significant issues and both would benefit from the economies of scale achieved through a more consistent approach nationally.

**58) Do you agree 40% of new housing delivered to M4(2) standards over the plan period is the right minimum proportion?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, and would you support an alternative minimum percentage requirement?**

Shropshire Council welcomes the recognition of the importance of accessible and adaptable housing in meeting the future needs of communities, particularly given current and future demographics both locally and nationally.

However, Shropshire Council remains of the view that a more effective and immediate approach would be through a specific change to the national building regulations – mandating a specific quantity of properties achieving M4(3) and M4(3) standards. This could then be complemented by raising this quantum where local circumstances and demographics justify.

The Council remains unclear on why a different approach is proposed to this and energy efficiency/generation matters. Both are nationally significant issues and both would benefit from the economies of scale achieved through a more consistent approach nationally.

**59) Do you agree the proposals to support the needs of different groups, through requiring authorities to identify sites or set requirements for parts of allocated sites are proportionate?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council is generally supportive of the principle of identifying sites or setting requirements for parts of allocated sites to meet the housing needs of specific groups in our communities so as to provide greater certainty that these needs are met.

However, the Council would suggest that policy HO5(1)(c), which introduces this requirement, includes specific recognition that this is only one way to achieve this principle and is intended to be complementary to other such mechanisms.

This is because, dependent on the extent and type of need, other such mechanisms (such as a policy for an entire settlement or Local Planning Authority administrative area) can avoid unnecessary duplication and also addresses windfall development – which can constitute a significant proportion of total development.

**60) Do you agree with our proposals to ask authorities to set out requirements for a broader mix of tenures to be provided on sites of 150 homes or more?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons and indicate if an alternative site size threshold would be preferable?**

Shropshire Council would strongly recommend the threshold of 150 dwellings at which policies should set out "*the mix of tenures to be provided*" in policy HO5(d) is more flexible so as to respond to the diverse characteristics of Local Planning Authorities.

Specifically, the Council would suggest that the existing threshold is retained as a back-stop, but that flexibility is included for a lower threshold (between 50 dwellings (as the new threshold for major development) and 149 dwellings) depending on local circumstances such as the characteristics of development that occurs.

Such an approach will through increased numbers of outlets support the timely delivery of such sites and ensure resultant development best aligns with local needs.

**61) Do you agree with proposals for authorities to allocate land to accommodate 10% of the housing requirement on sites of between 1 and 2.5 hectares?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons**

Shropshire Council recognises the important role that small and medium sized developments and small and medium sized developers can play in the delivery of housing and achievement of the housing needs of our local communities. Furthermore, such development represents a significant component of new residential development in Shropshire, responding to the characteristics of our settlements. However, Shropshire Council has a number of concerns about the requirements outlined in policy HO6, including:

- a. They potentially result in the pre-determination of the outcomes of the site assessment process, with Local Planning Authorities being required to 'favour' smaller sites over larger sites.
- b. They unnecessarily complicate the site assessment and allocation processes.
- c. They unnecessarily complicate and lengthen the examination process.

- d. They disregard all components of a housing land supply beyond allocations, such as sites with planning permission, exception sites and other forms of windfall development, which is inconsistent with the approach in Policy HO3.
- e. They may result in limited potential for larger scale allocations, dependent on the proportion of the housing requirement achieved from other sources of supply.
- f. They may not be achievable. Using Shropshire as an example, local housing need over the 20 year period likely addressed by the next Local Plan is some 40,000 dwellings. Achieving 10% of this need on small sites would require a minimum of around 135 allocations (assuming sites of 1ha and a minimum density of 30 dwellings per hectare, which may not be appropriate in our rural communities). Achieving 10% of this requirement on medium sized sites would require a minimum of around 55 allocations (assuming sites of 2.5ha and a minimum density of 30 dwellings per hectare, which may not be appropriate in our rural communities).

As such, Shropshire Council's clear preference would be for these requirements to instead be expressed as aspirations, thereby providing greater flexibility. However, whether expressed an aspiration or requirement, the Council strongly considers they should relate to the wider supply rather than only allocations.

**62) Are any changes to policy HO7 needed in order to ensure that substantial weight is given to meeting relevant needs?**

No.

However, Shropshire Council is concerned about the potential for confusion in the application of policy HO8 following the introduction of the new medium development category (despite the definition of major development remaining the same). For this reason and the avoidance of doubt, it is considered that policy HO8 should specifically reference medium development (from which it is critical to secure contributions to affordable housing) in addition to major development.

**63) Do you agree that proposals to add military affordable housing to the definition of affordable housing, and allow military housing to be delivered as part of affordable housing requirements, will successfully enable the provision of military homes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council supports the appropriate provision of military affordable housing.

**64) Do you agree flexibility relating to the size of market homes provided will better enable developments providing affordable housing?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council has significant concerns about the unintended consequences of policy HO8(3). Whilst it is agreed that achieving an effective affordable housing quantity and tenure mix is essential to meeting local needs, so is achieving an appropriate mix of market housing types. In its current format, this policy would significantly undermine the ability of Local Planning Authorities to meet the identified needs of its communities.

Furthermore, given the affordable housing quantity and tenure mix and market housing type mix will have both been informed by viability assessment at the plan stage, this clause is considered unnecessary.

The Council would note that this proposal is also likely to reduce density of development, contrary to wider aspirations of the NPPF.

**65) Would requiring a minimum proportion of social rent, unless otherwise specified in development plans, support the delivery of greater number of social rent homes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a) If so, what would be an appropriate minimum proportion and development size threshold taking into account development viability?**

Shropshire Council considers that affordable housing tenure mix should reflect evidenced local housing need. Affordable housing need historically has been significantly higher for social rented need and as such reflected in local planning policy.

**66) Are changes to planning policy needed to ensure that affordable temporary accommodation, such as stepping stone housing, is appropriately supported, including flexibilities around space standards?**

Strongly agree

**a) If so, what changes would be beneficial?**

Shropshire Council considers that specific reference to affordable temporary accommodation should be incorporated into HO9. Criteria 1. C.(i)(ii) and (iii) are considered to adequately reflect requirements including that of space, thereby allowing necessary flexibility

**67) Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Strongly disagree

**a) If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.**

Shropshire Council considers that such a mechanism raises very real concerns about ensuring the achievement of sustainable and inclusive communities, particularly within smaller and/or rural settlements where this would represent the vast majority, if not the entirety of development.

Such a mechanism would also reduce the number of outlets on a site, which has the potential to delay rather than speed-up development.

As such, irrespective of the scale of development, in order to create inclusive communities Shropshire Council considers affordable housing contributions should be provided on site unless an off-site delivery on an alternative nearby site would optimise the quality or quantity of homes built or an enhanced cash payment in lieu of on or off-site provision can be justified robustly.

Financial contributions in lieu of site delivery could compromise the delivery of affordable provision within the DRAs due lack of forthcoming developments within the same geography as the originating development. Any spend criteria of the off-site contributions should be ring fenced to DRAs.

Such robust justification could include where it is evidenced that on-site delivery would prevent a scheme from being delivered, however with the exception of some flatted developments, the Council does not foresee many circumstances where this is the case.

As such, on reflection it is considered that the Local Planning Authority is better placed to determine when such discretion is appropriate and not the applicants.

**b) If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site**

**delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer**

Shropshire Council considers that such a mechanism raises very real concerns about ensuring the achievement of sustainable and inclusive communities, particularly within smaller and/or rural settlements where this would represent the vast majority, if not the entirety of development.

Such a mechanism would also reduce the number of outlets on a site, which has the potential to delay rather than speed-up development.

As such, irrespective of the scale of development, in order to create inclusive communities Shropshire Council considers affordable housing contributions should be provided on site unless an off-site delivery on an alternative nearby site would optimise the quality or quantity of homes built or a cash payment in lieu of on or off-site provision can be justified robustly.

Such robust justification could include where it is evidenced that on-site delivery would prevent a scheme from being delivered, however with the exception of some flatted developments, the Council does not foresee many circumstances where this is the case.

**68) What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact on SME housing delivery, overall housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).**

Shropshire Council considers that such a mechanism raises very real concerns about segregation within communities. Such a mechanism would also reduce the number of outlets on a site, which has the potential to delay rather than speed-up development.

**69) What guidance or wider changes would be needed to enable Local Planning Authorities to spend commuted sums more effectively and more quickly? Please explain your answer.**

In order to create inclusive communities Shropshire Council considers affordable housing contributions should be provided on site unless an off-site delivery on an alternative nearby site would optimise the quality or quantity of homes built or a cash payment in lieu of on or off-site provision can be justified robustly.

**70) Would further guidance be helpful in supporting authorities to calculate the appropriate value of cash contributions in lieu?**

Yes

- a) If so, what elements and principles should this guidance set out? Please explain your answer. For example, guidance could make clear that contributions in lieu should be an amount which is the equivalent value of providing affordable housing on site, based on a comparison of the Gross Development Value of the proposed scheme with the Gross Development Value of the scheme assuming affordable housing was provided onsite.**

Whilst Shropshire Council considers a cash payment in lieu of on or off-site provision should be the exception, clear parameters of how such a payment should be calculated will support consistency. However, this calculation should serve to disincentivise such an approach.

**71) Do you support proposals to enable off site delivery where affordable housing delivery can be optimised to produce better outcomes in terms of quality or quantity? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree

- a) Please provide your reasons, particularly if you disagree.**

Shropshire Council is of the opinion that consideration of such opportunities are already allowed for in the approach involving a clear preference for on-site delivery, with allowances for off-site delivery on an alternative nearby site where this would optimise the quality or quantity of homes built, or a cash payment in lieu of on or off-site provision can be justified robustly.

As such, irrespective of the scale of development, in order to create inclusive communities Shropshire Council considers affordable housing contributions should be provided on site unless one of the allowances for an alternative approach is demonstrated.

**72) Do you agree the with the criteria set out regarding the locations of specialist housing for older people? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

- a) Please provide your reasons, particularly if you disagree.**

Shropshire Council generally supports the approach to specialist housing outlined in policy HO9. However, to ensure that resultant specialist housing provides appropriate living conditions for residents it is recommended that:

- a. Policy HO9(1)(a)(i) details specific acceptable distances to services and public transport links.
- b. Policy HO(1)(a)(ii) includes greater clarity on when specialist housing for older people should achieve M4(3) accessibility standards.
- c. Policy HO9(1)(a) includes reference to specialist housing for older people achieving HAPPI (Housing our Ageing Population Panel for Innovation) principles and dementia friendly housing standards. Both are about ensuring design, layout and materials are responsive to the needs of older people, result in nominal additional costs for developers but ensure that accommodation best meets the short and longer term needs of older people.

**73) Do you agree with the criteria set out regarding the locations of community-based specialist accommodation, including changes to the glossary?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council generally supports the approach to community-based specialist accommodation outlined in policy HO9. However, to ensure that resultant housing provides appropriate living conditions for residents it is recommended that policy HO9(b)(ii) details specific acceptable distances to services.

**74) Do you agree with the criteria set out regarding the locations of purpose-built student accommodation and large-scale shared living accommodation, including changes to the glossary?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council generally supports the approach to locations of purpose-built student accommodation and large-scale shared living accommodation outlined in policy HO9. However, to ensure that resultant housing provides appropriate living conditions for residents it is recommended that policy HO9(c)(i) details specific acceptable distances to services and public transport links.

**75) Do you agree the proposals provide adequate additional support for rural exception sites?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, including what other changes may be needed to increase their uptake?**

Shropshire Council has a strong track record in supporting exception housing, recognising their important role in meeting the needs of our rural communities. As such, the Council is generally supportive of the principles of policy HO10.

