

Representation Form

Please complete a separate **Part B Representation Form** (this part) for each representation that you would like to make. One **Part A Representation Form** must be enclosed with your **Part B Representation Form(s)**.

We have also published a separate **Guidance Note** to explain the terms used and to assist in making effective representations.

Part B: Representation

Name and Organisation:	Linda Fisher
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Q1. To which document does this representation relate?

Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

Sustainability Appraisal of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

Habitats Regulations Assessment of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan

(Please tick one box)

Q2. To which part of the document does this representation relate?

Paragraph:	See attached statement	Policy:	See attached statement	Site:	See attached statement	Policies Map:	See attached statement
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Q3. Do you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is:

A. Legally compliant Yes: No:

B. Sound Yes: No:

C. Compliant with the Duty to Co-operate Yes: No:

(Please tick as appropriate).

Q4. Please give details of why you consider the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See attached statement Appendix 1

This sets out in detail with supporting technical and legal evidence why the Plan and process leading up to it are considered to be contrary to the law, national policy and national guidance. The relevant legal case law, legislation, reference to NPPF paragraphs and national policy guidance on Plan Making and Sustainability are given in detail in the statement to substantiate with clear evidence why the Plan is legally non-compliant and unsound. It is noteworthy that these arguments have been made to the Council in the previous Reg 18 consultation, but the Council has failed to respond to any of the objections and evidence put forward to show why it disagrees with the technical, legal and policy evidence submitted.

In summary:

Previous consultations failed to comply with the law and policy guidance on sustainability appraisals and hence also failed to comply with the law on the Plan complying with sustainable development requirements. Appraisal scoring did not include all the criteria stated to be assessed and the Plan allocated an employment site in Shifnal that had not been

site. However, no justification has been given in any of the consultation plans for the density of housing proposed for any allocated site. Government policy is to make efficient use of land with increased densities wherever possible with 30 dwg/ha being a more realistic figure for sites in Shifnal. This gives a figure of 116 houses. Site SHF022 is given as 1.74ha in SLAA: SHF023 in total is given as 13.99ha in SLAA with the Plan saying that the part proposed for Safeguarded Land as 10.4ha leaving 3.59ha as the remaining allocated for housing – the total for the allocated SHF022/pt SHF023 is, therefore 5.33ha. At a density of 28.57 dwg/ha gives a figure of 152 and with a more appropriate 30dwg/ha gives 160 houses. For the two sites at 30dwg/ha gives a total of 276 so not requiring the allocation of site SHF015/SHF029.

Employment

- revise employment figure to 16ha (14ha new) as originally proposed at Preferred Scale and Distribution consultation. The subsequent increase to between 39-41ha (there is inconsistency in this Plan and previous consultations on exact figure) is not based on evidence to justify the release of so much land from the Green Belt. The reasons given for the huge increase on that originally proposed do not stand up to scrutiny as the net built floorspace argument was already built into the County wide employment total required and so is double counting when applied here. Similarly the size of buildings reason is no different to that proposed for other settlements where no such increase has been proposed. Past decisions of the Council on releasing employment land for housing, the Council's own Employment Land Review (which is part of the evidence base), allowing 1100 houses in the town without requiring any employment land and past history of employment take up rate, plus the current doubts on the future of economic development resulting from the impact of Covid-19, are detailed evidence to support the originally proposed figure.

- delete SHF018b/SHF018d as allocated employment site and allocate SHF018a/P14 as allocated employment site. The proposed alternative has a lower negative sustainability appraisal score, is a more sustainable site on the SLAA assessment of sites, and has a lower Green Belt harm rating. In particular, SHF018d was originally proposed by the Council without carrying out any sustainability appraisal of the site as required by law and policy, and has a High harm score in the Green Belt Review Assessment (included in the evidence base) despite the Plan stating that the combined site only has Moderate-High harm, which is incorrect. No evidence has been submitted to show why the "reasonable alternative" site has not been considered as being appropriate and so the requirement that there be exceptional circumstances to remove SHF018b/SHF018d from the Green Belt has not been met. The allocation of the proposed site rather than SHF018a is contrary to the NPPF on Green Belt, the law and policy on sustainable development and sustainability appraisal, and the legal requirement for reasonable alternatives to be considered and reasons given to show why those alternatives were not selected.

Safeguarded Land

- delete SHF018a/P14 and allocate SHF018b as Safeguarded Land (SHF018d to remain in the Green Belt). See above paragraph for justification.

- delete SHF017pt/P16 (land between Park Lane and A4169) and SHF017pt (land between A4169 and railway line). Replace with allocated housing site SHF015/SHF029(see housing paragraph above); P15a Upton Lane/Lamledge Lane (part of which is Sub Opportunity Area Sh-1a in Green Belt Review Assessment); P15b (north-west Upton Lane), part of Sub Opportunity Area Sh-1a (north-west of Windmill/East A464). If it was considered that additional Safeguarded Land required to provide choice and flexibility in the future, then SHF032/pt SHF018c be more sustainable than Lodge Hill proposals, as closer to schools, employment area and town centre car park. The justification for removing the SHF017 and P16 (Lodge Hill) from the Green Belt does not stand up to scrutiny as evidenced in detail in the attached Appendix 1 statement. It is noteworthy that the Council have failed to respond to any of these detailed objections or to rebut them in any way. The fact that the Council have allocated this Safeguarded Land for specific development is inconsistent with such land allocated in other Green Belt settlements, contrary to NPPF Green Belt policy and failing to consider reasonable alternatives is contrary to the law. The alternative proposals are in more sustainable locations and their removal from the Green Belt would have less harm, especially as they would not see a significant reduction in the narrow belt of Green Belt separating Shifnal from Telford which would be the result with the Plan's proposed allocation.

appraised at all. No reasons were given as to why more sustainable alternatives were rejected as required by the law. Information related to the SAs especially identification of site references to actual locations was not cross referenced or in one easily accessible location as required by case law (see attached statement for a detailed analysis of the law and its non compliance here).

The consultation process failed to to comply with all four legal principles a consultation process has to legally follow as set out in the Gunning case law (R v Brent LBC ex p Gunning 1985):- (1) proposals must still be a formative stage. Proposals in the Plan for the Shifnal Employment Site and RAF Cosford were being advertised in the Council's Invest in Shropshire brochure and onn their website as being available for development before consultations took place. There has also been no response to objections made and evidence submitted, indicating that the proposals were pre-determined as the Council have decided not to put forward any reasoning to rebut the onjectors evidence. (2) there must be sufficient information to enable the public to give "intelligent "consideration". The evidence base on the website has not provided many of the documents quoted in the Plan as being key to the proposals in the Plan. There is considerable inconsistency in the figures used, such as employment for the County and Shifnal, so that the public do not know which is the correct ones to be able to comment on. This is especially important when large amounts of Green Belt are being proposed to be removed based on these inconsistencies. The lack of crucial evidence on the evidence base for the public to view and assess and the amount of incorrect information shows that there has been insufficient information to meet this legal criteria. (3) there is adequate time for consideration and response. The consultation periods for this and the previous consultation were unreasonably short for the amount of information that was being presented to the public. (4) "conscientious consideration" must be given to the consultation responses before a decision is made. The Council has failed to respond to responses made and the evidence supporting those responses and failed to consider alternatives put forward.

The Plan and consultation process does not meet the tests of soundness in NPPF paragraph 35. "Positively Prepared" – proposals have not been supported by objective assessments with inconsistencies in sustainability appraisals, and employment and housing proposals which have not stood up to objective challenge. No evidence has been submitted to substantiate that there is an unmet need from the Black Country, nor to justify the amount of overspill development now proposed in the Plan The Plan does not adequately address infrastructure needs that would allow for sustainable development. The Plan is principally based on economic objectives and fails to give proper consideration to the social and environmental objectives required for sustainable development. "Justified"- the Council have failed to show that they have considered reasonable alternatives put forward in consultation responses. As many supporting evidence documents have not been made available to the public on the website, the Council cannot show that the evidence is proportionate. "Effective" –especially bearing in mind the impact of Covid, and historical development rates, the Council have not shown that the high housing growth proposed and employment development anticipated, is deliverable within the Plan period. No statement of common ground has been submitted. "Consistent with national policy" – the Plan does not comply with NPPF policy nor with guidance in Plan Making and Sustainability Appraisal Notes. This includes failure to consider alternatives, failing to justify exceptional circumstances for removal of Green Belt and failure to provide a Council evidenced response to consultation comments.

The Plan fails to comply with the Council's Statement of Community involvement. In particular, they have not complied with the community involvement processes and have not shown how the public's views have been incorporated nor how the responses have influenced pain development.

The Council have failed to submit a Statement of Common Ground with either the Draft Reg 18 Pre Submission Plan when a Black Country Overspill for housing was proposed, nor with the current Reg19 Plan when additional employment overspill is proposed. This is contrary to the requirements of NPPF paragraph 27 and Planning Guidance Plan Making paragraphs 009 and 020.

Whilst it is noted that statements should be succinct, because of the extent of non-compliance

with the law, policy and guidance, the fact that the Council have failed to respond to objections raised in previous consultations, and the fact that no further submissions are allowed, it is considered essential that a fully detailed case be put to the Inspector. This shows that objections are fully referenced to supporting legislation and case law, planning policy, and Government guidance set out in its Plan Making and Sustainable Appraisal guidance notes. It also shows that all objections have been supported with detailed technical reasons, none of which have been responded to by the Council contrary to the law, the NPPF, Government guidance and the Council's own Statement of Community Involvement. Without this detailed supporting evidence set out in Appendix 1, it is not considered that the Inspector can properly assess the legal, procedural and soundness issues that have been raised.

(Please continue on a separate sheet if necessary)

Q5. Please set out the modification(s) you consider necessary to make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at Q4 above.

Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Summary of proposed modifications set out below. Detailed evidence to support the justification for these changes and why the Council's proposals are considered unsound or legally/procedurally non-compliant are set out in the attached statement Appendix 1.

Policy S2

Housing – the total requirement figure should be 25000 to reflect the housing need and the 1500 proposed Black Country overspill deleted. There is no sound evidence to justify such a large increase over need, it will be difficult to justify that this can be delivered as sustainable development, previous experience in the County shows that failure to deliver housing resulted in greenfield and Green Belt land having to be released and with the impact of Covid, a cautious approach to development should be taken at present. The Plan will be reviewed long before 2038 and this will be the opportunity to assess the impact of Covid and adjust development in the Plan above need if justified at that time. The Black Country Plan and supporting evidence is at an early stage so there is no justified evidence to support the need for such a large overspill to be allocated in Shropshire. The allocation also fails to take account of recent Government policy and financial support to the use of Brownfield sites which could now meet this housing need in the Black Country.