However, it is recommended that for clarity within the development industry and amongst communities that distinction is drawn between exception sites and cross-subsidy sites (upon which a small proportion of market housing may be appropriate).

The expectation should be that schemes consist of exception sites, with cross-subsidy schemes requiring further justification regarding local need and development viability, consistent with the requirements of policy DM5, including policy DM5(3) which explains neither the price paid for land, nor the price intended to be paid through an option agreement, should be a justification for cross-subsidy provision rather than exception site provision. Furthermore, a maximum quantum of market housing (for instance 20%) must be specified to provide certainty to communities that such schemes remain affordable housing-led.

Policy HO10(2)(a) addresses suitable locations for exceptions sites. Shropshire Council considers that clarification should be provided on what is meant by "physically well-related" to a settlement.

Policy H010(2) (b) exception sites are predicated on the basis on evidenced local needs (H010 1.a) and therefore size restrictions fetter the discretion of local authorities to respond to settlement pattern and size. Site size restrictions may result in small rural sites being unviable to develop for Registered Providers. The definition of RES within the glossary should remove the word 'small' to allow the necessary flexibility.

Shropshire Council notes the inclusion of Gypsy and Traveller exception sites in this policy which seeks to create parity of approach to addressing the needs of the Gypsy and Traveller and settled communities. However, the Council considers that other than where pitches on sites will be for social rent, additional guidance on the criteria and mechanisms to secure affordability and distinguish affordable exception sites from general sites is needed, noting that planning permissions for Gypsy and Traveller sites are generally already subject to restricted occupancy with a correspondingly restricted market for resale.

Furthermore, Policy S5(1)(g) includes development to address unmet need for traveller sites with footnote 25 indicating that (subject to policy HO12) this is not limited to where there is a lack of 5 year supply of deliverable sites. The Council assumes that such need represents circumstances where there is no alternative accommodation available despite a 5 year supply existing - in the way that PPTS paragraph 25 references availability or lack of alternative accommodation for applicants as a relevant matter. However, this is not clear in either policies S5 or HO12 – the Council considers such clarity is essential or it risks creating unnecessary debate and delay during the determination of planning applications.

**76) Do you agree with proposals to remove First Homes exception sites as a discrete form of exception site?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

No comment.

**77) Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a) If so, which approach and value as set out in the narrative for policy HO10 of the consultation document is the most beneficial for government to set out?**

No comment.

**78) Do you agree the proposals to set out requirements for traveller sites at policy HO12 adequately capture relevant aspects from Planning Policy for Traveller Sites, whilst ensuring fair treatment for traveller sites in the planning system?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**79) Please provide your reasons, particularly if you disagree.**

Shropshire Council recognises the importance of meeting the needs of travellers. To ensure provision meets needs, it is considered that greater specificity is required regarding appropriate locations for such provision, having regard to access to transport infrastructure to support traditional lifestyles and access to services and facilities. For these reasons, it is considered that reference to specific distances to appropriate road infrastructure (B roads or higher) and distances to and the ability to use sustainable modes of transport to access settlements identified in the Development Plan should be included within this policy.

Furthermore, Shropshire Council considers that further clarification of what constitutes 'enabling access' is required in policy HO12(1)(b), to provide certainty and ensure provision meets the needs of the traveller community. As such, specific distances and the ability to use sustainable modes of transport should be detailed.

Notably, it is not clear if policy HO11 provides a limitation on Gypsy and Traveller sites in isolated locations. If the limitation does not apply, policy HO10 which provides for exception sites is potentially stricter than policy HO12 in requiring a location adjacent or physically well related to settlements. The Council considers the consistency of approach between these three policies needs further consideration – specifically the Council would suggest the locational requirements of policy HO12 are aligned with policy HO10.

Policy S(5)(1)(g) includes development to address unmet need for traveller sites with footnote 25 indicating that (subject to policy HO12) this is not limited to where there is a lack of 5 year supply of deliverable sites. The Council assumes that such need represents circumstances where there is no alternative accommodation available despite a 5 year supply existing - in the way that PPTS paragraph 25 references availability or lack of alternative accommodation for applicants as a relevant matter. However, this is not clear in either policies S5 or HO12 – the Council considers such clarity is essential or it risks creating unnecessary debate and delay during determination of planning applications.

PPTS currently includes the objectives of reducing tensions between settled and traveller communities and integrated coexistence. The Council considers this principle, alongside regard for local infrastructure capacity, is in part achieved by an appropriate scale of development relative to the location (as in PPTS paragraphs 14 & 26). Thus consideration of scale should be incorporated into policy HO12 as these remain appropriate objectives.

Policy HO12(3) addresses development impacting Gypsy and Traveller sites but this (unlike PPTS paragraph 22 in respect of major development projects) does not specifically identify that it is the applicant who is required to identify and provide an alternative site. The Council considers this should be incorporated into policy HO12(3).

Existing sites can be vulnerable to conversion to general caravan sites or other uses. Policy HO12 fails to capture the opportunity for securing the retention of

existing sites. The Council strongly considers that Policy HO12 would be more positive and effective if it included a presumption against the loss of Gypsy and Traveller sites given the acknowledged under provision nationally and difficulties in securing new locations for development.

**80) Do you agree the proposals in policy HO13 will help to ensure development proposals are built out in a reasonable period?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council does not consider that the proposals in policy HO13 represent any real change to the current approach. Furthermore, it is critical that Government recognises that build-out rates are largely beyond the control of Local Planning Authorities.

Unless mechanisms are introduced by Government which result in consequences for **developers** where they fail to achieve specific levels of development, then these measures are unlikely to have any significant impact.

It is critical to recognise delays to build-out are in the majority of circumstances are not due to the planning system, but instead factors such as **developer aspirations**, availability of labour/materials, and fluctuations in the market.

**81) Do you agree the requirements to take a flexible approach to the consenting framework for large scale residential and mixed-use development is sufficient to ensure the opportunities of large scale development are supported?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcome the flexible approach to the consenting framework for large scale residential and mixed use development and consider that this coupled this with a limitation on the requirement for reserved matters schemes to be considered by planning committees would further expedite the process.

**82) Are any more specific approaches or definitions needed to support the delivery of very large (super strategic) sites, including new towns?** *Yes, no*

No

**a) Please provide your reasons.**

N/A

**83) Do you agree with the proposed changes to the Housing Delivery Test rule book?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

N/A.

**84) Do you agree that more emphasis should be placed on relevant national strategies and the need for flexibility in planning for economic growth, as drafted in policy E1?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Policy E1 should emphasise relevant national strategies to reflect its purpose as the national policy on providing the conditions for long term economic growth. This places obligations on central government to keep the national strategy under review, to support and resource its implementation and to ensure the effective delivery of the strategies.

Policy E1 must correctly frame and support these national strategies in ways which enable a broad range of local authorities to contribute to their delivery. Many local authorities can only implement these national objectives through a proportion of the economic development they deliver with the balance of their strategy meeting local business needs.

Freight, logistics and modern economy sectors have very specific development needs and locational demands and preferences which variously affect local authorities across England. At present the specific spatial geographies of these investment demands are unclear and further investigations will be required. Central government should consider the need for additional resources at the local level to support the understanding and effective delivery of land to support these sectors and for the effective delivery of development.

The promotion of national strategies is however not the only critical element of Policy E1. The policy also advocates the preparation and delivery of a clear economic vision for the Development Plan, the identification of solutions to overcome any barriers to investment, the allocation of sufficient land to provide an appropriate range of sites in suitable locations to support the economic

vision and considering the growing 'logistics' industry and modern industrial sectors, also demands from other inward investors in the regional or national markets and local business needs. The combination of these policy objectives will provide the conditions for long term economic growth and are the key policy objectives for any discussion of Policy E1.

Local authorities would benefit from a clearer explanation of the expectations arising from these objectives, particularly in relation to evidence gathering, their expression in the Vision and Strategy and through the examination of Local Plans. Local authorities would particularly benefit from the provision of further plan making resources to properly investigate and effectively deliver these conditions for long term economic growth.

Policy E1 advocates for local authorities to meet a broad spectrum of locational and sectoral demands including freight and logistics and for emerging sectors in the modern economy and to deliver sites and premises which are flexible and adaptable. These objectives are things that only some local authorities will be able to fully investigate in detail and to effectively deliver from their current resources.

The certainty which is expected from the Local Plan Economic Vision, Strategy and Strategic Policies requires local authorities to have sound intelligence on the range of locational, sectoral and property market demands likely to be experienced in the Local Plan area. Acquiring sound intelligence places significant demands on the resources required to deliver a sound Local Plan.

First and foremost, a local planning authority must meet the recognised needs of their existing local businesses and core growth sectors. The further exploration of the effects of the modern economy and the growth in the freight and logistics industry, which is simply to reduce delivery times for goods, will have additional resource implications and costs when assessing the type and scale of demands expressed in any locality.

The requirements of national strategies and the responsibilities placed on local authorities and their resources to deliver the conditions for long term economic growth would be greatly assisted by support and resources for local authorities to undertake local assessment to better understand and to meet the objectives of relevant national strategies.

This may be further assisted by MHCLG providing additional financial support to Local Planning Authorities to enable them to commission appropriate evidence capable of supporting a sound economic vision and strategy, similar to the funding provided to support Green Belt Reviews.

**85) Do you agree with the approach to meeting the need for business land and premises in policy E2? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes Policy E2 and agrees with the objectives of the policy. The Council also considers there are matters where Policy E2 might better articulate its objectives and provide better guidance for decision making.

Shropshire Council recognises the principal objective of the Draft NPPF, along with other planning reforms, to deliver a significant increase in the supply of homes to help meet the nation's social and economic needs.

The current NPPF (2024) continued the previous national strategy of requiring that: 'significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. The proposal to move to a new position is welcomed where: 'substantial weight should be given to the economic benefits of proposals for commercial development which allow businesses to invest, expand and adapt'.

It is considered that the nature and scope of the 'economic benefits' of commercial development which may be given 'substantial weight' in planning judgements should be more clearly defined. This will assist decision makers to reach planning judgements which will be consistent and which reflect the objective to deliver long term economic growth of true benefit to local communities and the economy. This will also clearly articulate to developers the requirements placed on them to justify the 'weight' to be afforded to their development proposals.

In terms of identifying 'economic benefits' not every investment or expenditure of capital required within a commercial development is necessarily an 'economic benefit'. There is a need to evidence the nature, scale and longevity of those 'economic benefits' which may be afforded 'substantial' weight.

This might take the form of a definition of 'economic benefits' which address matters to be identified in the Local Plan and also the delivery of infrastructure improvements, the modernisation of commercial floorspace, the modernisation of agriculture or farm enterprises, business growth, employment growth, improvements to the productivity or performance of the local economy or demonstrable contributions to the regional or national economy. This definition of the concept of 'economic benefits' in national policy may be provided either within Policy E2, within the NPPF Glossary, within an Annex to the Framework or in more detailed guidance within the PPG.

There is a parallel between the addition of a definition for 'economic benefits' and the current provisions in Policy E2(2) to demonstrate whether an unmet need exists. Both of these provisions are really technical guidance for the implementation of Policies E2, HO8, S5 and other national policies.

Shropshire Council also welcomes the policy objective to give 'substantial' weight to the benefits farm and agricultural modernisation for domestic food production, animal welfare and the environment. This is welcomed in principle and in the context of experiences during Brexit and Covid. These experiences highlight the continuing need to improve UK economic sustainability and in Shropshire, actually delivered improving indicators within the local economy.

Many rural areas, such as Shropshire, continue to be a largely agricultural based economy with significant potential for 'value added' processing, manufacturing and marketing of agricultural produce to improve the GVA returns in the local economy. These areas will continue to perform an expanding and important contributory role to improving the sustainability and productivity of domestic food production and including the livestock sectors. It is appropriate that the agriculture based economy should also benefit from the changes in Policy E2.

**86) Do you agree with the proposed new decision-making policy supporting freight and logistics development in policy E3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes the policy requirement for sufficient and secure parking for lorries or other vehicles to serve freight and logistics developments. This will improve security at freight and logistics development against the impacts of crime and other risks to the operators and their staff.

Shropshire Council also consider the requirement for sufficient and secure parking should reference the location and design of this parking. This will support policy objectives to manage the environmental impacts of freight and logistics developments and any impacts on residential amenity in locations close to existing housing or other potential impacts on surrounding land uses.

Shropshire Council consider the principles of policy E3 raise some need for clarity about the type and level of evidence required by LPAs and/or developers. It would be helpful if the NPPF and/or NPPG could clarify this.

Policy E3 in criterion 1 is founded on an apparent assumption that freight and logistics development is a universal economic need driven by the requirements from most sectors of the economy for the effective and efficient movement of goods. Whilst this is true within the national economy, this does not establish a universal need for freight and logistics development and therefore, a presumption in favour of this development in every local authority area and in any location.

There is a requirement to evidence that an unmet need exists for freight and logistics development. This is established in a cross reference from Policies S5 in criterion 1(j) and 1(j)(ii) to E3 for development outside settlements. Freight and logistics operators are required to evidence an unmet need for their development proposal. This would use guidance in Policy E2 in criterion 2 which explains how an unmet need should be demonstrated.

This policy requirement should be explicitly established and possibly explained within Policy E3 which itself should include a cross reference to the spatial requirements of Policy S5 and the technical requirements in E2.

This will properly direct the decision maker in planning judgements on freight and logistics development and equally will direct developers on the appropriate methods to justify their development proposals especially in locations outside settlements. This will balance the apparent in principle presumption in favour of freight and logistics developments implied in Policy E3 in criterion 1.

Policy E3 in criterion 1(a) appears to direct decisions makers to consider the different types of freight and logistics developments and their specific needs especially in relation their accessibility and the capacity of the transport networks they will use.

Policy E3 or other parts of the NPPF should provide a typology of freight and logistics development to assist decision makers with this significant material consideration. This should identify the broad range of freight and logistics facilities including national distribution centres and rail freight interchanges, regional distribution centres, local ('final mile') centres and freight haulage hubs and yards. This will improve the effectiveness, efficiency and consistency of decision making from Policy E3.

This will further improve the relationship between Policies E3 and S5 by highlighting a greater potential for larger be located outside settlements. This will further emphasise the significant capacity of scale and use of larger freight and logistics operations to impact surrounding land uses and the environment.

Judgements required in national decision making policy on the economy would benefit from the definition of the scope and nature of those 'economic benefits' which may be given substantial weight under Policy E2. This should be supported by evidence of the needs and locational demands of the freight and logistics sectors.

This would be greatly assisted by support and resources for local authorities to undertake local assessments to better understand and to meet the objectives of the freight and logistics sectors.

This may be further assisted by MHCLG separately commissioning studies to assess the growth potential, broad scale needs and locational demands or preferences of these sectors.

**87) Do you agree with the approach to rural business development in policy E4?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Whist Shropshire Council welcomes the specific reference to rural business development within national policy, it is considered amendments are required to make this policy more useable and to ease tensions with other parts of the NPPF.

Policy E2 requires substantial weight to be given to development for farm and agricultural modernisation which benefits domestic food production, animal welfare and the environment. Unfortunately, the inclusion of this same objective in Policy E4 merely requires that support be given [but not substantial weight] to these developments to deliver sustainable growth in rural businesses. This is an internal policy tension which should be addressed.

Policy E2 and not Policy E4, should address the benefits for agricultural modernisation arising from agricultural technology research and development and the manufacturing of products and equipment for these new technologies. Policy E2 might equally afford substantial weight to agricultural technology processes either for their benefits to domestic food production, animal welfare and the environment or to the benefits of the commercial development for business investment, expansion or adaption or to both of these outcomes.

It is recognised that the remaining elements of Policy E4 would largely present the current objectives of NPPF (2024) in paragraphs 88 and 89. Policy E4 integrates and streamlines the current guidance to a new national decision making policy. It is unclear whether any true benefits arise from these changes.

Policy E4 in criterion 1(a) should be clarified to avoid the assumption that criterion 1(a) only deals with the conversion of existing or the conversion of new buildings. In criterion 1(a), the words 'the construction of' might usefully be inserted before the phrase 'well designed new buildings'.

Policy E4 in criterion 1(c) presents two provisions from NPPF (2024) paragraph 88 at points (c) and (d). Policy E4 now combines these two provisions but the benefits of doing so are unclear. Shropshire Council would suggest that each point in paragraph 88 (c) and (d) is better made as a separate policy objective in Policy E4 in criterion 1.

In Policy E4 in criterion 2(a) the NPPF provision of a policy definition for the word 'settlement' in Policies S4, S5 and the Glossary has a negative effect on decision making. Policy E4 in criterion 2(a) should promote sites that are physically well related to any existing settlement but now must relate the site to any existing development surrounding an application site.

This creates an issue in defining what types of existing development might appropriately be considered when justifying the suitability of development proposals under Policy E4. This will be challenging for decision makers to interpret effectively and consistently.

The former test of relating sites to existing settlements cannot now be used. Policy S4 requires settlements to be defined in the Local Plan with this definition limiting the number of 'defined' settlements in any local authority area. Defining the term 'settlement' in Policy S4 and the NPPF Glossary, therefore limits the scope for testing the relationship between development proposals for rural business needs and the existing settlement pattern.

To improve the effective operation of Policy E4, it would be better for Policy S4 and the Glossary to use either the term '**defined settlement**' or '**development settlement**' which would permit the word 'settlement' to be used generally in Policies E4 and S5 in its ordinary meaning.

Policy E4 in criterion 2 is also less effective because it uses the general test for decision makers to have 'regard to the character of its surroundings' when determined whether the siting and design of rural business development is appropriate. This test in Policy E4 in criterion 2 is less effective because it excludes significant material considerations previously presented in NPPF (2024) in paragraph 89. These significant material considerations firstly, seek to ensure rural business development does not have an unacceptable impact on local roads and secondly, requires rural business development to exploit opportunities to make a location more sustainable. Shropshire Council suggest these two material considerations should still be included in Policy E4(2).

**88) Do you agree with the proposed changes to policy for planning for town centres?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council partly agrees with the proposed changes because they reflect existing operational planning reforms to support a wider range of commercial uses in town and district centres through Use Class E (with the impacts considered in response to Question 90) and the simpler planning regime for changing the use of commercial floorspace to residential use. These provide for simpler changes of use between various commercial uses or for residential use and together provide for a positive diversification of uses in town and district centres.

Shropshire Council agrees with the overall policy approach to planning for town centres but considers there are aspects of the approach which could use further clarification. For instance, a more obvious statement within TC1(1) to the need

to protect and regenerate defined centres would be beneficial. This stronger approach should clearly establish the protection of town and district centres for main town centre uses as a national planning objective. This should also articulate the intention to protect town and district centres even where town centre policies in a Local Plan may not be up to date.

Shropshire Council acknowledges that Policy TC1 sets out the need for a town centre strategy and the requirements and benefits of doing this are described in a satisfactory manner. This would seek to achieve the first objective for Chapter 8 which is to ensure town and district centres are identified as the 'priority locations' for main town centres uses to 'promote' their vitality and viability. This then complemented by the objectives to diversify land uses and to intensify the scale of development

In further supporting consistency between TC1 and TC2-4, it is considered that explicit reference priority status and acknowledgement of the importance of LPAs developing a town centre strategy (TC1 1) a)) would be enhanced if this was explicitly referenced in TC2 Development in Town Centres. This should be established despite the existing Use Class E and the residential use of commercial floorspace to bring further benefits to town centre vitality and viability.

Shropshire Council consider that this further policy work should clearly establish the protection of town and district centres for main town centre uses as a national planning objective to be maintained and achieved by national decision making policies.

**89) Do you agree with the approach to development in town centres in policy TC2? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly agree

**a) If not, please explain how you would achieve this aim differently?**

*See the response to Question 88 above.*

**90) What impacts, if any, have you observed on the operation of planning policy for town centres since the introduction of Use Class E?**

It is considered that the introduction of Use Class E has not had a detrimental impact on the vitality of centres within this LPA area. Indeed, there is general acknowledgment that centres need to widen their offer to encourage footfall as shopping patterns and behaviour changes.

The effect has been more broadly based because Use Class E has the same capacity to effect other commercial locations (like established employment areas or out of centre retail and leisure locations) with similar impacts to those

expressed in town centres. This has meant that, development proposals within Use Class E have a significantly higher freedom of movement (subject to their scale) into or across town centre boundaries either to move into the retail centre or outwards into other commercial locations.

This has had some benefits in town centres where a higher diversity of uses is generally welcomed in order to ensure vitality and viability, and speaks to the continuing significance of town centres as a 'trading' location.

**91) Do you believe the sequential test in policy TC3 should be retained?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

*See the response to Question 88 above.*

Shropshire Council strongly considers the use of the sequential approach to determining edge and out of centre proposals for main town centre uses should be retained, where these proposals are contrary to the development plan.

The policy has allowed LPAs to provide suitable levels of scrutiny to edge and out of centre proposals, whilst allowing flexibility to scale and format to ensure a degree of proportionality in application. It is noted that failure to comply with the test is considered a reason for refusal (TC3 (4)) which the Council supports.

**92) Do you agree with the approach to town centre impact assessments in policy TC4? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council consider that it is entirely appropriate that retail and leisure uses located outside town centres should be accompanied by an impact assessment if the proposal exceeds a floorspace threshold. This threshold should be set out in an up-to-date Local Plan and this policy requirement is supported by this authority.

Shropshire Council also considers that, where a Local Plan is not up to date, there are no benefits to the communities served by town and district centres, in removing the finer scale of protection provided by locally defined thresholds in Local Plans.

The continuing protection of significant town centres, where a Local Plan might not be up to date, should therefore be a national planning objective that is maintained and achieved through the national decision making policies.

This national objective to maintain and achieve the continuing protection of significant town centres alongside the operation of Local Plans should be achieved by Policy TC4. Whilst in many areas, the default national threshold of 2,500sqm is too excessive, and therefore it is evident this is a policy areas where Local Plans will be able to set more suitable thresholds.

**93) Do you agree that the updated policies provide clearer and stronger support for the rollout of 5G and gigabit broadband?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) Please provide your reasons, particularly if you disagree.**

No comment.

**94) Do you agree the requirements for minimising visual impact and reusing existing structures are practical for applicants and local planning authorities?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) Please provide your reasons, particularly if you disagree.**

No comment.

**95) Do you agree the supporting information requirements are proportionate and sufficient without creating unnecessary burdens?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) Please provide your reasons, particularly if you disagree.**

No comment.

**96) Do you agree with the approach to planning for energy and water infrastructure in policy W1?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

- a) **Please provide your reasons, particularly if you disagree, what alternative approach would you suggest?**

No comment.

- 97) **Do you agree with the amendments to current Framework policy on planning for renewable and low-carbon energy development and electricity network infrastructure in policy W2?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

- a) **Please provide your reasons, particularly if you disagree.**

No comment.

- 98) **Do you agree with the proposed approach to supporting development for renewable and low carbon development and electricity network infrastructure in policy W3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

- a) **Please provide your reasons, particularly if you disagree, and any changes you would make to improve the policy.**

- 99) **Do you agree with the proposed approach to supporting development for water infrastructure in policy W4?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

- a) **Please provide your reasons, particularly if you disagree.**

No comment.