Employment – there needs to be a consistent employment figure in the different sections of the Plan and the 30ha proposed overspill allocation from the Black Country should be deleted. There is considerable inconsistency in the figures provided in the Plan varying from 300ha (policy S2) to 376ha (allocation total in settlement policies) to 414ha (Appendix 6 total for settlements) and this excluding employment proposed at RAF Cosford. The 300ha originally proposed to meet the County's own need to balance housing has also been reduced to include 30ha of Black Country overspill. In view of the impact on release of greenfield and Green Belt land and to evidence that proposals can meet sustainable development, a clear and consistent employment figure is essential for the Plan to be considered sound. The Plan needs modification to ensure that the employment figure given in this policy equates to the total employment figures in the settlement policies and then to the employment figures for settlements given in Appendix 6. The Black Country Plan and supporting evidence is at an early stage so there is no justified evidence to support the need for any overspill to be allocated in Shropshire. The allocation also fails to take account of recent Government policy and financial support to the use of Brownfield sites which could now meet this employment need.

Policies S12, S13, S14

Delete reference in these policies to allowing development outside settlements on green field and Green Belt land and delete inclusion of RAF Cosford as a Strategic Site. Replace with a general economic policy stating that any windfall/significant development that cannot be accommodated within a settlement would be considered on its own merits having regard to the need for the development, the availability of alternative sites and other development policies in the Plan specifically relating to sustainable development, climate change and any protected status of the land. The policies sections allowing for unrestricted economic developments outside settlements are considered superfluous as they would give carte blanche approval to economic development in a wide area outside established settlement areas, undermining the status of Green Belt and Safeguarded Land protection and stated reasons for allowing removal of Green Belt in the Plan. The policies as worded give no certainty or assurance to the public on what development can be expected for their area in the Plan and as such is contrary to policy and unsound. The proposed revised policy would still enable such economic development to take place but give a higher degree of justification and give the public the opportunity to input before any such decision was taken which would not be the case with the policies as worded.

Policy S15

Delete. No evidence has been submitted to justify this policy. Appendix 3 of the Plan states that "Key" evidence supporting this policy are Estate Plans prepared and in preparation and sustainability appraisal. However, no such estate plans are on the supporting evidence base and when challenged on this, in an e-mail of 20th January, the Planning Officer confirmed that "no estate plans have been prepared and agreed". Also, as there are no sites proposed, there can be no sustainability appraisal to support this policy. The inclusion of this policy is unsound with no evidence to support its inclusion. There is no reason why any proposals by an Estate could not be considered as and when they arise under the other policies of the Plan. By approving a "long term vision and objectives" which by definition may not be development specific, could allow for a degree of future flexibility that would prejudice the public's ability to have a say on a specific development proposal, as a decision in principle would already have been allowed. There were many objections to a proposal from Bradford Estates for a Garden Village in the Green Belt at Junction 3 of the M54. The Council have not included this proposal in the Plan, but by including this policy, it would allow the same proposal to be submitted as being in accord with this policy, overriding Green Belt policy concerns and the public's involvement in major development proposals. The policy by favouring a small section of the community – large landowners at the behest of all other landowners in the County – is an unfair and unequal policy contrary to equality legislation.

Settlement Policy S15 Shifnal

Housing

– amend windfall allowance from 30% of 322 housing required to be allocated (92 houses) to maximum 15% (48). Having regard to the potential windfall sites in the town, the percentage of windfall allocations in other settlements and to avoid pressure to release Safeguarded Land/Green Belt in the future to meet unmet windfall allowance, the existing figure is excessive. NPPF paragraph 70 states that "where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. The Council have failed to provide any evidence, let alone "compelling" evidence to justify such a high proportion of windfall allowance and so their proposal is unsound as being contrary to national policy.

– delete housing site SHF015/SHF029 as allocated site. Modify plan to show size of sites and housing densities proposed. The Plan does not indicate size or proposed densities, and from assessments there are differences in both between this Plan, previous consultation plans for the same sites and other evidence documents such as the Green Infrastructure Plan. As sites allocated will impact on the amount of land required to be taken out from Green Belt and Safeguarded Land, it is essential for the Plan to be considered sound that accurate figures are provided and justified, which is not the case here. A detailed assessment of these sites showing these inconsistencies is given in the attached Appendix 1. In summary, with a revised windfall allowance of 48 results in a requirement for allocating 274 houses. Site SHF013 is stated as being 3.87ha on the SLAA assessment. On the Preferred Sites consultation plan, all housing sites for Shifnal were given a density of 28.57 dwgs/ha. This gives 111 houses for the

Settlement Policy S21 – RAF Cosford

- Delete removal of site from Green Belt and delete site being a designated Strategic Site. The site should remain in the Green Belt as was accepted by the Inspector on the previous Local Plan. The present Green Belt and SAMDev policies for the site have not prevented major development being permitted and taking place at both the military base and Museum, with no time delay. All the development proposals in the Plan could similarly be approved within existing policies so there are no new exceptional circumstances to now remove the site from the Green Belt. Such removal is, therefore, unsound. The Plan states that the only reason to remove the site from the Green Belt is to allow for the specific developments referred to in the Plan; but by also including the site as a Strategic Site would leave the land open for unplanned economic development completely unrelated to its military/museum functions. By including the site as a Strategic Site contradicts the exceptional circumstances given for removing the site from the Green Belt. If the site is removed from the Green Belt, then it should not be allocated as Strategic Site but solely proposed for the specific military/museum functions stated.

- delete Air Ambulance site allocation. This site has now been granted planning permission for the stated use as an exceptional circumstance in the Green Belt. There are, therefore, no longer any exceptional circumstances to justify its removal from the Green Belt or indeed to require any allocation of the site. The proposal to also allocate the site as a Strategic Site would for the same reasons as stated above for the rest of RAF Cosford, would leave the site open for non-air ambulance development in the future, again undermining the stated reason for removing the site from the Green Belt. The proposal to remove the site from the Green Belt and allocate as part of the Strategic Site would be contrary to NPPF Green Belt policy as there are now no exceptional circumstances to justify such removal, and so is unsound.

(Please continue on a separate sheet if necessary)

Please note: In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

Q6. If your representation is seeking a modification to the Regulation 19: Pre-Submission Draft of the Shropshire Local Plan, do you consider it necessary to participate in examination hearing session(s)?

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

No, I do not wish to participate in hearing session(s)

Yes, I wish to participate in hearing session(s)

(Please tick one box)

Q7. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

It is considered necessary to be able to highlight and explain the specific legal, policy and procedural defects in the Plan and its consultation process. The Council has failed to respond to any of the legal, soundness and procedural concerns and evidence raised in previous consultations and correspondence with the Council, and so an opportunity to challenge the Council's evidence at a hearing is the only way that the Inspector can fairly and proportionately consider the legal and soundness evidence.

(Please continue on a separate sheet if necessary)

Please note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

HINDA FISHER
25-2-2021

Part A Reference:

Office Use Only

APPENDIX 1

ADDITIONAL STATEMENT TO SUPPORT OBJECTION FROM

LINDA FISHER TO SHROPSHIRE COUNCIL'S REGULATION 19 CONSULTATION ON ITS PRE SUBMISSION PLAN

Legal/Procedural Non Compliance

(a) Sustainability Appraisal

1.1 It is considered that Shropshire Council have failed to comply with legal requirements on strategic environmental assessment and sustainability appraisal and so the process of producing the Pre-Submission Plan is legally flawed and unsound.

1.2 The legal requirements are:

- The Planning and Compulsory Purchase Act 2004(PCPA) s19(5) requires a Local Planning Authority (LPA) to carry out an appraisal of the sustainability of the proposal in each plan and to prepare a report of the findings of the appraisal.
- The Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) impose additional requirements on a LPA preparing a local plan. Regulation 5(1) requires the LPA to carry out an environmental assessment during the preparation of that plan. Further requirements are set out in Regulation 12 Part 3, Regulation 12(3) and Schedule 3. These Regulations give effect to European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment". Recital 17 again refers to the environment report being taken into account during the preparation of the plan.
- Government guidance on Sustainability Appraisals and on the SEA regime is contained in its Strategic Environmental Assessment and Sustainability Appraisal guidance note. Paragraph 002 states that "sustainability appraisal should be applied as an iterative process informing the development of the plan". Paragraph 018 states that "the sustainability appraisal needs to consider and compare all reasonable alternatives as the plan evolves, including the preferred approach, and assess these against the baseline environmental, economic and social characteristics of the area" and must "provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives".
- Government guidance on Plan Making paragraph 037 says that the sustainability appraisal plays an important part in demonstrating that the local plan reflects sustainability objectives and has "considered reasonable alternatives" (emphasis added).
- There is strong emphasis in the law and guidance on the need for the environmental assessment and draft plan preparation to be carried out in parallel. The EU guidance on the SEA Directive states that the environmental assessment should influence the way plans are drawn up. Case law supports this principle. In *Seaport Investments Ltd* 2002 NIQB 62 it was held that there must be parallel development of the environment report and draft plan. Where the draft plan becomes largely settled before the environment report then the fulfilment of the Directive and Regulations may be placed in jeopardy as the

later public consultation may not be capable of exerting the appropriate influence on the contents of the draft plan.

- Case law also requires that such a report must constitute a single accessible and easily comprehensible document and not a paper chase. In *Berkeley v SoS Others* 2002 3 WLR, it was held that a paper chase cannot be treated as the equivalent of an environmental statement. It should constitute a single accessible compilation, produced at the very start of the process of the relevant environmental information and the summary in non-technical language. A disparate collection of documents cannot be treated as satisfying the requirements to make the information available to the public. In *Save Historic Newmarket Ltd v Forest Heath DC* (2011 EWHC 606, it was held that in order to form an identifiable report, the relevant information must be brought together: it should not be necessary to embark on a paper chase in order to understand the environmental effects of a process. In *Royal Brompton & Harefield NHS Foundation Trust v Joint Committee of Primary Care Trusts* (2011) EWHC 2986, it was held that “the information contained in a consultation document should not be as inaccurate or incomplete as to mislead potential consultees in their responses. Inaccurate or incomplete information may have the effect of precluding an informed and intelligent response to the disadvantage of a party that may be affected by the decision. This is especially important where that information is outside the knowledge of those consulted and upon which they are therefore obliged to rely in formulating their response”.
- In *R v Brent LBC Ex p Gunning* (1985) 4 WLUK 200, it was held that to be lawful, a consultation must include sufficient information for the consultees to give intelligent consideration so as to provide an informed response.