- 100) **Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

- a) **Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes the proposed approach to coal in policy M1 and the removal of coal from the list of minerals of national and local importance. This provides clarity and aligns with wider Government aspirations.

**101) Do you agree with how policy M1 sets out how the development plan should consider oil and gas?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes the proposed approach to oil and gas in policy M1. This provides clarity on approach, which aligns with the wider Government intention not to issue new licences for onshore oil and gas extraction.

**102) Do you agree with the proposed addition of critical and growth minerals to the glossary definition of 'minerals of national and local importance'?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council recognises that 'minerals of national and local importance' are necessary to meet society's needs. However, it considers that the definition could include a clearer distinction between construction aggregate minerals and industrial minerals.

The importance of maintaining a robust supply of construction aggregates is crucial to delivering development. It is important that companies who supply this aggregate have the confidence to invest for the long term to meet demand. Without this confidence, projects could be delayed whilst aggregates are identified and then extracted.

**103) Do you agree criteria b of policy M2 strikes the right balance between preventing minerals sterilisation and facilitating non minerals development?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers policy M2 strikes an appropriate balance between preventing minerals sterilisation and facilitating non minerals development.

**104) Do you agree policy M3 appropriately reflects the importance of critical and growth minerals?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers policy M3 appropriately reflects the importance of critical and growth minerals. However, the Council considers the relationship between policies M3 and M4 need to be more clearly expressed. One option would be to integrate into a single policy.

**105) Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**106) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers this approach ensures consistency with policy M1. It also aligns with the wider Government intention not to issue new licences for onshore oil and gas extraction.

**107) Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**108) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers policy M4 is generally appropriate.

However, the Council considers M4(1)(a) should be expanded to include reference to landscape and visual impact, open space, land stability, soil resource including best and most versatile agricultural land, water quality and flood risk, vehicular movements (including the impact of heavy lorry traffic on the transport network and the potential to transport minerals by rail) and the ability to achieve an appropriate access into the site.

The Council also considers M4(1)(b) would benefit from reference to light pollution.

Furthermore, the Council considers M4(1)(c) would benefit from reference to phased restoration, to encourage a strategic approach to the working and

restoration of a mineral site in order to maximise efficiency and minimise impact.

The Council also considers the relationship between policies M3 and M4 need to be more clearly expressed. One option would be to integrate into a single policy.

**109) Do you agree with approach to coal, oil and gas in policy M5?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers this approach ensures consistency with policy M1. It also aligns with the wider Government aspirations on these forms of fossil fuels.

**110) Are there any other exceptional circumstances in which coal extraction should be permitted? Yes/No**

No

**111) If yes, please outline the exceptional circumstances in which you think coal extraction should be permitted.**

N/A

**112) Do you agree policy M6 strikes the right balance between preventing the sterilisation of minerals reserves and minerals-related activities, and facilitating non-minerals development?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Whilst Shropshire Council is generally supportive of the principles safeguarding of mineral resources and infrastructure in policy M6, the Council considers that this safeguarding needs to be more robustly expressed. As such:

- a. Policy M6(1)(a) should be expended to recognise the potential for development adjacent to a mineral safeguarding area boundary to impact on mineral resources within the mineral safeguarding area.
- b. Policy M6(1)(b) should be expended from preventing the use of existing, planned or potential sites to preventing or unduly constraining the use of existing, planned or potential sites.

- c. To provide certainty on the safeguarding of key infrastructure (including rail facilities/sidings, access roads to mineral site, haul roads within mineral sites, mineral processing plant and mineral extraction areas), M6(1)(b) should identify specific buffer zones.

Shropshire Council would also recommend that policy M6 outlines the circumstances in which a planning application will be refused for reasons of mineral safeguarding. For instance, the policy could specify that applications for non-mineral development which could have the effect of preventing or unduly constraining the use of existing, planned and potential sites will be refused unless it is demonstrated that either the mineral resource concerned is not of economic value or prior extraction can occur without causing unacceptable adverse impacts.

Furthermore, to avoid delays in the determination of planning applications, Shropshire Council would suggest that policy M6 specifies that where relevant, applicants will be expected to provide a proportionate assessment to demonstrate to the satisfaction of the Mineral Planning Authority that mineral interests have been adequately considered and that known mineral resources will be prevented, where possible, from being sterilised or unduly restricted.

**113) Does policy M6 provide sufficient clarity on the role of Minerals**

**Consultation Areas?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

N/A

**114) Do you agree policy L1 provides clear guidance on how Local Plans should be prepared to promote the efficient use of land?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**115) If not, what further guidance is needed?**

Whilst Shropshire strongly supports the principle of making the effective use of available land, including the appropriate re-use of previously developed land, it is considered the guidance set out in L1 presents overly generic aspirations for redevelopment and expectations regarding increases of densities. As written, the concerns is that there is little expectation of consideration of wider issues, such as local character and the potential loss of local employment sites or other functions which support community sustainability, especially as a result of the application of L1(1)(a)(i).

A further concern is that the policy L1 is urban focussed and may not sufficiently provide for a more locationally differentiated approach which, for example, recognises the challenges of PDL in more remote rural locations where high density development may not be compatible with a strategy for a sustainable pattern of development.

Whilst design guidance and codes are identified in L1 as mechanisms for establishing design principles, identification of this mechanism does not reflect the likely challenges for Local Planning Authorities, such as Shropshire Council, of delivering a range of suitable design guidance across a large diverse local authority area. Furthermore, it is considered that identified common design principles in policy L1(a)(ii), requiring for example redevelopment of residential plots and higher buildings on street corners, are unlikely to be universally appropriate as suggested by policy L1 and revised policy wording to reference appropriateness to the local area would be beneficial

In combination with DM policies such as policy L3(2) there is a danger that guidelines in policy L1, as currently drafted, will potentially deprioritise the delivery of development appropriate to a local area, and the achievement of well-designed places as expected in Chapter 14. Shropshire Council suggests that the interaction between these different objectives should be considered in the final drafting of policy L1.

**116) Do you agree policy L2 provides clear guidance on how development proposals should be assessed to ensure efficient use of land?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers policy L2(3) is too vague, and clarification would be welcome particularly regarding the phrase 'optimise a sites development potential'. Without further criteria and guidance Shropshire Council considers this part of the policy is too subjective and open to interpretation resulting in inconsistent decision making and unnecessary debate.

**117) Do you agree policy L2 identifies appropriate typologies of development to support intensification?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) If not, what typologies should be added or removed and why?**

No comment.

**118) Do you agree the high-level design principles provided in policy L2(d) appropriate for national policy?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers policy L2(d) to have a significant urban focus in its promotion of types of design such as mansard roofs, roofline infill, where such designs tend to be more appropriate in dense urban environments. The policy does not consider the impacts on more rural environments, edge of settlement locations or take into not account the impact on sensitive environments, including historic settings, conservation areas, and valued landscapes such as national landscapes.

**119) Do you agree policy L2 (d)(i) achieves its intent to enable appropriate development that may differ from the existing street scene, particularly in cases such as corner plot redevelopment and upwards extensions.** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council acknowledges the intention of policy L2(d)(i), however has concern that the policy is very urban focused and does not adequately take into account the impact of allowing larger buildings/upwards extensions in more rural contexts or edge of settlement locations. Shropshire Council is concerned that in such locations the introduction of such developments could significantly harm settlement pattern and rural character.

Shropshire Council is also concerned the policy does not account for sensitive environments, including historic settings, conservation areas, and valued landscapes such as national landscapes, where increases to height and massing could have significant negative visual, landscape or heritage impacts.

Shropshire Council would welcome revisions to policy L2(d)(i) to ensure larger buildings/upwards extensions do not result in adverse impact on landscape sensitivity and heritage significance.

**120) Do you agree with the proposed safeguards in policy L2 that allow development in residential curtilages?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Footnote 43 to L2(d)(ii) provides a definition of an existing building which is not consistent with the existing definition of an original building in the current NPPF or as established through case law, which is 'as constructed or at 1 July 1948'.

L2(d)(ii) as drafted and in using the date of the publication of the NPPF as the baseline for the existing building provides insufficient safeguards, failing to recognise, for example, that the existing building may have already been significantly extended from its original form and the remaining curtilage insufficient to accommodate further development without detriment to character and amenity.

To avoid unintended consequences Shropshire Council strongly recommends this definition uses the baseline date at 1 July 1948 and aligns with that utilised elsewhere.

**121) Do you agree policy L3 provides clear guidance on achieving appropriate densities for residential and mixed-use schemes? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly disagree

**a) If not, please explain how guidance could be clearer?**

The objectives of Policy L3 in Criterion 1 are material considerations that are appropriate to ensure the delivery of a sustainable pattern of development.

The key policy objective to ensure an appropriate and higher density of development is consistent with safeguarding the viability of a development scheme, to deliver the necessary infrastructure and required public benefits and to ensure that any environmental impacts from a development may be managed appropriately.

The key objective to ensure an appropriate density of development is however, presented as a conditional outcome that may be difficult to achieve in practice.

The outcome is presented in Criterion 2 as contributing to an increase in the established density of an area and presumably to a measurable degree. This is a significant policy requirement that may only be measurable within larger scale developments.

This outcome is also conditional on a significant number of factors identified in Criterion 1 including the type of land use and its specific purpose(s), local market conditions, infrastructure delivery including transport, the connectivity of the site with service and transport implications and the need to invest in the design and character of the development.

The likely practical difficulties in securing this conditional outcome from Policy L3, where the practical difficulties identified in Criterion 1 are not an exhaustive list, would question whether Policy L3 provides significant justification to establish the principle of refusing development proposals where they do not make an efficient use of land.

Policy L3 also does not have a satisfactory 'metric' to ensure the consistent measurement and assessment of the density of development. Criterion 2 indicates two subjective assessments which are: the established local density of an area and the existing local character of an area. Whilst these may facilitate a speedy assessment of density by a decision maker, they may not ensure the consistency of decisions both between different decision makers or between similar applications in the same locality assessed by the same decision maker.

This would again suggest that Policy L3 does not provide significant justification to establish the principle of refusing development proposals where they do not make an efficient use of land.

A more consistent test for an appropriate density is to establish an average density rate for the broader locality. This would provide a sounder basis for such decisions and their defence at appeal. An average density rate for the broader locality would however, provide a well defined pass/fail outcome for any density assessment. In instances where developments failed the density test, and with Policy L3 seeking to elevate the significance of density, this is likely to distract attention from the cumulative effects of those factors which affect the use of the site or the nature of the development proposal. Such factors may include recognised constraints that are beyond the control of the developer. This would again suggest that Policy L3 does not provide significant justification to establish the principle of refusing development proposals where they do not make an efficient use of land.

It is considered that the test of whether a development scheme delivers an appropriate density of development is the expression of a range of material considerations that need to be assessed in the 'balanced' planning judgement required of the decision maker. It is not 'in principle' a justifiable reason to refuse an otherwise acceptable development proposal. This is especially the case where the developer cannot address the issues affecting the density or doing so, would itself, affect the viability of the scheme.

It is considered that Policy L3 seeks to achieve sound and justifiable objectives for the delivery of a sustainable pattern of development but does not provide sufficient justification for density to become an 'in principle' reason to refuse development.

**122) Do you agree with the minimum density requirements set out within policy L3?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Whilst Shropshire Council is very supportive of the principle of making efficient use of land and recognises that setting minimum site densities have a role to play in achieving this, it is concerned that the densities specified in L3(3) fail to account for the varied settlements in which railway stations are located. Specifically, whilst a minimum density of 40dph is entirely appropriate for a station in a city or town, for stations in very rural locations this would be wholly out of keeping with the character of the community and contradict policy DP3.

For this reason, Shropshire Council would advocate the introduction of a series of minimum densities for development in proximity to railway stations – responsive to the characteristics of the settlements within these stations are located.

**b) Could these minimum density requirements lead to adverse impacts on Gypsies and Travellers and other groups with protected characteristics? Please provide your reasons, including any evidence**

The Council considers that introducing a series of minimum density standards more responsive to their location will reduce the potential for any adverse impacts on groups with protected characteristics.

**123) Do you agree that using dwellings per hectare is an appropriate metric for setting minimum density requirements? Additionally, is our definition of 'net developable area' within the NPPF suitable for this policy? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

Where minimum densities are established for residential development, dwellings per hectare is the most appropriate metric. However, the Council is concerned that the definition of net developable area will result in unnecessary debate leading to delays in the determination of development.

As such, the Council would advocate a more prescribed approach to defining net developable areas, entailing use of 'standard assumptions' regarding the proportion of different scale sites required for other uses.

**124) Do you agree with the proposed definition of a 'well-connected' station used to help set higher minimum density standards in targeted growth locations? In particular, are the parameters we're using for the number of Travel to Work Areas and service frequency appropriate for defining**

**a 'well-connected' station?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons and preferred alternatives.**

Shropshire Council is generally supportive of the definition of a well-connected railway station, which aligns with the definition used in the footnotes to policy S5 and GB7.

However, further clarity on what constitutes a reasonable prospect that planned upgrades / agreement with a rail operator that service provision will increase (as stated in the footnote), is considered necessary to avoid ambiguity and unnecessary delays regarding interpretation.

**125) Are there other types of location (such as urban core, or other types of public transport node) where minimum density standards should be set nationally? Yes/No**

No

**a) If so, how should these locations be defined in a clear and unambiguous way and what should these density standards be?**

Shropshire Council considers the proposed approach, of emphasising the importance of the efficient use of land and encouraging local standards within Local Plans is appropriate and sufficiently flexible to allow for the consideration of local circumstances during the preparation of Local Plans.

**126) Should we define a specific range of residential densities for land around stations classified as 'well-connected'?**

Yes

**127) If so, what should that range be, and which locations should it apply to?**

Shropshire Council considers introducing a series of minimum density standards for well-connected stations that are more responsive to their location is more appropriate than a single standard. Such an approach will ensure consistency with policy DP3.

**128) Do you agree policy L4 provides clear high-level guidance on good design for residential extensions? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly disagree

**129) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers that if policy L4 is to address residential extensions, it should do so more comprehensively. Currently the wording is overly vague and fails to address all considerations for residential extensions. Failing to address these concerns implies that wider considerations are no longer relevant for residential extensions.

With regard to examples of the vagueness of the policy:

- a. L4(1)(a) addresses blending into immediate surroundings – is this the plot, neighbouring properties, the wider street scheme or all of the above?
- b. L4(1)(b) addresses maintaining acceptable living standards – is this for residents of the associated dwelling, neighbouring properties or all of the above?

Examples of considerations not addressed could include issues raised above dependent on the intended interpretation of their scope. Other examples include appropriate separation distances; being subordinate to the existing property; relationship to the building line; need to maintain appropriate garden space; and materials, finishes and fenestration.

There is also a missed opportunity to highlight the potential to incorporate water and energy efficiency measures and renewable energy generation when undertaking extensions – as this is when it is most cost effective to do so.

Shropshire Council suggest replacing the word 'effectively' with 'sensitively' or 'harmoniously' to better align with wider design policies.

Footnote 46 provides a definition of an existing building. This is not consistent with the definition provided in footnote 49 of the draft NPPF, the existing definition of an original building in the current NPPF or as established through case law, which is 'as constructed or at 1 July 1948'. To avoid unintended consequences Shropshire Council strongly recommends this definition aligns with that utilised elsewhere.

Therefore, whilst Shropshire Council is supportive of the principle of this policy, it is considered that its scope needs to be expanded in order to be effective and to avoid unintended consequences.

**130) Do you agree that policy GB1 provides appropriate criteria for establishing new Green Belts? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**131) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers that the proposed criteria for when it is appropriate to establish new Green Belt are generally appropriate. However,

the Council would suggest the amendment of policy GB1(1)(c) to include specific reference to sustainable in the context of long-term growth ambitions.

**132) Do you agree policy GB2 gives sufficient detail on the expected roles spatial development strategies and local plans play in assessing Green belt land?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council supports the principle that a Green Belt assessment should be undertaken where required to inform / facilitate the vision, objectives and spatial strategy (including achievement of minimum growth expectations) of an SDS / Local Plan.

However, the Council is concerned there is currently insufficient consideration of proportionality in policy GB2, contrary to the principles in policy PM8. This includes recognition of circumstances where it may be appropriate to re-use an existing Green Belt assessment (where consistent with the methodology in Annex E) and circumstances where such an assessment is not required (where Green Belt release is not required to achieve the vision, objectives and spatial strategy).

As such, the Council considers policy GB2 should be appropriately modified so that it aligns with policy PM8 regarding the principle of proportionality.

**133) Do you agree with proposals to better enable development opportunities around suitable stations to be brought forward?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council is concerned about the unintended consequences of policy GB3 in its approach to development of land around stations. Specifically, policy GB3 specifies that Green Belt boundaries "should be altered" where it would enable development of land around stations. This is irrespective of whether such development is required to achieve the vision, objectives and spatial strategy (including achievement of minimum growth expectations).

The Council is concerned that such a requirement undermines the ability for a Local Plan vision, objectives and spatial strategy to be locally responsive and procedurally could constitute pre-determination (a particular issue during the Strategic Environmental Assessment process).

Notably, such a release of Green Belt land would not require demonstration of exceptional circumstances, as is the case with other releases.

**134) Do you agree the expectations set out in policy GB5 are appropriate and deliverable in Local Plans?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**135) Please provide your reasons, particularly if you disagree.**

Shropshire Council is supportive of the principles identified in policy GB5. However, the Council does have some concern about achievability of certain principles. Specifically:

- a. With regard to policy GB5(1)(a) how do SDS's and Local Plans secure improved public access to greenspaces within the Green Belt, if such land is not promoted for these purposes?
- b. With regard to policy GB5(1)(d) how do SDS's and Local Plans secure compensatory improvements to the Green Belt through enhanced environmental quality / accessibility if the promoter of such sites do not own wider land interests in the Green Belt and alternative land is not promoted for these purposes?

The Council would therefore either welcome further guidance on these matters or their achievability reconsidered.

**136) Do you agree policies GB6 and GB7 set out appropriate tests for considering development on Green Belt land?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council is generally supportive of policy GB6. However, the Council has a number of concerns with policy GB7. Specifically:

- a. Policy GB7(g)(iv) and GB7(h)(v) include reference to major residential development. Given the introduction of the new medium scale development category, to avoid unnecessary debate the Council considers greater clarity is required that this applies to schemes of 10 or more dwellings or 0.5ha site size – perhaps by way of a footnote.
- b. Policy GB7(h) specifies housing and mixed-used development well related to and within walking distance of a well-connected station in not inappropriate development in the Green Belt. Notably, this is applicable irrespective of

whether there is an identified 'unmet need' or not. The Council strongly considers that such development should only be considered not inappropriate where it is to meet an identified 'unmet need' – consistent with the approach to grey belt. To do otherwise risks undermining the principles of the Green Belt and conflict with or pre-determination of the vision, objectives and spatial strategies in SDS's and Local Plans.

**137) Do you agree policy GB7(1h) successfully targets appropriate development types and locations in the Green Belt, including that it applies only to housing and mixed-use development capable of meeting the density requirements in chapter 12? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly disagree

**138) Please provide your reasons, including any evidence that this policy would lead to adverse impacts on Gypsies and Travellers.**

Shropshire Council does not consider that policy GB7(h) needs to be extended to apply to other forms of development.

However, the Council strongly considers that policy GB7(h) should specify that the forms of development it addresses (housing and mixed-used development well related to and within walking distance of a well-connected station) is only considered not inappropriate where it is to meet an identified 'unmet need' – consistent with the approach to grey belt. To do otherwise risks undermining the principles of the Green Belt and conflict with or pre-determination of the vision, objectives and spatial strategies in SDS's and Local Plans.

**139) Do you agree that site-specific viability assessment should be permitted on development proposals subject to the Golden Rules in these three circumstances? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Strongly disagree

**a) Please provide your reasons, particularly if you disagree.**

The current golden rules do not include any circumstances where site-specific viability assessment is permitted. Given these rules have only been in place for a short period of time (only a year), it is considered premature to determine that they have been ineffective.

Furthermore, the intention of the golden rules is to demonstrate that development in the Green Belt provides greater community benefit than equivalent development elsewhere, but introduction of circumstances where site-specific viability assessment is permitted undermines this clear principle.

Ultimately, the Council is concerned that introduction of circumstances where site-specific viability assessment is permitted will lead to equalisation of land value expectations with non-Green Belt locations, eroding the ability to achieve the golden rules and the intention of additionality from development in the Green Belt.

Shropshire Council would therefore advocate for the continuation of the current approach, which it considers can be successful if given sufficient opportunity.

**140) With regards to previously developed land, are there further changes to policy or guidance that could be made to help ensure site-specific viability assessments are used only for genuinely previously developed land, and not predominantly greenfield sites?**

Shropshire Council would note that the definition of previously developed land is diverse. Whilst this is entirely appropriate, reflecting the diverse built environment, there is a risk that this leads to mis-application of relief mechanisms when referenced in context of site-specific viability assessments.

As such, the Council would suggest that such mechanisms, where appropriate, are limited to forms of previously developed land that have genuine abnormalities that affect the development process. Examples include where previously development has led to significant contamination or stability issues.

**141) Do you agree with setting an affordable housing 'floor' for schemes subject to the Golden Rules accompanied by a viability assessment subject to the terms set out? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**142) Please explain your answer, including your view on the appropriate approach to setting a 'floor', and the right level for this?**

Shropshire Council advocates for the continuation of the current approach to the golden rules, which does not introduce any circumstances within which viability assessment is appropriate.

However, if this is to be departed from, then it is critical that an appropriate affordable housing 'floor' is established below which development will simply be considered inappropriate – so as to ensure that development in the Green Belt provides greater community benefit than equivalent development elsewhere.

The Council considers that this 'floor' should be set at a percentage (ideally 15%) above the highest contribution expected elsewhere in the Local Planning Authority, again so as to demonstrate that development in the Green Belt provides greater community benefit than equivalent development elsewhere.

**143) Do you agree with local planning authorities testing viability at the plan-making stage using a standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield, Green Belt land?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please explain your answer.**

Shropshire Council strongly considers that the standardised Benchmark Land Values scenario of 10 times Existing Use Value for greenfield Green Belt land is inappropriate. This is because such a scenario is entirely applicable to non-Green Belt land (indeed the NPPF would benefit from specifying this).

If this approach is applied to Green Belt land, then it would fail to recognise the reduced 'hope value' for land in the Green Belt and the expectation that there is additionality (through the golden rules) for such development.

The Council therefore strongly considers a lower multiplier should be provided to allow for the achievement of additionality and achievement of golden rules.

**144) Do you have any other comments on the use of nationally standardised Benchmark Land Values for local planning authorities to test viability at the plan-making stage?**

Shropshire Council considers the NPPF would benefit from specifying that a standardised Benchmark Land Values scenario of 10 times Existing Use Value should be applied for greenfield sites outside the Green Belt.

**145) Do you agree that proposed changes to the grey belt definition will improve the operability of the grey belt definition, without undermining the general protections given to other footnote 7 areas?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council agrees that the proposed changes to the grey belt definition make identification of grey belt clearer. However, the Council does have concerns about the resultant clarity of protections to footnote 7 areas, given there is now no reference to them in either the definition or policy GB7(1)(g). The Council would therefore recommend specific reference to these areas is included in policy GB7(1)(g).