1.3 It is considered that Shropshire Council have failed to comply with these requirements in the following respects:

- As required by the regulations and guidance, the Council produced a Scoping Report in January 2017. Table 5.2 set out the Council's sustainable objectives. These included SO5 - to encourage the use of sustainable means of transport (including enabling more walking and cycling; SO6 – to reduce the need for people to travel by car including reducing vehicle use on Shropshire's roads; SO12 – to reduce CO2 emissions; SO13 – to promote the adaptation and mitigation to climate change.
- The Sustainability Appraisal (SA) submitted with the Preferred Sites consultation in paragraph 1.5 says that site allocations have been assessed against the Scoping Objectives in the Scoping Report and the results presented in the report. Paragraph 1.18 says that this fulfils Stage B – testing all sites in the Strategic Land Availability Assessment (SLAA) against the SA framework in the Scoping Report and evaluating the likely effects of allocating different sites. Table 2.3 set out the criteria for sites, with 14 criteria set related to specific Scoping Objectives. SO 5 and 6 were related to criteria 5 (proximity to community facilities) and SO 6 to criteria 6 (proximity to public transport). But no criteria were given for SO 12 and 13 so the SA failed to assess sites against these important objectives. In Table 2.4, the criteria are given a scoring index. However, criteria 6 here is given as quality of agricultural land not proximity to public transport as stated in Table 2.3. So the SA failed to assess sites against SO6.

- Paragraph 2.14 of Preferred Sites SA, states that the SA rating is used to inform Stage 3 of the site assessment process and so has directly informed the selection of the most appropriate sites for allocation in each settlement. The law states that the SA process is iterative and informs each stage of the process. The fact that this SA is materially flawed in its inconsistencies between Tables and lack of assessment of key Scoping Objectives means that the process has not met the legal requirements as subsequent decisions based on the SA were based on inadequate, incorrect and hence unintelligible information (contrary to Gunning principle).
- A further legal flaw is that in the Preferred Site consultation, the Council allocated Shif18d for employment use, but this site was not included in the SA. As the site was not assessed, it was not possible for the Council to assess it against reasonable alternatives, nor to provide evidence to justify why the site had been selected as opposed to alternative sites proposed by the local community, as required by the law and Government guidance. The Council also failed to provide reasons why they proposed Shif 18b rather than Shif 18a, when the former had a higher negative sustainability score than the latter. Government guidance on Sustainability Appraisal states that the Council must provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives. The Council have not stated why given the lower negative score for the alternative site, they have rejected this site.
- The allocation of Shif 18d without being sustainability appraised and without considering reasonable alternatives and why they were dismissed, indicates a pre-determination of allocating this site without first carrying out the legal sustainability appraisal, which is contrary to the Gunning legal requirement that proposals should be at a formative stage. As stated above Government guidance on Sustainability Appraisal states that the Council must provide conclusions on the reasons the rejected options are not being taken forward and the reasons for selecting the preferred approach in light of the alternatives. The Council have not stated why they have rejected the alternative site, especially as they had not carried out any appraisal on the selected site.
- In paragraph 8.54 of the Green Belt Exceptional Circumstances Statement, Shropshire Council state that the Sustainability Appraisal was an integral part of plan making informing the development of "...site allocations". However, site Shif 18d was allocated without any such sustainability appraisal and so could not have informed this site allocation. Its allocation was, therefore, contrary to legal and policy requirements relating to sustainability development, sustainability appraisal and Green Belt requirements on taking land out of the Green Belt.
- There was a similar failure to comply with legal and policy requirements on sustainability appraisal on the Strategic Sites consultation stage in July 2019. Table 2.3 of the SA accompanying that consultation, related Scoping Objectives to scoring criteria. SOs 5 and 6 were related to criteria 6 on public transport and there were 15 scoring criteria. However, table 2.4 listing the criteria excluded public transport and criteria 6 was again noted as being agricultural land quality. There were only 14 criteria listed and not the 15 listed in Table 2.3. The Council had, therefore, still used the same incorrect SA criteria for scoring as in the previous consultation.

- There was a further problem with Shropshire Council's SA process. The SA on the Preferred Scale and Distribution (PSD) consultation stage was prepared for Shifnal on the basis that the town would have 16ha of employment land. The SA says that this level of growth for Shifnal was likely to minimise the need for additional car based transport. However, on the next Preferred Sites (PS) stage the amount of proposed employment land for Shifnal had been increased to 40ha, but as stated above, the SA failed to assess the public transport criteria and failed to assess the proposed Shif 18d site at all. There was an SA inconsistency between the various consultation stages as at the PSD stage it was stated that the level of growth would be likely to have minimal car based effect, but then failed to assess whether this still applied with the increase in employment land growth and allocation of Shif 18d. The Council could not, therefore, show that the increase in growth level of employment from 16 to 40ha and the allocation of Shif18d for employment use, would be sustainable development, as they had not appraised these changes at the appropriate time in the process. The fact that they had not assessed the sustainability of these changes but still proceeded with these proposal, means that the Council has failed to meet its legal responsibility under S19 of the Planning and Compulsory Purchase Act 2004 which requires that an authority preparing a plan must do so "with the objective of contributing to the achievement of sustainable development".
- As noted in the legal cases above, the law requires that all information comprise a single and accessible compilation and not require a paper chase. It is considered that Shropshire Council have not complied with this requirement and so the consultation process is legally flawed. The SLAA report in 2018 did not have a map identifying the sites; these could only be identified by going into residential/employment conclusion maps found elsewhere on the website which were not cross referenced on the SLAA report. Similarly there was no map with the Sustainability Appraisals for the public to be able to identify the location and boundaries of the sites being appraised. Case law states that a disparate collection of documents traceable only by a person with a good deal of energy and persistence does not satisfy legal requirements on making documents available to the public. The fact that documents related to SLAA and SA were spread over different parts of the website with no cross reference, shows that this did not comply with case law.

(b) Gunning Principles

1.4 Common Law imposes specific requirements on public consultation. R.V Brent LBC Ex p. Gunning {1985} 4 WLUK 200 set out four legal principles that consultations have to comply with to be legal (known as the Gunning Principles):

(i) Plans must be at a formative stage (a final decision has not yet been made, or predetermined, by the decision makers).

1.5 It is considered that there is evidence to imply as far as the public are concerned that there has been pre-determination with some proposals in the Plan, such as the allocation of employment land in Shifnal and RAF Cosford being a potential development site outside of the Green Belt. Both sites were advertised in the Council's Invest In Shropshire brochure and website as being potential economic development sites before the Preferred Sites and Strategic Sites consultations, where removal of the sites from the Green Belt was first put out for public

consultation. Also, the fact that Shropshire Council have failed to respond in subsequent consultations to objections submitted substantiated by detailed supporting technical, policy and legal evidence implies that the Council proposals in Plans have not been at a formative stage but pre-determined hence the reason why Shropshire Council have not been able to put forward evidence to rebut the objectors evidence.

(ii) There is sufficient information to give 'intelligent consideration' (the information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response).

1.6 As well as case law, Government advice (Planning Guidance Plan Making paragraph 035) states that documents forming part of the evidence base should be published on the website in an accessible format as soon as they are completed and should not wait until options are published or a local plan is published for representations, so that the community are kept informed and involved.

1.7 Shropshire Council state that an extensive evidence base has informed the preparation on the Plan and that the evidence base can be viewed in their Planning Policy section. However, a number of key documents referred to in the Plan and its Appendix 3 as informing policies have not been included in the Evidence Base referred to (or in the case of the West Midlands Design Charter, was only added after the start of the consultation period with no notification that the change was being made to the Base) and in many cases do not appear to be able to be viewed elsewhere on the Council's website. These include:

Emerging Local Transport Plan

Public Health Strategy

Annual Monitoring Report

West Midlands Design Charter

Shropshire Tree & Woodland Strategy

Black Country Plan Evidence

Police Secured by Design

Shropshire Council Health & Well Being Strategy

Shropshire Retail Study 2020

Community Led Plans

Estate Plans Prepared

Shropshire Tourism Economic Impact Assessment Report 2011 (2013)

Shropshire Landscape Characterisation Assessment 2006

Village and Town Plans

Shropshire Ecological Data Network

Shropshire Environmental Network and Guidance

Provisional Local Transport Plan Strategy 2011-2026

Thus, for example, in supporting its policy SP15 on Whole Estate Plans, Appendix 3 states that evidence used to inform and support this policy are "Estate Plans prepared and in preparation"; and In supporting their proposals for taking housing and employment overspill from the Black Country in policy SP2, the Council refer to the emerging Black Country Plan and supporting evidence to show that housing and employment needs there are constrained. Yet none of these plans or evidence are

available in the Council's Evidence Base for the public to inspect to see what is in them to justify these policies and proposals. In the case of the Estate Plans, the Council has confirmed in an e-mail that such plans have not yet been prepared despite being listed as being key evidence. The public cannot be expected to judge the soundness of policies and proposals in the Plan, when crucial parts of the evidence quoted by the Council as informing the Plan, are unavailable for the public to view. This is especially important when these proposals are likely to impact on the need to release Green Belt land. As well as going to the soundness of the plan and compliance with Government guidance, the failure to make accessible to the public evidence relied on by the Council, is contrary to the legal requirement in the Gunning case that there is sufficient information to give 'intelligent consideration' and that the information provided must relate to the consultation and must be available and accessible.

1.8 As set out in detail in the policy sections below, there is considerable inconsistency in the information put out by Shropshire Council, such as on amount of land proposed for employment for the County and Shifnal, a lack of information on size of sites and housing densities, inaccurate information on sustainability appraisals, inconsistency in application of methodology to Shifnal compared to other settlements, and double counting of assumptions used for increasing the employment figure for Shifnal from 16ha to between 39-41ha (depending on which part of the Plan is read). These inconsistencies, lack of information and response and conflict of policies, result in the public not being able to give intelligent consideration as they cannot be certain what is the correct information that they are being asked to comment on. It is also not possible for the public to be able to comment on soundness when there are so many areas of the Plan that are ambiguous in the information and particularly evidence used.

(iii) There is adequate time for consideration and response (there must be sufficient opportunity for consultees to participate in the consultation).

1.9 It is considered that Shropshire Council has failed to comply with this requirement in its consultations on the Draft Pre-Submission Plan and the current Pre-Submission Plan, in that there has been inadequate time for consideration and response.

1.10 On the Draft Pre Submission consultation, only 8 weeks was allowed and this over the main summer holiday. This is the same as on the Preferred Scale and Distribution consultation and the Issues and Options consultation, neither of which was over a holiday period. It was less than either the Preferred Sites consultation or the Strategic Sites consultations (9 and 10 weeks). The Strategic Sites consultation was also only for 4 sites. The Draft Pre-Submission Plan consultation not only covered the whole County, but also included a number of new policies (35) and a huge amount of evidence documents comprising in excess of 11000 pages, many of which had not been available for the public to view before the consultation began. The Plan itself referred to over 50 different pieces of evidence that it says had been used to prepare the Plan and many of these had a number of appendices. The amount of information and proposals that were being consulted on, was significantly greater than that on any previous consultations, yet the period allowed for consideration and response was less than previous consultations and the same as much "smaller" consultation proposals outside a holiday period.