**146) Do you agree that policy DP1 provides sufficient clarity on how development plans should deliver high quality design and placemaking outcomes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers policy DP1 is clear on how design and place-making should be approached in Development Plans.

**147) Do you agree with the approach to design tools set out in policy DP2?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council recognises the contribution that good quality design guides, design codes and masterplans can have to ensure a well-designed place. Policy DP2 appears to be reflective of existing design led planning objectives, which are generally supported. However, Shropshire Council have concerns around the resource burden the monitoring and review process within policy DP2(1)(d) would introduce, there is risk this will not be carried out which could weaken design tools in the longer term.

**148) Do you agree policy DP3 clearly set out principles for development proposals to respond to their context and create well-designed places?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council recognises the importance of good design. The policy seeks reflects existing principles of good design set out in the National Design Guide and on this basis is generally supported by Shropshire Council. However, the Council would make the following observations:

- a. Policy DP3(1)(a) does not reference landscape character.
- b. Policy DP3(1)(c) does not reference nature-based solutions (green roof/walls, trees cover for cooling, SuDs for drainage etc... only references 'landscaping' with regard to climate mitigation.

- c. Policy DP3(1)(d) appears to contain a 'typo' as policy NE3, which does not exist, is referenced. Shropshire Council presumes this should instead referenced policy N3 regarding trees? This section of the policy also references climate resilience features, which it is considered would be more appropriate as part of DP3(1)(c) and its focus on direct features to mitigate climate change as opposed to DP3(1)(d) which has more focus on development contributions to the broader strategic Green Infrastructure/nature recovery.
- d. Policy DP3(1)(h) could be strengthened through reference to use of design guide, design codes where available to reduce subjectivity.

**149) Do you agree with the proposed approach to using design review and other design processes in policy DP4? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) If not, what else would help secure better design and placemaking outcomes?**

Shropshire Council is generally supportive of the principle that design should be integrated into all parts of the planning and implementation process. However, the Council is concerned about unintended consequences of Policy DP4(2)(c). Specifically, this could be interpreted as expecting Local Planning Authorities to actively monitor the implementation of approved development is not materially diminished between permission and completion. Such an expectation would be unduly resource intensive.

As such, the Council would suggest this policy expectation is clarified and further guidance provided regarding the post permission process and how to assess whether a proposed change is 'materially diminishing'.

**150) Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes the requirement for early engagement to shape a sustainable transport strategy. Shropshire Council considers that Policy TR1 would introduce a good structural basis to support the vision led approach and embed transport planning into plan making from the beginning. The overall effectiveness of this policy will however depend on how robustly local planning

authorities are able to apply the requirements. This could vary, depending on issues around resource burdens and the availability of sufficient, quality data to inform the strategy.

**151) Do you agree that policy TR2 strikes an appropriate balance between supporting maximum parking standards where they can deliver planning benefits, and requiring a degree of flexibility and consideration of business requirements in setting those standards?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council supports the objective to create a balance in relation to the application of parking standards. However, Shropshire Council is concerned the policy does not go far enough in acknowledging that there needs to be a degree of flexibility when applying parking standards. Shropshire Council have preference for 'guidance' as opposed to 'standards' which could be too rigid. This approach would better reflect that conditions and connectivity can change over the plan period and during the build out of development.

**152) Do you agree with the changes proposed in policy TR3(1a), including the reference to proposals which could generate a significant amount of movement, and the proposed use of the Connectivity Tool?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Changing the focus to 'significant amount of movement' rather than 'significant development' would result in a more behaviour focused approach and would enable assessment of a wider range of development, including that which maybe small in scale but generate a high number of trips. However, there is potential for disagreement as to what is meant by a 'significant amount of movement' which could lead to unnecessary debate and inconsistency in decision making and further clarification of this matter would be welcome.

**153) Do you agree that proposed policy TR4 provides a sufficient basis for the effective integration of transport considerations in creating well-designed places?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council would expect TR4 to align with the principles of the forthcoming Manual for Streets 3 publication, specifically wording of Section T4(1)(b) and T4(1)(c).

**154) Do you agree with policy TR5 as a basis for supporting the provision and retention of roadside facilities where there is an identified need?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) Please provide your reasons, particularly if you disagree.**

N/A

**155) Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council does not consider that the proposals in policy TR6 provide any significant further clarity than already provided in paragraph 118 and glossary annexed to the published NPPF, December 2024.

Shropshire Council welcomes the amendment to the wording to include the 'likely to' impacts and enable the consideration of future scenarios. It is also welcomed that the policy widens the scope to include the whole of the transport network rather than just the road network.

The additional clarification in relation to travel plans providing a fall-back position is welcomed and provides an opportunity for further mitigation to be introduced if objectives are not achieved. However, Shropshire Council would welcome further guidance on how this would be expected to be monitored and enforced and has concerns over the additional resource burdens this may introduce for local authorities.

**156) Do you agree the proposed text in policy TR7 provide an effective basis for assessing proposals for marine ports, airports and general aviation facilities?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) Please provide your reasons, particularly if you disagree.**

N/A

**157) Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes the clear expectations for public rights of way and the associated guidance in policy TR8.

**158) Do you agree with the approach to planning for healthy communities in policy HC1, including the expectation that the development plan set local standards for different types of recreational land, drawing upon relevant national standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes the flexibility for locally specific standards to be set for different types of recreational land as a more tailored approach to this will allow for consideration of different contexts. However, clear guidance as to the data and evidence which should be used to understand the 'deficiencies' in an area would be welcomed.

**159) Do you agree that Local Green Space should be 'close' to the community it serves? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council agrees Local Green Space should be genuinely local to the community it serves. However, there are reservations as to whether the minor change to the wording from 'reasonably close' to 'close' would achieve this objective. A clear definition as to what is meant by 'close to' would help to avoid unnecessary debate on this matter.

**160) Do you agree that the proposed policies at HC3 and HC4 will support the provision of community facilities and public service infrastructure serving new development?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council agrees with objectives of HC3 and HC4. Whilst Shropshire Council welcomes the aim of encouraging early engagement with local communities in the design process for public services infrastructure, there are reservations as to how successfully this could be applied. Given the proposed collaborative approach in HC4(2), consideration and clarification are needed of where the burden of resources may lie and how resource requirements would be met, particularly around who would be responsible for leading and funding such engagements.

Shropshire Council note the definition of community facilities within Annex B: Glossary and would recommend the inclusion of local shops to that definition, as for a rural area these can be important community facilities. This amendment would also resolve an apparent conflict between the glossary definition and the inclusion of local shops in policy HC6(2).

**161) Do you have any views on whether further clarity is required to improve the application of this policy, including the term 'fast food outlets', and the types of uses to which it applies?**

Shropshire Council would welcome a clear definition of what is meant by 'reasonable walking distance' and considers a definition of 'fast food outlets' would be helpful to ensure consistency of decision making and avoid unnecessary debate.

**162) Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Policy HC6(2) – regarding the wording 'the last of its type in the area concerned' – it is unclear what the definition of 'the area concerned' is. Is this the settlement the facility is located in, or the area the facility serves? Shropshire Council would welcome clarification on this aspect.

Shropshire Council notes that policy HC6(2) includes local shops as an example of a key community facility, however this appears to conflict with definition for

Community facilities within *Annex B: Glossary* where local shops are not listed. For many rural communities local shops are an important facility and Shropshire Council would welcome the inclusion of local shops within the definition of Community facilities.

**163) Do you agree with the approach taken to recreational facilities in policy HC7, including the addition of 'and/or' with reference to quantity and quality of replacement provision?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council considers the provision of good quality and accessible recreational facilities including open space plays an essential part in encouraging healthy lifestyles and communities. It is acknowledged that there would be some benefit to allowing flexibility and considers the provision of such space should not always be purely driven by quantity which tends to become a mathematical calculation. However, Shropshire Council have concerns that the use of 'and/or' creates a degree of ambiguity and overly broadens the range of policy compliant 'acceptable' outcomes. That is, such ambiguity could lead to cherry picking of either quantity or quality which may not result in the best outcome for the community. There is concern that if quantity reduces and quality is only marginally uplifted (or vice versa) there would still be a loss to the community.

Shropshire Council would suggest the policy includes a clause which requires any reduction in quantity to demonstrate a proportionate improvement in quality and vice versa.

Additionally, Shropshire Council would welcome clear guidance to clarify what would constitute better quality, what evidence should be provided to support claims of quality improvement and guidance as to what would be the minimum acceptable level of quantity or quality reduction.

**164) Do you agree with the clarification that Local Green Space should not fall into areas regarded as grey belt or where Green Belt policy on previously developed land apply?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council agrees with the clarification that Local Green Space should be treated as if Green Belt (but not as previously developed land or grey belt

within the Green Belt) as outlined in policy HC8. However, for the sake of clarity, the Council would not support proposals that limit the ability to designate Local Green Space within the Green Belt as somewhat implied by this question.

**165) Do you agree with policy P1 as a basis for identifying and addressing relevant risks when preparing plans?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

No comment.

**166) Are any additional tools or guidance needed to enable better decision-making on contaminated land?**

No comment.

**167) Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree or disagree.

**a) Please provide your reasons, particularly if you disagree.**

There is an interaction between this policy and policy DM7. Shropshire Council has commented that it is very supportive of the principles within policy DM7 and the clarity it provides regarding the inter-relationship between the planning application process and other regulatory regimes. However, the Council has highlighted that the ability to rely on other regulatory regimes has been undermined by legal challenge (The King (on the application of Alison Caffyn) v Shropshire Council regarding Planning Application 17/05151/EIA). This would need to be addressed, to secure a nationally consistent approach to considering planning applications.

As a practical measure, robust, nationally agreed adopted thresholds and standards, such as those used by Natural Resource Wales which have aligned thresholds and emission standards across planning and permitting regimes, could provide consistency and reduce opportunities for legal challenge. On this basis Part 3 of P3 could be strengthened by referencing the appropriateness of national standards which will provide the foundation for determining levels of acceptability.

**168) Do you agree policy P4 makes sufficiently clear how decision-makers should apply the agent of change principle?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) Please provide your reasons, particularly if you disagree.**

N/A

**169) Do you agree policy P5 provides sufficient basis for addressing possible malicious threats and other hazards when considering development proposals?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree.

Shropshire Council would welcome clarification as to the definition of open bodies of water for the purposes of policy P5 – for example should SUD attenuation ponds (which are common feature of housing developments) be included as open bodies of water?

Clear guidance as to what would be considered an expected/acceptable level of 'proportionate mitigation' would be welcome to avoid inconsistency and increase certainty for decision makers and those designing development proposals.

**170) Do you agree that substantial weight should be given to the benefits of development for defence and public protection purposes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) Please provide your reasons, particularly if you disagree.**

N/A

**171) Do you agree with the proposed changes set out in policy F3 to improve how Coastal Change Management Areas are identified and taken into account in development plans?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

N/A

a) **Please provide your reasons, particularly if you disagree.**

N/A

**172) Do you agree with the proposed clarifications to the sequential test set out in policy F5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

a) **Please provide your reasons, particularly if you disagree.**

N/A

**173) Do you agree with the proposed approach to the exception test set out in policy F6? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

a) **Please provide your reasons, particularly if you disagree**

N/A

**174) Do you agree with the proposed requirement in policy F8 for sustainable drainage systems to be designed in accordance with the National Standards? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Neither agree nor disagree

a) **Please provide your reasons, particularly if you disagree.**

Shropshire Council would welcome further strengthening of this policy to ensure sustainable drainage systems are designed to manage both everyday and extreme rainfall events, including climate change allowances. Shropshire Council has also experienced post development problems with regards to enforcing maintenance and adoption arrangements and would welcome further guidance and a strengthening of F8(2)(b) to require a full maintenance plan to aligned with 'whole lifecycle design' of national standards and guidance on the use of planning conditions/obligations to assist with enforcement.