1.11 The period allowed was also reduced by the fact that several pieces of evidence quoted in the Plan were not put on the evidence base website at the start of the consultation period and nearly half was not put on the evidence base at all (this included the Infrastructure and Implementation Plan, Economic Development Needs Assessment, Transport Plan and Estate Plans). This is contrary to the statement on the Council's website on this consultation that "An extensive evidence base has informed the preparation on the Pre-Submission Draft of the Shropshire Local Plan. The evidence base can be viewed in our Planning Policy section ". Thus although the Plan consultation stated that these pieces of evidence had been used in the preparation of the Plan and its proposals, it was not possible to view a lot of this evidence or to be able to access it without a detailed search of the Council's website. This is contrary to Government advice (Planning Guidance Plan Making paragraph 035) that documents forming part of the evidence base should be published on the website in an accessible format as soon as they are completed and should not wait until options are published or a local plan is published for representations, so that the community are kept informed and involved..

1.12 The current Reg 19 consultation was originally only for 7 weeks. The Council claimed that they added a further week to the Regulation minimum of 6 weeks to cover the fact that the consultation was over the Christmas period. This was entirely inadequate for such an important stage, especially taking account that the consultation is over the Christmas period and at a time of severe Covid 19 restrictions on the ability of the public, especially those without easy connection or use to the internet, to participate. A number of comments, including several from County Councillors, were made to Shropshire Council's Cabinet requesting that the period be extended, but these comments were continually dismissed at the time.

1.13 Most of the consultation period then fell within the national lockdown from January 4th 2021 . The Council's website announced that all libraries would be closed during this period, as well as being closed over the Christmas period. The Government's Chief Planner's letter to local authorities of 18th December 2020 refers to authorities taking practical measures to ensure that there is "fair participation" by the community in the plan making process. The Council's Statement of Representations and Consultation Plan for the current Reg 19 consultation state that documents will be available to view electronically at libraries and that hard copies may also be available; their Statement of Community Involvement and Consultation Plan also refers to it being especially important to engage hard to reach groups. The National Planning Policy Framework refers to the importance of "effective engagement, whilst paragraph 035 of the Government's guidance on Plan Making states that authorities need to take reasonable steps to ensure that sections of the community that do not have internet access are involved and should consider alternative and creative ways to achieve this. The only way that the consultation plan provided for those without internet access and similar hard to reach groups to access documents and so ensure effective and fair participation, is through accessing documents at libraries. The fact that libraries were closed throughout almost the whole of the consultation period deprived a section of the community with the right to participate in the consultation, which is contrary to case law and Government policy and advice. This was pointed out in letters to the Council as soon as the lockdown and library closures were announced, but the Council insisted that there would no extension of time nor any change in consultation arrangements. It was only over 3 weeks into the lockdown and library closures and with just 10 days left of the

consultation period that the Council finally decided to extend the period (but by only 3 weeks) and to provide hard copies to public who specifically requested them.

1.14 In the report to Cabinet of 7th December 2020 that approved the consultation arrangements for the Plan, it was stated that "Covid restrictions need to be addressed as a matter of priority before consultation can begin". However, the consultation arrangements made no such special arrangements, nor when the Jan 4th Lockdown came into effect and libraries closed, did the Council make any changes to the consultation, either by extending the time period or making alternative arrangements for people without internet access. This was despite public comments to the Council asking for an extension. It was only some 10 days before the end of the consultation period that the Council eventually gave into public pressure to extend the period and make hard copies available on demand. Those people affected, therefore, will have only had some 4 weeks effective consultation time in which they had to first contact the Council to request a copy, wait for it to be posted to them and then had to read and prepare any comments.

1.15 The inadequacy of the consultation period is further evidenced by the inconsistency in the Council's time periods for consultation on other public consultations it has or is currently carrying out. These include a 12 week consultation period on a revised Statement of Community Involvement (SCI) which is only 27 pages long; 8 weeks for a 22 page Community and Rural Strategy; and 12 weeks for a 33 page Cultural Strategy. It is considered that this inconsistency is further evidence that this consultation is legally unsustainable.

(iv) 'Conscientious consideration' must be given to the consultation responses before a decision is made (decision-makers should be able to provide evidence that they took consultation responses into account).

1.16 It is not considered that evidence has been submitted to show that consultation responses have been taken into account and why decisions have been taken contrary to those responses. As well as this case law, Shropshire Council's own Statement of Community Involvement Paragraph 4.15 states that "...it is equally important to show how the public's views have been incorporated into the plan making process".

1.17 The Consultation Plan paragraph 2.1 states that the Council has prepared a detailed summary of issues raised under each consultation. However, just listing what responses have been made does not constitute the Council replying to those responses and saying how they have taken those views into account or how they have influenced proposals in the Plan. The summary of the Strategic Sites consultation failed to include most of the detailed objections the Town Council raised. It just said that there was concern over the release of Green Belt but failed to detail the supporting reasons given by objectors to justify that concern.

1.18 Similarly with the summary of responses on the Draft Pre Submission Plan, the Council have listed responses giving a reference number to each response. However, there is no list identifying the reference number to responses so it is not possible to see whether an objectors comments were included without searching through all the responses and trying to compare a response to that submitted. Indeed, it also appears that in some cases a particular respondent has been given a different reference number in the sections. Consultees cannot, therefore, easily see

whether their response was included in the summary and the Council has not shown how it has taken these comments into account.

1.19 Detailed objections to many aspects of the proposals have been made at the Preferred Sites, Strategic Sites and Draft Pre Submission Plan consultation stages as set out in the Policy section comments below. However, the Plan has in nearly all respects remain unchanged yet at no time has the Council explained how it has taken these detailed objections into account, why it has concluded not to consider reasonable alternatives put forward to support those objections and why it has decided to proceed with its original proposals without change.

1.20 As many of the objections relate to the release of Green Belt, this failure to respond to objections and alternatives put forward is also contrary to national policy on release of Green Belt land. Paragraph 137 of the NPPF states that the "strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options" before concluding that exceptional circumstances exist to remove land from the Green Belt. Shropshire Council have simply proposed the removal of land without firstly, putting forward any evidence to show that they have fully examined alternative options suggested by objectors and why those alternatives have been discarded, and secondly, have continually put forward their own proposed allocations for removing land without showing that they examined the detailed objections raised in previous consultations to those allocations and why they have dismissed those objections.

(c) Website Information not up to date

1.21 Particularly having regard to the restrictions of Covid-19 on the ability of the public to engage in the Review, maintaining an up-to-date website and documents is essential for the public to know the latest position on the process. In February 2020, Shropshire Council decided to extend the period of the Review from 2036 to 2038. However, up until the Draft Pre-Submission Plan in late July, the website still referred to the period as 2016-36. No explanation was given on the website for the change and the Draft PSP consultation simply stated the new end date without clarifying that this had changed from the previous consultations. Further examples are given below under Local Development Scheme and Annual Monitoring Report.

(d) Local Development Scheme

1.22 Shropshire Council have failed to comply with Government guidance on keeping the public informed on the timetable of the Plan. Government guidance on Plan Making paragraph 003 states that the Local Development Scheme must be made available publicly and kept up-to-date. It says it is important that local communities and interested parties can keep track of progress and that local planning authorities should publish their Local Development Scheme on their website. It goes on that up-to-date and accessible reporting on the Local Development Scheme in an Authority's Monitoring Report is also an important way in which authorities can keep communities informed of plan making activity. Paragraph 035 again states that the timetable on preparing the Plan "must" be kept up-to-date. It states that the scheme may need updating more frequently than annually if there are significant changes in timescales.

1.23 At the Cabinet meeting in February 2020, it was stated that the LDS will be amended in view of the change in timetable approved at that meeting. A further

change to the timetable was agreed at Cabinet in May 2020. At the Cabinet meeting in July 2020, further changes were made to the timescale, and it was again stated that the LDS will be revised to capture this change. Yet since February 2020 and checked on the Council's website on 15th December, the LDS available for the public to view on their website is June 2019. This still stated that submission to the Secretary of State will be June 2020. Up until the middle of July, the Local Plan Review website said that "the specific timescales for the partial review of the local plan are documented within the Local Development Scheme". In view of the decisions taken in February and May, this was clearly incorrect and misleading to the public. The fact that the LDS was not regularly updated despite the significant changes made during 2020, was contrary to Government policy and misleading to the public. This was especially important in view of Covid restrictions on the public's access to information where the public were more likely to rely on the Council's website for up-to-date information on the progress of the local plan process.

(e) Statement of Community Involvement

1.24 Government Guidance on Plan Making paragraph 071 states "Local planning authorities must review their Statements of Community Involvement every 5 years from the adoption date. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Therefore, a local planning authority should regularly review and update their Statement of Community Involvement to reflect any changes to engagement." The Council's Statement of Community Involvement (SCI) has not been updated since 2011 to take account of changes in the process of local plan making since then (a report to Cabinet on 7th September refers to a review in 2014 and that the SCI was approved then – however, the website only refers to the SCI approved on 24th February 2011 and this is the only version that is on the website). The Council has failed, therefore, to comply with Government guidance on updating its SCI to take account of changes since then, including greater use of electronic communication and social media, especially to access hard to reach groups.

1.25 In May the Government issued guidance on the need for local planning authorities to review and update their Statements of Community Involvement to take account of the restrictions imposed on effective public engagement from Covid-19 (Government Guidance on Plan Making paragraphs 76-79). The guidance suggested various proposals for authorities to consider, including using online engagement to its full potential, and that authorities will need to take reasonable steps to ensure sections of the community that don't have internet access are involved and consider alternative and creative ways to achieve this. The Council has not updated its SCI since 2011 and has not amended it to take account of the updated advice in May. It has not shown, therefore, that it has published an updated community involvement plan for this consultation that complies with Government advice on enabling effective engagement in the process for all sectors of the public under the current Covid-19 restrictions.

1.26As well as not updating their SCI as required, Shropshire Council have also failed to comply with its published SCI in the following respects:

- *Paragraph 2.3 Community involvement should be viewed as a means to ensure an effective and meaningful dialogue with communities and organisations on a range of locally relevant issues.* The Town Council and

local community have submitted detailed comments on locally relevant issues at each consultation stage, but Shropshire Council have failed to respond to those concerns showing how they have taken these views into account and why they have not accepted them. This does not constitute effective or meaningful or a dialogue as the community involvement has been one way.