**175) Do you agree with the proposed new policy to avoid the enclosure of watercourses, and encourage the de-culverting and re-naturalisation of river channels? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

a) **Please provide your reasons, particularly if you disagree.**

N/A

**176) Do you agree with the proposed changes to policy for managing development in areas affected by coastal change?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

a) **Please provide your reasons, particularly if you disagree.**

N/A

**177) The National Coastal Erosion Risk Map sets out where areas may be vulnerable to coastal change based on different scenarios. Do you have views on how these scenarios should be applied to ensure a proportionate approach in applying this policy?**

N/A

**178) Do you agree with the proposed new additions to Table 2: Flood Risk Vulnerability Classifications?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

a) **Should any other forms of development should be added? Please give your reasoning and clearly identify which proposed or additional uses you are referring to.**

No comment.

**179) Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

a) **Please provide your reasons, particularly if you disagree.**

N/A

**180) In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?**

No comment.

**181) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council support the clarity policy N2(2) will bring for decision makers and managing applicant and developer expectations.

**182) Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please provide your reasons, including how policy can be improved to ensure compliance.**

Shropshire Council is concerned the wording of the final part of draft policy N4(1) introduces ambiguity and it could be interpreted that less weight should be given to the protection of wildlife and cultural heritage within national landscapes. This could lead to inconsistency in decision making. Shropshire Council would welcome clarification within the policy that wildlife and cultural heritage considerations apply to **all** protected landscapes.

Shropshire Council notes policy N4(2) differs from the existing wording in paragraph 190 of the current NPPF through removal of the word 'and'. Whilst minor, this removal suggests exceptional circumstances is the public interest rather than exceptional circumstances being a separate policy test. It is unclear if this is intentional and the Council would therefore welcome clarification.

Shropshire Council suggests Policy N4(3) could be strengthened through replacement of 'should' with 'must'.

**183) Do you agree policy N6 provides clarity on the treatment of internationally, nationally and locally recognised site within the**

**planning system?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Neither agree nor disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council welcomes the inclusion of local nature sites within this policy. However, the Council considers the use of and/or between policy N6(1) a(i) and (ii) could be confusing and lead to misinterpretation.

The Council is also concerned that policy N6(2) is at odds with the Environment Agency's regulatory regime which currently allows 100% deposition of ammonia on ancient woodlands. To avoid duplication or delay to the determination of planning applications the Council considers there needs to be a stronger reliance on the threshold values used by other regulators so that decision makers can rely on a nationally agreed adopted standard. A positive example of this is in Wales, where Natural Resource Wales has aligned thresholds and emission standards across planning and permitting regimes.

**184) Are there any further issues for planning policy that we need to consider as we take forward the implementation of Environmental Delivery Plans?**

Shropshire Council considers clear guidance is required regarding setting an appropriate levy and how the Council should take the levy into account when conducting viability assessment.

**185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act?**  
*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons.**

Shropshire Council strongly recommends that government implements s102 of the LURA. This would provide clarity for local planning authorities by ensuring that the need to give special regard to their preservation or enhancement is a statutory duty as well as a policy requirement.

Shropshire Council also strongly urges the government to commence s230 of the LURA in relation to Historic Environment Records.

**186) Do you have any evidence as to the impact of implementing the additional regard duties for development?**

No – however Shropshire Council think this would provide greater clarity.

**187) Do you agree with the approach to plan-making for the historic environment, including the specific requirements for World Heritage Sites and Conservation Areas, set out in policies H1 – H3? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council broadly welcomes these policies.

However, it is considered that, as currently worded, Policy HE1(1)(d) implies that any kind of non-designated heritage asset could be included on a local list, rather than locally noteworthy historic buildings as is currently normally the case. This section of the policy also implies that such a list will be a mandatory requirement. Concern is therefore expressed that establishing, maintaining and reviewing such a local list in a large, rural authority area like Shropshire, which does not currently have a local list, will have very substantial resource implications for the local planning authority. Greater clarity and flexibility could therefore be provided by amending the wording of this part of the policy to include a reference to Historic Environment Records. Shropshire Council would suggest the following rewording for HE1(1)(d):

*d) Be supported by an up-to-date Historic Environment Record, and when available a local list of historic buildings, to identify non-designated heritage assets that are important to the local community.*

Shropshire Council welcomes Policy HE3 in advance of the commencement of s230 of the LURA. However, the government is also strongly urged to implement this section of the act as soon as possible.

**188) Do you agree with the approach to assessing the effects of development on heritage assets set out in policy H5? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council broadly welcomes this policy but would make the following comments and observations.

The positive approach to heritage assets in HE5 (2)(a) is welcomed but, as currently drafted, is awkwardly worded. The following amendment is therefore suggested.

*a) Have a positive effect that enhances the heritage asset, or its significance better revealed;*

The spectrum of harm set out in HE5 (2) (b – d) is a useful addition. However, it is queried why the term 'less than substantial harm' is omitted? Whilst this may assist in clarifying the common misconception that 'less than substantial harm' can be diminished/ dismissed, it has now gained widespread currency, and its application has been carried through case law. In this latter respect, its omission could create uncertainty and result in further legal debate at appeal and through the courts.

Policy HE5 (5) would be strengthened, and made consistent with HE5 (1), if reference to the need to *employ appropriate expertise* to undertake archaeological desk-based assessments and field evaluation is included. This would assist local planning authorities to ensure that this work is conducted in line with recognised professional codes, standards and guidance.

**189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from "great weight" to "substantial weight", and in particular the interactions between this and the statutory duties? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council generally welcomes this policy and recognises that the change from "great weight" to "substantial weight" will provide greater consistency across the Framework. Taking account of footnote 74, it is considered that this will not diminish the weighting, stemming from the duties, which should be attached in the planning balance when this test is engaged.

Shropshire Council considers that, as currently drafted, the wording of footnote 75 is confusing. It appears that the intention is that it should apply to non-designated heritage assets with archaeological interest, as per the existing footnote 75 in the current NPPF. However, the proposed new version could be read as applying to other types of non-designated heritage asset which the local planning authority considers to be of national importance. It therefore requires rewording to clarify its intent and reduce the potential for uncertainty in this respect.

**190) Do you agree with the new policies in relation to world heritage, conservation areas and archaeological assets in policies HE8 – HE10? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

Partly agree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council supports proposed policies HE8 and HE9 relating to World Heritage Sites and Conservation Area and considers they provide greater clarity than the current version of the NPPF. In particular HE8 makes the significance of World Heritage Sites clearer, with Outstanding Universal Value now embedded within the policy itself, and explicit acknowledgement not only the setting but also any buffer zones.

It is assumed that HE10(1) refers to pre-determination archaeological evaluation/assessment in order to reinforce the requirements of HE5 (5), and HE10 (2) to archaeological mitigation and/ or investigation secured via planning conditions (and should therefore be read in conjunction with HE11 (1)(b)). If this is the case, this is welcomed.

It is recommended that the phrase "based on evidence" in HE10 (1) be removed in reference to undiscovered archaeological heritage assets. Alternatively, it should be clarified that professional judgement would also be a factor in determining archaeological potential for undiscovered archaeological heritage assets. The term "reasonable potential" is also problematic, particularly for large development sites, where the aim of pre-determination evaluation may be to establish the potential for undiscovered significant archaeological remains in areas where limited or no previous archaeological investigations have been undertaken, which is frequently the case in Shropshire.

It is suggested that 'effect' is substituted with 'impact' in this policy HE10.

If policy HE10 is meant to provide further clarification/ complement on HE5 (5) then there needs to be consistency in the terminology used ("evaluation / investigation"), and it could cross-reference back to HE5.5 to underline this intention (as a footnote or parenthetical reference to HE5 5).

The final sentence of HE10 (1) should be amended to read "...inform the design...". The phrase "...and implementation of the development" could be deleted as superfluous within the policy and to improve its clarity.

Shropshire Council welcomes the requirement in HE10 (2) that archaeological investigation, recording, dissemination and archiving should be undertaken by "...suitably-qualified individuals or organisations."

**191) Do you have any other comments on the revisions to the heritage chapter?**

No

**192) Do you agree with the transitional arrangements approach to decision-making?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council has three significant concerns about the proposed traditional arrangements outlined in Annex A – paragraph 2. These are:

- a. It has the very real potential to result in the NPPF conflicting with both Section 79(2) of the Town & Country Planning Act which states that when determining Planning Applications regard must be given to *"the provisions of the Development Plan, so far as material to the application"* and also Section 38(6) of the Planning & Compulsory Purchase Act which specifies when doing so *"determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- b. Through reference to policies being *"in any way inconsistent"* it fails to account for that fact that such inconsistencies are often a response to local circumstances which in many instances justify a more locally tailored approach to a matter.
- c. Through reference to policies being *"in any way inconsistent"* being given *"very limited weight"* it fails to comply with case law which has clearly established that inconsistency of part of a policy does not necessarily mean that the entire policy is inconsistent.

The Council is however generally supportive of paragraphs 1 and 3 of Annex A.

**193) Do you have any further thoughts on the policies outlined in this consultation?**

There is an option for Policy HO10 to introduce use of the Planning Permission in Principle (PIP) process for residential schemes, thereby reducing an element of risk, time and cost for the Registered Provider. However, Shropshire Council is unlikely to support a generic Permission in Principle for a residential proposal given that there is no requirement to specify tenure mix.

It is unclear if policy HO11 applies to Gypsy and Traveller site development or development in the Green Belt. The Council would suggest that greater clarity on how this policy relates to these matters should be included to avoid unnecessary debate and time during determination of planning applications. With specific regard to applicability of policy HO11 to Gypsy and Traveller site development, this issue is of further significance given the approach to the consideration of proposals where an unmet need for a site is identified in policy S5.

Shropshire Council supports policy N3(1)(a), however there is concern that the examples quoted for suitable locations other than new streets ('such as parks and community orchards') are perhaps overly-specific or 'niche', in the case of community orchards. Shropshire Council recommends that reference be made instead to the desirability and long-term benefits of planting in communal open space or the public realm in general, as opposed to tree planting in private gardens, where the future retention and maintenance of the planted trees cannot be guaranteed.

Shropshire Council considers N3(1)(b) could be strengthened by including reference to the need to ensure that the planting is sustainable and the newly planted trees have access to sufficient quantity and appropriate quality of rooting medium to sustain them to biological maturity. This is particularly important where trees pits are located within areas of hard surface, such as pavements, courtyards, squares, or car parks, for example, where soil conditions tend to be unfavourable for tree health and growth.

Shropshire Council would welcome clarification of the expectation to "make provision for the long-term maintenance of both existing and newly planted trees" in policy N3(1)(c), as this is overly ambiguous. In particular, the Council would welcome clarification of the meanings of 'provision' and 'long term'.

The definition of Ancient or Veteran Tree differs from that in the current NPPF, in that it now applies to "a tree which because of its age, size or condition, is of exceptional biodiversity, cultural or heritage value." Shropshire Council considers the minor change in wording could have a significant impact in that the word 'or' potentially allows the designation of a far greater number of trees within or adjacent a development site as 'ancient or veteran' - any tree in very poor structural condition (with decay, deadwood, hollows, splits or cavities, for example), but not necessarily of great age or size, might now qualify as a veteran tree and as such be classed an 'irreplaceable habitat'.