- *Paragraph 2.5 - Provide information on how people's views have been handled, including reporting back to communities on a regular basis through agreed means.* The local community has submitted objections on each consultation stage, supporting these concerns with detailed supporting and technical evidence and proposing appropriate alternatives. Shropshire Council has changed very little in the Plan in subsequent consultations but has failed to provide information to substantiate why it disagreed with the technical objections put forward.
- *Paragraph 4.9 - the involvement of some key groups have been identified as central in the continued development of Shropshire's LDF, including: Parish and Town Councils – these play a particularly important part in enabling an effective 'first point of contact' with local communities. There is particular value in using these local councils as a means to galvanise and express local issues and concerns and, on a practical note, to promote consultation events in their locality.* The Town Council has consulted the local community on each consultation and its objections reflect the local community's views on local issues and concerns. In not responding to the Town Council's concerns, Shropshire Council have failed to support the "particular value" they place on this involvement in the SCI.
- *Paragraph 4.15 Whilst it is crucial to consult and involve a wide range of people in a plan's preparation it is equally important to show how the public's views have been incorporated into the plan making process. As well as meeting national requirements, the council will use additional ways to report on the findings of community involvement and how this has influenced plan development. These will include: regular LDF updates throughout the pre-submission stages; where workshops or other community events are used, produce and publish 'event summaries' on the website.* Shropshire Council have not responded to objections raised by the Town Council and local community so have failed to show how these views have been used in the process; have not regularly updated the LDF or their website to reflect the change in end date of the Plan or changes in the Plan timetable; and did not produce and publish event summaries on their website following public meetings they held at Shifnal on the Preferred Sites consultation and at Albrighton on the Strategic Sites consultation.
- *Paragraph 6.4 - the SCI must remain sufficiently flexible in order to respond to new ways of engaging the public in planning issues, and therefore the document's implementation will be monitored. the Council is committed to reviewing its progress and responding, where necessary, to significant issues.* Government guidance issued in May 2020 asked Councils to update their SCIs and community involvement process to reflect Covid restrictions. The Council failed to update their SCI or significantly amend their consultation process or consultation periods to allow for the difficulties imposed on Town Councils and the public on fully engaging in the process under Covid restrictions.

- *Paragraph 6.5 - it is anticipated that revisions to the SCI could be made in response to the following issues: New methods for informing and involving the public, such as changes to technology or responding to emerging best practice. As stated above, the Council failed to amend the SCI to reflect emerging best practice set out in revised Government guidance. Also, Table 4.2 in the SCI on methods of informing the community includes "regular LDF e-mail updates, a series of short regular updates used to inform the public on news and progress on emerging planning documents" and that these will be distributed to local libraries. As far as the Town Council is aware, no such updates have been published or sent out to local libraries. The SCI also says that the Council will respond to the emerging practices of locality working by the council and in paragraph 4.9 states that one of key groups identified for consultation are Local Joint Committees (LJC). However, the LJC for Shifnal had no meetings since 2017 and was later closed down. The Council failed to respond to this emerging practice of locality working and to show what alternatives it was proposing as an alternative to the removal of what it claimed was a "key" consultation group.*

(f) Annual Monitoring Report

1.27 Shropshire Council have quoted their Annual Monitoring Report (AMR) as part of their evidence base behind the preparation of the Plan. However, the AMR has not been updated since March 2018 and only covered the period 2016/17.

Government Guidance on Plan Making paragraph 073 states that AMRs must publish information at least annually that shows progress with local plan preparation, reports any activity relating to the duty to co-operate, any information which relates to indicators in the plan and any policies which are not being implemented. This shows the importance of an updated AMR during the local plan preparation in keeping the public updated on these issues. The failure to update the plan is prejudicial to the public's involvement in the Plan process and by being out of date is contrary to the Gunning legal principle that there must be sufficient information to give intelligent consideration. The public cannot be expected to be able to give such consideration when an important part of the evidence basis for the Plan relies on outdated information.

1.28 The Local Development Scheme June 2019 which was the most updated one on the Council's website on 15th December 2020, stated that the Council will monitor annually how effective its policies and proposals are. It says that the task of monitoring and producing the AMR will in effect become part of the process of maintaining an up-to-date evidence base and tracking the plan making progress. It states that the latest AMR covers the financial year 2016/17 was published in March 2018 and that the Council is currently preparing a new AMR covering the period 2017/18 and expects to publish it later in 2019. Despite this statement in the LDS, no such update occurred in 2019.

1.29 At Cabinet on 7th December 2020 which approved the Pre-Submission Plan for consultation, a revised LDS was also approved. The revised LDS in Appendix 3 of the Cabinet report still included the same reference that the AMR would be updated solely for the period 2017/18 and that "it expects to publish this later in 2019". How can the public accept the soundness and legality of a Plan when the Council is not only relying on out of date data but is still saying in December 2020 that the AMR will be published in 2019. (It is noteworthy that it was not until the revised December

2020 LDS approved by Cabinet on 7th December was eventually added to the website after 15th December 2020 just before the consultation period on the Pre Submission Plan, that the reference to publishing an updated AMR later in 2019 was revised to “early 2021”).

(g) Statement of Common Ground

1.30 Shropshire Council have not complied with Government policy on the submission of Statement of Common Ground. National Planning Policy Framework paragraph 27 says that such Statements should “be made publicly available throughout the plan-making process to provide transparency”. This is reiterated in Government guidance on Plan Making paragraph 009 which also says that such Statements should be maintained and updated “throughout the plan making process”. Paragraph 020 says that the Council “should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated”. Paragraph 012 details the information a statement of common ground is expected to contain about the distribution of identified development needs. One of the tests of soundness is that a Plan must be “effective” and that cross boundary matters dealt with are evidenced by the statement of common ground. This has not been complied with and so the Plan is unsound.

1.31 At the Draft Pre-Submission Plan, Shropshire Council added a new proposal to include 1500 houses of overspill from the Black Country within its own Plan’s overall housing figures. No Statement of Common Ground was submitted with the consultation to explain the reason for this late inclusion of such a significant additional housing element, to enable the public to be able to intelligently comment as required by the Gunning legal principles. Without the Statement, there was no information on identified needs as required by paragraph 012 of the Plan Making guidance for the public to understand the reasoning for this change – in particular, as required by that paragraph, there was no information given on the capacity within the Black Country authorities to meet their own identified needs; or evidence to substantiate the extent of any unmet need within those authorities; and no details about the extent to which these unmet needs were capable of being redistributed within the wider area.

1.32 As required by the NPPF, the Statement should be provided “throughout” the preparation of the plan not at the end. The failure to provide a Statement of Common Ground, or to provide this information at the Draft Pre Submission plan consultation when the inclusion of overspill Black Country housing was first proposed, was contrary to Government policy and guidance and contrary to the Gunning legal requirement that a consultation must include sufficient information for consultees to be able to give intelligent consideration to the consultation and be able to make an informed response.

1.33 No Statement of Common Ground has been submitted with the present consultation on the Pre-Submission Plan. This is despite the Council now adding a further 30ha of employment land as Black Country overspill to the 1500 houses proposed on the previous consultation. This again shows that the process is legally flawed and contrary to national policy.

Policies

Policy SP2 – Unsound

Shropshire Housing Total

2.1 It is considered that Shropshire Council have failed to justify that the the high housing growth figure proposed and the proposed addition of 1500 houses to meet Black Country needs are sustainable. Settlements are already having difficulty in ensuring that infrastructure is being developed at a level and timescale to support permitted and completed development. This is contrary to several of Shropshire Council's Strategic Objectives requiring sustainable development and communities. There should be a pre-requisite for settlements to be able to develop their infrastructure to meet existing needs before further growth is permitted. A moderate level of growth is more likely to meet this objective and ensure that communities can develop in a sustainable way in the future.

2.2 The long term effects of Covid are uncertain and the local plan will be reviewed long before 2038. It is considered that to reduce unnecessary pressure on greenfield and green belt and ensure infrastructure can keep up with growth to meet sustainable communities strategic objectives, a cautious approach should be taken on this review and a moderate growth figure adopted.

2.3 Shropshire Council have failed to demonstrate how the increased provision of housing above need, will lead to more affordable housing or how employment will actually be developed to meet the housing growth. Past employment take-up in the County, together with the impact of Covid on the economic sector suggest that Shropshire are being overly optimistic in expecting employment and infrastructure to be developed at the same rate as housing to ensure sustainable development.

2.4 By proposing a significantly higher housing figure than that required to meet the stated need for Shropshire, this will place considerable strain on the County's ability to meet national 5 year land supply and housing delivery targets, leading to pressure for the future release of unallocated land. Shifnal has already experienced this problem by having unplanned permissions granted for a 40% increase in the town solely to meet a failure by Shropshire Council to meet these national requirements. This has led to safeguarded land being removed from the Green Belt solely to meet future local plan requirements and being developed for unplanned housing, requiring even more Green Belt land to be removed for future requirements. Proposing such a high housing growth figure would be likely to lead to a similar scenario in the future.

2.5 The addition of 1500 houses to meet a migrant need from the Black Country would further exacerbate this problem. National Planning Policy Framework paragraph 35(a) states that to be sound, any unmet need from neighbouring areas should only be accommodated where it is practical to do so and is consistent with achieving sustainable development . Shropshire Council have simply stated that they are accepting an additional 1500 houses on top of an already excessive housing figure above need. They have not provided any evidence to justify how this figure was arrived at, nor how it assessed whether such housing could be accommodated to meet its sustainable communities objectives. By failing to give any details on how and where this housing will be accommodated, Shropshire Council have failed to demonstrate that it is practical for the County to absorb such a large increase and

that the housing can be provided whilst still achieving sustainable development and protection of Green Belt. Their proposal is, therefore, unsound as being contrary to NPPF.

2.6 There is no evidence on the Council's Evidence Base showing that a detailed analysis has been carried out by the Black Country to fully assess the availability of land within the Black Country to meet its own needs. This is especially so in view of recent Government announcements stressing the need to fully utilise brownfield sites in urban locations and to protect Green Belt. Indeed, the Government has also recently provided significant financial help to the West Midlands for this purpose. The Plan in policy SP2 refers to an emerging Black Country Plan and supporting evidence showing housing constraints, but none of this evidence is on the Council's website for the public to properly assess this proposal.

2.7 The Green Belt Exceptional Circumstances Statement specifically states that Shifnal will play a key role in meeting this need. This is contrary to Green Belt policy as it will require the removal of Green Belt not to meet essential Shifnal needs and when no alternative locations have been considered. Shropshire Council have stated that Shifnal has infrastructure deficiencies to meet already approved housing and is a commuter town. It also recognises the desire of residents in the town for it to retain its village character. The addition of unmet migrant need from the Black Country would constitute unsustainable development and an unsustainable community, so failing to meet the positively prepared soundness test, and contrary to legal requirements that proposals in the Plan should have been subject to sustainability appraisal and that the Plan should contribute to sustainable development. Shropshire Council have not shown that it is practical to take this housing from neighbouring areas nor that it is consistent with achieving sustainable development, so failing to show that the Plan is "positively prepared" and sound.

2.8 Telford is the largest settlement in east Shropshire fulfilling the strategic role in this area. It is not in the Green Belt and its population is well below that planned for it when it was designated as a New Town. If it can be proved that there is a need for this Black Country housing to be met to the west of the West Midlands, then Telford would be a far better planning location than a small settlement like Shifnal and the consequential loss of Green Belt. As required by national Green Belt policy, Shropshire Council have failed to consider a reasonable alternative to the meeting of this alleged unmet need before in effect looking to Green Belt around Shifnal. This is also contrary to the NPPF soundness test requiring Plans to be "justified" as reasonable alternatives have not been considered and no proportionate evidence has been made available to the public to base such a proposal on.

Shropshire Employment Total

2.9 There are wide variations in the employment figure proposed for the County between different documents or parts of the Plan. As the amount of employment land required and allocated affects the amount of greenfield and particularly Green Belt that will be required to be released, setting an accurate and consistent figure is essential if the Plan is to be considered sound and legally compliant.

2.10 The Plan states that around 300ha is proposed. However, the employment land allocations for each settlement set out in the Settlement Policies S1-S21 total 376ha, whilst Appendix 6 on Employment Land Supply states that the strategic employment

land supply will be 414ha. There is thus nearly a 40% difference in employment land proposed within the Plan. Indeed, paragraph 3.20 also states that Appendix 6 “provides information on the employment completions achieved since the start of the Local Plan period and the various commitments (including allocations) available, which will contribute towards achieving the identified employment land requirement”. No reasoning is given as to how if Appendix 6 contributes to the employment land requirement and totals 414ha, the employment land figure in the Plan is stated at 300ha.

2.11 A further discrepancy is that the employment land supply figures fail to take into account employment proposed in the Plan for RAF Cosford (Aviation Academy, 1500 additional military personnel; new air ambulance development). This additional area means that the actual employment land figure proposed is well over 50% more than the 300ha figure quoted.

2.12 No explanation is given for these wide variations. Allocation of employment land to settlements and justification of release of Green Belt land for employment land allocations, cannot be justifiably carried out when there is such a divergence of total employment land required to be met. The Plan cannot meet the tests of soundness when within the Plan itself, there is no consistency in the amount of employment land proposed for the County over the Plan period.

2.13 This inconsistency in the amount of employment land required is further exacerbated by the inclusion in the Pre-Submission Plan of 30ha of employment land to meet an alleged unmet need from the Black Country which was not included in previous consultation plans. However, the total allocation of 300ha for the County remains the same. In paragraph 3.17 of policy SP2, it is stated that the 300ha is considered sufficient to deliver enough jobs to achieve a sustainable balance with the housing requirement. However, previously the Council stated that the 300 ha was required to meet the housing requirements of the County without the inclusion of 30 ha from the Black Country. Now that they are proposing 30ha of that 300ha to meet non-County needs, it means that only 270ha is now required to meet the County's own employment needs. This contradicts their previous justifications that the 300ha is required to achieve a balanced and sustainable development matching housing to employment needs. This further indicates that the Plan is unsound as the basis for the employment totals is unjustified and the total unclear.

2.14 One of the main evidence documents to justify employment land and economic policies is stated to be the Council's Economic Growth Strategy 2017-21. This Strategy will be out of date before the Plan is adopted and fails to consider the long term economic situation up to 2038. It is considered unjustifiable and unsound to rely on such a short term Strategy for all employment related matters on a Plan that will run for 17 years after the end of the Strategy.

2.15 There is no recognition in the Plan of the huge impact that Covid-19 is and will be having on the national and local economy. This is likely to significantly affect the economic aspirations and implementation of economic proposals in the Plan, suggesting that a much more realistic and conservative estimate of employment land requirements should be undertaken, with a view to the next Plan Review reassessing the economic situation when the full effects of Covid-19 can be assessed. Otherwise, there is a high likelihood that employment will not keep up with the high housing

figure proposed and so balanced growth will not occur nor will sustainable development be achieved, conflicting with Policy SP4 in the Plan. Or that if allocated employment land is not developed, it would come under pressure to be re-used for housing adversely affecting sustainability objectives. The failure to consider the impact of such a major economic factor on the sustainability and deliverability of the Plan and its proposals is considered to again make the Plan unsound.

2.16 There also appears to be an inconsistency on the relation between housing and employment figures and the objective of balanced growth. Although not clarified in the Plan, Shropshire Council have confirmed that the 1500 houses from the Black Country unmet need were incorporated into the Shropshire housing figure, not added on as extra housing. The increase in housing in this plan to 30800 from the previously proposed 28750 was stated to be due to the increase in Plan period from 2036 to 2038. It was also said that the employment land supply figure for the County was related to the housing figure to achieve balanced growth based on a formulaic model. However, the employment land figure is the same in this Plan as on the previous consultations. Whilst Shropshire Council say the new housing figure is solely related to the extra 2 year period of the Plan, they have not similarly amended the employment figure for the extra time period and amended housing (and this was before they included the 30ha of Black Country overspill within the 300ha figure). This questions, therefore, the justification put forward for the employment land supply total.

Policies –SP12, SP13, SP14 - Unsound

3.1 These policies would allow for unplanned development outside settlements. The public are entitled to expect some certainty in what is proposed in the plan for their area, with exceptions being treated on their own merits when such a proposal arises. However, these policies specifically allow for new economic development and windfall development in the countryside and particularly adjacent to settlements in a strategic corridor and strategic sites. Thus, although a specific employment site is to be allocated for Shifnal, these policies would allow for significant new development to be permitted as a further extension to the town. Similarly, although the allocation of RAF Cosford, and its proposed removal from the Green Belt is said to be for specific military and related use, these policies would allow for other non-related development to be allowed in the future, undermining the stated purpose for removing the Green Belt protection. This concern is enhanced by the policies saying that development would be allowed on strategic sites (RAF Cosford is included) where it cannot be accommodated on an existing allocated site. Whereas specific proposals in the Plan have had to be the subject of sustainability appraisals and alternatives considered, these policies would allow Shropshire Council to allow significant large scale developments on green field and Green Belt land without such appraisals. It is considered that such flexible and wide ranging policies affecting greenfield land are contrary to the need for policies to contribute to sustainable development, are not based on proportionate evidence.

3.2 It is noted that policy SP13 paragraph 3.135 states that approval may be given for *“the release of significant sites with the potential to function as ‘growth zones’ on the strategic corridors for larger employment or mixed use developments”*. Thus although the Plan does not include land at J3 of the M54 as a garden village, the wording of this policy would still allow such a development to be approved subsequently in the future as complying with this policy. This undermines the

comments made to the public about giving certainty on proposals for specific areas of the land in the Plan. Especially as this statement refers to Green Belt land in a strategic corridor, it is considered contrary to national Green Belt policy to include policies that in effect contradict other policies in the Plan seeking to protect Green belt.

3.3 It is also noted that reference is made that such unplanned inward investment may also need to be supported by the delivery of new housing and infrastructure to develop a growth zone. This would again open the door for a garden village to be promoted under this policy despite reassurances given to the public that such a proposal was not being proposed.

3.4 It is considered that there is no need to in effect allow for any employment development outside settlements (especially as the Strategy refers to an urban focused approach), as this would undermine the stated proposals and policies for each settlement in the Plan. If a major proposal came forward for which a site within existing settlements was not available, then it could be considered on its own merits as an exception to policy (as the Council have recently approved for a new Air Ambulance HQ on the Green Belt), rather than as at present proposed where such development would be seen to comply with the Plan, contrary to other settlement and Green Belt protection policies. The direct conflict between compliance with these policies and the specific settlement and Green Belt policies is considered to be unsound. By in effect allowing such significant windfall development to be permitted on Greenfield and Green Belt land, these policies are also contrary to the legal requirement in Section 39 of the Planning & Compulsory Purchase Act 2004 that a Plan must be prepared with the objective of contributing to the achievement of sustainable development.

3.5 The references in these policies to allowing development outside settlements are considered, therefore, to be superfluous as they would give an almost carte blanche approval to economic development in a wide area outside established settlement areas, undermining the status of Green Belt and Safeguarded Land protection and stated reasons for allowing removal of Green Belt in the Plan. To reassure the public and give some certainty as to what can be expected for their area in the Plan, it is considered that reference in these policies to development being allowed outside settlements, should be replaced with a general economic development policy stating that "any windfall/significant development that cannot be accommodated within a settlement, would be considered on its own merits having regard to the need for the development, the availability of alternative sites and other development policies in the Plan specifically relating to sustainable development, climate change and any protected status of the land".

Policy SP15 – Unsound and possibly illegal

4.1 The decision not to allocate land at J3 of the M54 as a garden village, considering that there are no exceptional circumstances for such a significant development in the Green Belt, is supported. However, the introduction of Policy SP15 would give an opportunity (and policy support) for that scheme to be promoted again, undermining the certainty and assurances given to the public that this scheme would not proceed. After such a prolonged period of consultation, the public would expect that this decision was final, yet by including this policy in the Plan, allows the proponents of the scheme to yet again promote it in accordance with this policy.

Although the policy refers to “meaningful public consultation”, this is open to wide interpretation depending on the point of view of the developer, planning authority and public.

4.2 The Plan gives little explanation for the reasoning of this policy. There is no reason why any proposals by an Estate could not be considered as and when they arise under the other policies of the Plan. By approving a “long term vision and objectives” – which by definition may not be development specific, could allow for a degree of future flexibility that would prejudice the public’s ability to have a say on a specific development proposal, as a decision in principle would already have been allowed.

4.3 The Plan states that Estate plans prepared and in preparation, have informed the inclusion of this policy. Although stated as being part of the “key” evidence of the Plan for this policy (Appendix 3 under policy SP15), none of these Estate plans prepared are included in the evidence base or could be found elsewhere on Shropshire Council’s website. Neither is any information given on the reference to “Estate Plans in preparation” ie what plans and where. This failure to make public evidence that they state has been key to the preparation of the policy, is contrary to case law (Gunning principle that there must be sufficient information to give intelligent consideration to proposals), and unsound as being contrary to national guidance on Plan Making paragraph 035 about making accessible documents forming part of the evidence base for a Plan.

4.4 There is also no reason given to justify why a the Council are inserting a policy that gives special privileges to large landowners as opposed to other landowners in the County. The policy by applying solely to a small section of the community is in effect prejudicing the rights of other sections of the community to receiving similar favourable policy consideration in the Plan. This is an unfair and unequal policy and as such may well be considered to be contrary to equality legislation.