Shropshire Council is concerned that this could effectively sterilise large areas of land within a development site, where veteran trees may be cited as a reason to refuse planning permission (see policy N6(2)).

Under the proposed wording, a Local Planning Authority is likely to have to more often defend or rebut classification of trees on a development site as 'veteran' status, focused on the definition and understanding of the meaning of the words 'exceptional' (in terms of biodiversity, cultural or heritage value). This is a specialist area of arboriculture that will require either specific training for local planning authority tree officers or the hiring external specialist consultants, either of which brings increased pressure on a Council's limited resources.

**194) Do you agree with the list of Written Ministerial Statements set out in Annex A to the draft Framework whose planning content would be**

**superseded by the policies proposed in this consultation?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) Please provide your reasons, particularly if you disagree.**

N/A

**195) Do you consider the planning regime, including reforms being delivered through the Planning and Infrastructure Act, provide sufficient flexibility for energy generation projects co-located with data centres to be consented under either the NSIP or TCPA regime?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

No comment.

**a) Please give reasons.**

N/A

**196) Would raising the Planning Act 2008 energy generation thresholds for renewable projects that are co-located with data centres in England (for the reason outlined above) be beneficial?** *Yes/No*

No comment.

**a) If so, what do you believe would be the appropriate threshold? Please provide your reasons.**

N/A

**197) Do you have any views on how we should define 'co-located energy infrastructure'? Please provide your reasons.**

No comment.

**198) Do you think the renewable energy generation thresholds under Section 15 of the Planning Act 2008 for other use types of projects should be increased, or should this be limited to projects co-located with data centres?** *Yes/No*

No comment.

**a) Please provide your reasons.**

N/A

**199) What benefits or risks do you foresee from making this change? Please provide your reasons.**

No comment.

**200) Would you support the use of growth testing for strategic, multi-phase schemes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

Shropshire Council considers the use of growth testing for larger scale development offers the opportunity to reflect changing development viability over the build of a development and through this ensure compliance with policy requirements.

However, there is a risk that this could be exploited if growth forecasting anticipates developer costs will increase at proportionally higher rates than development values. Furthermore, such an approach risks increasing the complexity of viability assessment – which risks increasing timescales and cost for the determination of planning applications.

As such, the Council supports the use of growth testing on the proviso that these risks are appropriately addressed.

**201) Would you support the optional use of growth testing for regeneration schemes?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree.

Shropshire Council considers that the use of growth testing for larger scale development offers the opportunity to reflect changing development viability over the build of a development and through this ensure compliance with policy requirements.

However, there is a risk that this could be exploited if growth forecasting anticipates developer costs will increase at proportionally higher rates than development values. Furthermore, such an approach risks increasing the complexity of viability assessment – which risks increasing timescales and cost for the determination of planning applications.

As such, the Council supports the use of growth testing on the proviso that these risks are appropriately addressed.

**202) Do you agree greater specificity, including single figures, which local planning authorities could choose to diverge from where there is evidence for doing so, would improve speed and certainty?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please explain your answer. If you agree, the government welcomes views on the appropriate figure – for example, whether 17.5% would be an appropriate reflection of the industry standard for most market-led development.**

Shropshire Council recognises that specification of a single figure rather than a range for developer returns within viability assessment would provide greater clarity than the current range, reducing delays due to unhelpful discussion on this matter. However, such an approach places greater importance on setting a 'correct' figure. On balance, the Council considers the positives outweigh the negatives.

With regard to an appropriate figure, Shropshire Council would advocate for this being 15%, reflecting the lower point of the current range and positively responding to Government aspiration that development maximises the benefits for existing and new communities.

**203) Are there any site types, tenures, or development models to which alternative, lower figures to 15-20% of Gross Development Value might reasonably apply?**

Yes

**a) Please explain your answer. The government is particularly interested in views on whether clarifying an appropriate profit of 6% on Gross Development Value for affordable housing tenures would make viability assessments more transparent and speed up decision-making.**

As recognised by Government, there are various forms of development that operate different 'models' which means the short-term developer return is less determinative on whether development is actually viable. This applies to such development as build to rent, affordable housing, specialist housing for older people and those with disabilities and special needs, and non-residential development. The Council considers that specific developer return figures should be identified for these uses, at a rate lower than that for market-led development, so as to provide greater clarity and reduce delays due to unhelpful discussion on this matter.

**204) Are there further ways the government can bring greater specificity and certainty over profit expectations across landowners, site promoters and developers such that the system provides for the level of profit necessary for development to proceed, reducing the need for subjective expectations?**

Yes

**a) Please explain your answer.**

Shropshire Council considers that there is justification for setting a lower developer return figure for sites within the Green Belt / release from the Green Belt, recognising that it is appropriate for both landowners and developers to 'share' the reduced 'hope value' associated with development in such locations so as to support the delivery of additional community benefit.

**205) Existing Viability Planning Practice Guidance refers to developer return in terms a percentage of gross development value. In what ways might the continued use of gross development value be usefully standardised?**

Through specification of a single figure rather than a range for developer returns.

**206) Do you agree there are circumstances in which metrics other than profit on gross development value would support more or faster housing delivery, or help to maximise compliance with plan policy?**

*Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly disagree

**a) Please explain your answer.**

Shropshire Council is concerned about the implications for introducing other metrics to assess developer returns into viability assessment.

There is already the concern, whether factual or perception, that viability assessment is too sensitive to minor amendments to inputs and deliberately obfuscates inputs / calculations in order to achieve desired outcomes and reduce potential for challenge. Introducing further metrics for developer returns will only enhance complexity and thereby increase these concerns.

**207) Are there types of development on which metrics other than profit on gross development value should be routinely accepted as a measure of**

**return e.g. strategic sites large multi-phased schemes, or build to rent schemes?**

Potentially

**a) Please explain your answer.**

As detailed in response to questions 203 and 203a, there are various forms of development that operate different 'models' which means the short-term developer return is less determinative on whether development is actually viable.

Whilst Shropshire Council would not support introduction of various measures of developer return for such development (for the same reasons as detailed in response to question 207a) it would support the use of a single alternative metric to measure appropriate developer return – where this is more responsive to the form of development, transparent and derived from evidence on the ground.

**208) Do you agree that guidance should be updated to reflect the fact a premium may not be required in all circumstances? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Partly agree

**a) In what circumstances might a premium, or the usual premium, not be required?**

Circumstances where the premium or the usual premium may not be required include where land is owned by a public sector body or where the landowner (such as estates) are altruistic and seeking to meet the development needs of the community.

However, increasing financial pressure on public sector bodies, particularly Local Authorities, means circumstances where premiums may not be required are reducing and this must be recognised in the NPPF.

**b) What impact (if any) would you foresee if this change were made?**

This change would allow for viability assessment to respond to the aspirations of the landowner.

**209) Do you agree that extant consents should not be assumed to be sufficient proof of alternative use value, unless other provisions relating to set out in plans are met? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

Strongly agree

**a) Please explain your answer.**

Shropshire Council is aware that too often land values are inflated due to alternative uses that have no realistic prospect of progressing and therefore such values are not realistically achievable.

The Council would advocate clear and transparent 'tests' governing the limited circumstances where it is appropriate for alternative uses to inform land values – these should be the exception rather than the rule.

**210) If extant consents were not to be assumed as sufficient proof of alternative use value, should this be at the discretion of the decision-maker, or should another metric (e.g. period of time since consent granted) be used?** *Decision maker discretion / Another metric / Neither*

Decision maker and another metric

**a) If another metric, please set out your preferred approach and rationale.**

Shropshire Council considers that decision maker discretion has value, but is concerned this could lead to unnecessary challenge and delay. For this reason, it is considered that another metric should be used in combination.

Specifically, a series of metrics should be identified to inform the decision maker discretion on whether alternative uses should be considered when establishing land value.

These metrics should include time since consent being granted, costs associated with bringing forward the alternative use, and evidence of demand for the alternative use / the alternative use is a realistic alternative as provided by the landowner.

**211) What further steps should the government take to ensure non-policy compliant schemes are not used to inform the determination of benchmark land values in the viability assessments that underpin plan-making?**

No comment.

**212) Do you agree that the residual land value of the development proposal should be cross-checked with the residual land values of comparable schemes; to help set the viability assessment in context.** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Partly agree

**a) Please explain your answer.**

Shropshire Council can see value in such an approach, but it represents an additional resource burden on Local Planning Authorities. For this reason, the Council would advocate that a national database is established for this purpose, which can be drawn on by Local Planning Authorities. This approach has the added benefit of considering residual land values of comparable schemes in comparable areas.

**213) Do you agree that a 2.5 hectare threshold is appropriate?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly disagree

**a) Please provide your reasons, particularly if you disagree.**

Shropshire Council is surprised at the proposal to increase the site size threshold within the definition of medium sized sites. This runs contrary to Governments wider intentions of ensuring efficient use of land and introducing minimum site densities in specified circumstances.

The Council is concerned this proposal will encourage the inefficient use of land – potentially with the intention of ‘filling in gaps’ in the future so as to avoid more significant scrutiny and developer contributions. For this reason, it is considered that the site size threshold within the definition of medium sized sites should remain 1ha.

**214) Do you agree that a unit threshold of between 10 and 49 units is appropriate?** *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

Strongly agree

**a) Please provide your reasons, particularly if you disagree.**

It is considered to represent medium scale development.

**215) Do you foresee risks or operability issues anticipated with the proposed definition of medium development?** *Yes/No.*

Yes

**216) If so, please explain you answer and provide views on potential mitigations.**

Shropshire Council already experiences the sub-division of schemes and planning applications so as to reduce/remove CIL liabilities or delay timescales for their payment. There is no reason to assume other opportunities to achieve similar effects would not be capitalised upon by the development industry.

Under the current definitions there is an overlap where the same scheme could fall under both major and medium definitions and without guidance as to which would take precedent there is ambiguity which could lead to inconsistent approaches.

**217) Do you have any views on whether the current small development exemption should be extended to cover a wider range of sites – indicatively to sites of fewer than 50 dwellings, or fewer than 120 bedspaces in purpose-built student accommodation?**

Shropshire Council is generally supportive of this principle.

**a) Please provide your reasons.**

The developers of such schemes have generally not developed schemes to which the building safety levy will be applied.

However, to be clear the Council would strongly oppose any proposals that sought to align this proposed approach to the building safety levy for other forms of developer contribution (such as affordable housing). The viability of small and medium scale development and its ability to contribute to affordable housing and other infrastructure is best established through the plan-making process.

**218) If the exemption were to be extended, do you have any views on whether the development of 120 purpose-built student accommodation bedspaces is an appropriate equivalent to a development of 50 dwellings for the purposes of the levy exemption?**

No comment.

**a) Please provide your reasons.**

N/A

**219) If the exemption were to be extended, do you have any views on whether the exemption should be based solely on the existing metrics (dwellings/bedspaces) or whether there should also be an area threshold.**

If introduced, for consistency with other exemptions the metric would need to address units and site size.

**220) If you do have views on possible changes to the small developments levy exemption, please specify the potential impact of the possible**

**change of the levy exemption on people with protected characteristics as defined in section 149 of the Equality Act 2010.**

No comment.

**221) What do you consider to be the potential economic, competitive, and behavioural impacts of possible changes to the levy exemption? Please provide any evidence or examples to support your response.**

No comment.

**222) Do you agree with the proposal to extend the Permission in Principle application route to medium development? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.***

No comment.

**a) Please provide your reasons, particularly if you disagree.**

N/A

**223) Do you have views about whether there should be changes to the regulatory procedures for these applications, including whether there should be a requirement for a short planning statement?**

No comment.

**224) Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic?**

No comment.

**a) If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.**

No comment.

**225) Is there anything that could be done to mitigate any impact identified?**

No comment.