Settlement Policy S15 – Shifnal – Unsound

5.1 The proposals for Shifnal are inconsistent with the requirements of Policy DP25 on infrastructure provision. The local community are very concerned at infrastructure deficiencies in the town following the recent large housing developments approved, resulting in some 40% increase in the town’s population. There has been little if any investment in infrastructure (including roads and footpaths, new medical centre, education and leisure facilities) to support the town’s expansion. There is agreement in the town that investment in such infrastructure is essential, and urgently required, to meet the currently approved schemes, before any further developments are permitted. Also, in view of the fact that infrastructure improvements have not been implemented yet despite these developments nearing completion, it is considered essential that before any further development is approved, the necessary infrastructure investment to meet the needs generated by such development should be secured in advance, and the infrastructure works implemented concurrently with the developments. It is considered that the Plan fails to adequately consider the infrastructure requirements and deliverability of its proposals for the town (notably its employment allocation, comments about developing the town as a major strategic settlement and potential for meeting Black Country overspill for both housing and employment additional to those required to meet its own needs). This is contrary to NPPF paragraph 35 and the Council’s proposed Policy DP25 and so unsound

5.2 National Planning Policy Framework paragraph 9 says that planning policies should take local circumstances into account to “reflect the character, needs and opportunities of each area”. The proposals for Shifnal do not take these local circumstances into account and, therefore, that the proposals for Shifnal are contrary to national policy. The amount of employment land is excessive to meet the needs of Shifnal; the large removal of Green Belt to the south-west and west to provide what is called a new neighbourhood community would significantly change the character of the town; and the proposed intention to change the capacity and role of the town to an inappropriate strategic function in this location (and to meet non local needs such as the Black Country unmet need); would not meet its needs and would restrict the opportunity for the local community to plan how it wants to develop in the future.

5.3 National Planning Policy Framework paragraph 15 states that local plans should be “a platform for local people to shape their surroundings”. In paragraph 16 (c) it also says that plans should be shaped by “...effective engagement between plan makers and communities...” It is considered that Shropshire Council have failed to take into account the views of the local community and the Town Council. It is acknowledged in the consultation that the local view is that the town retains the character and feel of a village and that the community largely wish it to remain so. This was reinforced in the Neighbourhood Plan where the local community’s view was that any development must retain the small market town character which was a principle attraction. But the present consultation proposals for Shifnal are in direct conflict with this view. As such, the proposals are contrary to national and Neighbourhood Plan policies.

5.4 National policy such as paragraph 006 on planning guidance note on Plan Making, requires the provision of local plans to have regard to a Neighbourhood Plan in force and that the views of the local community are important. Whilst it is recognised that the Neighbourhood Plan only goes to 2026, the principle issues brought forward by the community and underpinning the Plan, are still relevant and should be reflected in the Local Plan proposals. Of particular importance to the local community, as expressed through the Neighbourhood Plan process, were the importance of the character of the town for existing and new residents attracted to the town, and minimising any loss of Green Belt. The proposals take no regard to these principles – the amount of employment land and loss of Green Belt are excessive and not minimised to meet the needs of the town and safeguard the character of the town. They would have a significant and adverse impact on the character of town and the loss of so much Green Belt is unjustified and not supported by credible evidence to constitute the exceptional circumstances required to change Green Belt boundaries. Policies in the Plan now make it clear that Shropshire Council’s objective is for the town to meet strategic not just local needs, with a significant expansion of the town proposed which would fail to safeguard its character which the community have consistently stated is of prime concern locally.

5.5 It is also noted that in the Plan for Market Drayton, it states that although their Neighbourhood Plan was not completed to adoption, “it is considered these central objectives of the Plan remain valid and worthwhile, and would improve the sustainability of the town” (Settlement policy S11 paragraph 5.152). Despite the Shifnal Neighbourhood Plan being an approved plan, no such similar statement has been made for Shifnal (this is also inconsistent with Shropshire Council’s statement that they have applied a common methodology in the Plan). This is yet another

example of inconsistency in the application of the Plan to Shifnal compared to other areas; mentioning the need to reflect the Neighbourhood Plan objectives at Market Drayton, where the Plan was not proceeded to adoption, but not for Shifnal where the Plan is approved and adopted by Shropshire Council as part of the Development Plan. As Shropshire Council accept that the Local Plan strategy should reflect “closely” the key objectives in a Neighbourhood Plan, then its proposals for Shifnal should be amended as put forward by the Town Council and the local community, to reflect more closely its Neighbourhood Plan objectives.

5.6 National Planning Policy Framework paragraph 136 states that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. The strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. Shropshire Council’s proposals for Shifnal are inconsistent in deciding land to be removed as Green Belt and retained, and contradictory in its justification arguments. As such, therefore, the consultation proposals are contrary to national planning policy. Detailed legal, policy and technical evidence to support this conclusion is set out below

Shifnal Housing

5.7 The amount of windfall housing proposed is unsustainable: the proposed windfall allowance would constitute nearly 30% of the total (322) additional housing proposed. There is limited scope for such housing within the development boundary which would then place great pressure to allow significant exception housing on Safeguarded Land and Green Belt areas, contrary to national and Neighbourhood Plan policies. There should be less uncertainty as to the means of providing the required housing guideline figures and to where such housing should be located. The local community should be given more certainty as to how additional housing requirements proposed for the town will be met.

5.8 National Planning Policy Framework paragraph 70 states “where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends”. Shropshire have provided no evidence under any of these categories to justify its windfall allowance for the town, contrary to national policy and so the Plan is unsound as not being consistent with national policy as required by the NPPF.

5.9 Because of the impact of allocated housing sites on the release of Safeguarded Land and Green Belt land to meet proposed and future housing, it is essential that the amount of housing that such sites will provide is based on unambiguous figures relating to area and density. National Green Belt policy requires exceptional circumstances for the release of Green Belt land and full consideration to alternative sites. This is not possible if there is uncertainty and discrepancy in such figures. There is considerable disparity on the size of allocated housing sites and housing densities proposed between various documents upon which the Plan is based.

5.10 Unfortunately, the Plan does not provide information on the size of the three allocated housing sites (and hence the densities required), although this information was shown on the Preferred Sites consultation. No reason is given for this essential

information not being included in the subsequent Draft Pre Submission Plan or the current Plan. This is considered to be contrary to the Gunning case law requirement that there should be sufficient information made available for the public to give intelligent consideration. The fact that such a crucial piece of information on the size and density of proposed housing sites, has not been made publicly available so that an informed response can be made by the public, is considered to make the Plan legally flawed.

5.11 Housing Site SHF022/pt023. Stated to be 5.3ha at a density of 18.8dwg/ha on this Plan (information given by an Officer in an e-mail but not made available to the public). But on the Preferred Site (PS) consultation for the same allocated site, this was said to be 3.5ha at a density of 28.57dwg/ha. No reason has been given why a different density is now proposed for this site. However, the SLAA gives SHF022 as 1.74ha and SHF023 as 13.99ha (omit the 10.4ha allocated as Safeguarding Land leaves a remainder of 3.59 as allocated for this housing site) thus the SLAA site area for the allocated housing site is 5.33ha (a further inconsistency is found in the Green Infrastructure Strategy for Shifnal (part of the evidence base) which gives the site area as 4ha). At the PS density of 28.57 this gives a total housing of 152 for the site.

5.12 Housing Site SHF013. Stated to be 2.6ha at a density of 24.7dwg/ha. However, the site area on the Strategic Land Availability Assessment (SLAA) is given as 3.87 ha. The density of housing on allocated sites on the PS for Shifnal was 28.57dwg/ha. At the PS proposed density, this would give a total housing provision for the site as 111 based on the SLAA area stated for the site being made available.

5.13 Housing Site SHF015/029. Stated to be 3.3ha at a density of 19.8dwg/ha. These sites are shown on SLAA with a site area available of 3.84ha. (the Green Infrastructure Strategy says 4ha). At the previous PS proposed density, the site would provide 110 houses on the SLAA area stated for the sites being made available.

5.14 Based on PS densities and SLAA site areas the three sites would provide 373 houses. To meet the required additional housing need of 322 houses, therefore, (and even assuming a smaller windfall allowance), less land would need to be allocated for housing and hence less land removed from Safeguarded Land/Green Belt.

5.15 Shropshire Council have not explained why the densities proposed are different to those proposed on the PS consultation, nor indeed how they came up with the proposed densities. Government policy as set out in NPPF paragraph 123(a) seeks to maximise use of land by increasing densities on land and 30 dwg/ha is an often used average. At such a figure, the three sites could provide 380 houses, ie well in excess of the required housing. On this basis, the required additional housing could be provided by allocating just the two sites SHF013 and SHF022/pt023, enabling SHF015/029 to be reallocated as Safeguarding Land to meet future long term needs.

5.16 As the amount of allocated land for housing impacts on the removal of Safeguarding Land and hence the need to release more land from the Green Belt as compensatory Safeguarding Land, it is essential that the size of allocated sites and density of housing proposed is clear and unambiguous, so that the minimum amount of land is used to meet the required total housing figure. The failure to provide this

information is contrary to case law and inconsistent with national policy and so unsound.

5.17 On the Preferred Scale and Distribution consultation, the Council were advised that the town needs to assimilate the current high housing growth and for infrastructure development to catch up. It was requested that any additional housing should be specifically phased for the post 2026 period. However, no such phasing is proposed, and indeed the proposed delivery timetable is for housing before then. SP7 of the Plan paragraph 3.51 states that to ensure there are no unnecessary barriers to development, the Local Plan only seeks to apply phasing to site allocations where this is linked to a specific infrastructure constraint. Both the Shifnal section of the Preferred Scale and Distribution consultation and the Place Plan (included as part of the evidence base for the Plan), refer to infrastructure constraints in the town. Shropshire Council have not proposed any phasing of the allocated sites, yet have given no reason why their own statement in policy SP7 does not apply here and why the evidence in the earlier consultation and Place Plan and consultation responses, were not considered sufficient to justify phasing in accord with policy SP7. This failure to justify their delivery timetable is considered to be contrary to the Gunning case law requiring decision makers to provide evidence that they took consultation responses into account and the Council's Statement of Community Involvement that they will provide information on how people's views have been handled.

Shifnal Employment

(a) Employment Land Figure:

5.19 There is inconsistency and discrepancies in the stated land required and allocated site area. As Green Belt land is proposed to be removed for such allocation, it is essential that it is made clear the precise amount of land required so that the minimum amount of Green Belt is lost.

5.20 The Plan says that some 41ha of land is required, comprising 2ha of existing allocated land and 39ha on one proposed site. However, Appendix 6 says that the strategic employment land supply for Shifnal is 43.4ha with 2.6ha completed and committed. Thus on this basis, on the Plan's stated requirement of 41ha, with 2ha already allocated and 2.6ha completed/committed, there would only be a need for a new allocation of 36.4ha and not 39ha as proposed.

5.21 The Preferred Site (PS) consultation paragraph 3.2 stated that the proposed employment guideline figure was 40ha requiring a new provision of 38ha. No justification has been given for the additional 1ha now proposed

5.22 On the figures stated on the PS and current Plan, there is, therefore, a wide variation of between 40ha and 43.4ha as the employment land guideline figure for Shifnal, and a variation of between 36.4ha and 40ha on the additional land required. There is yet a further variation, as the Employment Land Review 2019 (which is quoted as one of the evidence documents used to prepare the Plan), states in Table 10.1 that 38ha is to be allocated.

5.23 Similarly, there is a variation in the stated size of the allocated site. The PS consultation said the site was 40ha (15ha net), whereas the current Plan says the site is 39ha (net 15.6ha). Thus the current Plan is stating a higher net figure on a

smaller site area. However, paragraph 5.212 of the Plan states that the additional land is 40ha (net 16ha) ie. 1ha more of net development than the 40ha stated on PS. Shropshire Council's Invest in Shropshire Brochure (on their website) publicising investment opportunity sites in the County, includes the proposed allocated site as being 38ha. No clarification or justification is given for these variations. This is a significant discrepancy when seeking to minimise loss of Green Belt in accordance with national policy. Public comments on previous consultations have referred to these inconsistencies, but Shropshire Council have failed to either correct these inconsistencies or confirm what are the correct figures, so again they have failed to comply with Gunning case law on providing information to the public and are unsound in not being able to show that the figures being used to release land from the Green Belt are based on sound evidence.

5.24 It is also considered that the proposed employment land allocation figure (be it 39, 40 or 41ha) is unsound and not justified on the evidence. On the Preferred Scale and Distribution consultation, the proposed employment land guideline figure for Shifnal was 16ha (2ha existing allocation, 14ha new). It stated that "therefore, a minimum of 14ha of additional employment land will need to be identified to achieve the preferred level of employment development in the town". In correspondence in 2018 the Council stated that the proposed allocation was 14ha of additional employment land. In an e-mail from a planning policy officer in July 2018, it was stated that "we have identified for...employment land... will require approximately....provision for 14ha of additional employment land".

5.25 Shropshire Council, therefore, continually advised that a total of 16ha (14ha additional) was proposed, but then changed this to 40ha on the Preferred Sites consultation, which has now increased again to 41ha on the current Plan. This is a significant (nearly 160%) increase and loss of Green Belt. It is not considered that there is any reason for this that can be supported by the evidence.

5.26 Shropshire Council say there are local circumstances for this sudden change from 16ha to 41ha. These are stated as firstly being that employment development in Shropshire is developed at 40% of total land area such that 41ha will deliver 16ha of built development. However, as Shropshire Council state in paragraph 5.212 of settlement policy S15 (*"This aspiration is based on two key assumptions about employment development in Shropshire that employment land is developed to finished floorspace at 40% of the total land area"*), this is a Shropshire, not Shifnal specific percentage, yet the Council are only applying it to Shifnal – no explanation is given for this inconsistency in application. Of more importance, however, is that the 40% has already been applied to the total employment guideline figure proposed for Shropshire in policy SP2. This is made clear in the Preferred Scale and Distribution consultation document. Appendix 2 A2.13 states that *"The gross land area for this development was then determined on the basis that the normal built floorspace for Shropshire is 40% of the total site area (or the total site area is normally 2.5 times larger than the floorspace area), as shown in Table 6. This method is also applied to the Baseline Growth Scenario to identify the comparative employment land area needed to satisfy current demand in the market"*. Appendix 2 A2.19 also states that *"Using these assumptions and by applying standard employment densities to the types of employment proposed (and assuming that the normal built density for Shropshire of 40% of the site area will continue), the anticipated jobs growth and employment land requirement has been calculated in Table 3."* Table 3 then sets out

the employment land required as 304ha under a balanced growth objective as has been adopted by Shropshire Council for its current Plan. This clearly shows that Shropshire have already included the 40% developable land figure in their total County wide employment land figure and so are double counting the 40% calculation adjustment when now trying to justify the huge increase in employment land. This is unsound evidence especially when it is used to justify such a large removal of Green Belt land.

5.27 Secondly, Shropshire Council say that commercial buildings are developed as single storey buildings. However, the type of employment uses proposed are similar to other allocated sites in the County and no justification is given why Shifnal is again being treated differently.

5.28 So there are in fact no local circumstances to justify the increase from 16ha to 41ha, as the 16ha originally proposed, already included these adjustments which were applied to the whole County. There is, therefore, no exceptional circumstance to justify the removal of an additional 25ha of land from the Green Belt. The proposed figure, therefore, does not constitute an exceptional circumstance based on justifiable and consistent evidence to remove such a large area from Green Belt and so is unsound as contrary to national policy.

5.29 At a recent meeting of local Councils, Shropshire Council stated that they have used a consistent methodology across the County. However, this is not the case here as Shropshire have not used this double counting methodology on other employment land allocations in the County.

5.30 Shropshire Council refer to the need to balance housing and employment in the town and state a need to deliver a level of employment growth in balance with the "anticipated" level of new housing (paragraph 5.211 settlement policy S15). Shropshire Council are, therefore proposing 41ha of land for just 322 new housing, as the rest of the 1500 housing guideline figure is already completed/committed so is not "anticipated". This proportion of employment land to anticipated housing, is far higher than other settlements with no explanation to explain the difference. It also contradicts previous decisions of Shropshire Council when the majority of the 1500 houses were approved, thus questioning the reasoning behind the current allocation and why achieving such a claimed balance and sustainable development was not considered necessary by Shropshire Council in their recent decisions.

5.31 On the most recent application for residential development for 100 houses in 2016 (approved as an exception to policy), the applicants submitted an employment land assessment which concluded that a maximum of 2ha employment land for Shifnal could only be justified up to 2026. This was on the basis that an additional over 1000 houses had already been approved for the town as exceptions to policies (some 40% increase in the size of the town). Shropshire Council accepted this assessment as credible and approved the development (which also included the loss of employment allocated land). It is noteworthy that the other 1000 houses had also been approved without requiring any balancing employment land to be provided, and indeed one of these developments also included the development on existing employment land. When challenged at a public meeting on the Preferred Sites consultation why Shropshire had accepted a maximum of 2ha of employment allocated land as being the need for an additional 1100 houses, yet was now saying

41ha was required for just 322 houses, the Council simply stated that the previous figure was "wrong". No reason was given why it was wrong when it was produced by consultants and had been accepted by the Council. If the Council are saying that their previous decision was wrong (together presumably with their decisions to grant the other 1000 houses without additional employment land), then the local community are justified in questioning whether the current proposals by the Council are similarly wrong, especially as these are not backed by a reasoned analysis by consultants as previously.

5.32 Shropshire Council say that their concern is to secure a better balance between the committed scale of housing and an assumed deficit in employment land. This scale of housing was already proposed when the Council accepted the loss of existing and allocated employment land in granting residential developments, and fully accepted in 2016 the consultants conclusions that only 2ha employment land provision was required. No compelling evidence has been submitted to justify what has changed since then to firstly propose a requirement of 16ha, and now 41ha, and why it did not feel that Shifnal had a deficit then, but only a couple of years later and with no significant additional housing development planned, it does have a deficit now.

5.33 As the local community have pointed out on previous Plan consultations, as most of the recently approved exception housing has now been built and occupied before this additional employment land will be developed, then these residents will already have employment. It is most unlikely, therefore, that the significant land release now proposed will meet the needs of existing residents and so affect the claimed balance deficit. By allowing such a disproportionate amount of employment land, it is more likely that this will lead to increased commuting into these employment areas from outside the town and result in great pressure from developers to provide more housing, with potential adverse impacts on protection of Safeguarded Land and Green Belt.

5.34 Shropshire Council commented on the recent residential permission, that should a specific employment investment arise in the future that required additional land, then this could be considered on its own merits as an exception to policy. Thus if a specific employment investment arose in the future that would clearly support the specific needs of the town and require additional land, then this could be considered on its own merits as an exception to policy as previously accepted by the Council. This would avoid the problems stated above with the current guideline figure proposed and would ensure that only sustainable development to meet the needs of the town was approved. Shropshire Council has again given no reason why their previous view is no longer considered appropriate to justify releasing such a large amount of Green Belt land.

5.35 It is also considered that Shropshire Council have failed to take into account other justifiable evidence when considering whether exceptional circumstances exist for the employment land figure proposed, notably past trends and the current adverse effects on the economy from Covid-19. To protect the Green Belt, any employment land allocated for removal of Green Belt should be clearly deliverable to minimise the likelihood of employment allocated land not being used for employment purposes and then being approved for residential development as the town has only recently experienced. In view of the fact that the Local Plan will be subject to further

review before the expiry date of 2038, it is considered that to protect Green Belt land from unnecessary loss, a cautious approach should be taken with employment land supply, which can then be reviewed when the effects of Covid-19 can be better assessed and actual take-up of such land assessed.

5.36 In allocating such a large area of land, Shropshire Council have not taken into account the likelihood of attracting employment when there is such a high provision of alternative employment land already provided or committed in adjacent areas that fall within the M54 Strategic Corridor. 154 adjacent to junction 2 of the M54 has 24ha available on Phase 2 (which could accommodate over 1msq.ft. of buildings) plus land available still under Phase 1. At Featherstone near Junction 2, a 24ha site will be able to develop some 850000sq.ft. The West Midlands Interchange is a major strategic site recently granted planning permission, with good access to the motorway network. It is stated that it could provide some 8500 jobs and 8m sq.ft. of buildings. This would be in addition to the proposed on site rail terminal which will be a major attraction to inward investment. This site is also close to a new development at Four Ashes where a 450000 sq.ft. building is available. At Sutton Coldfield, some 2.62m sq.ft. of buildings are being promoted. In Telford, a 10ha site at Newport is being developed and a 21ha site at Hortonwood. It is estimated that there is some 162ha of available employment land in Telford , plus a number of industrial units. There are also a number of large industrial buildings available in the West Midlands (eg Cannock, Wolverhampton, Willenhall, Hilton Cross), and a large business park at Stafford close to Junction 14 of the M6. Further, there will be competition from sites with a close connection to the proposed HS2 that are likely to be more attractive to strategic employment than Shifnal: it is noted for instance that a 140ha site next to a HS2 interchange is being promoted at Solihull which will provide 25000 jobs and 6m sq.ft of employment plus housing.

5.37 Before removing Green Belt, NPPF paragraph 137 states that the Council should be able to demonstrate that it has examined fully all other reasonable options. The Plan in allocating such a large area of employment land in Shifnal in the Green Belt has provided no evidence to show that it has taken into account the amount of already available employment land and buildings in the immediate locality, why it does not consider these alternatives will meet any need in the area, or what evidence it has to substantiate its comments that there are a number of interested businesses that would locate to Shifnal, despite the costs of first developing the site and the requisite infrastructure, especially off-site highway improvements. It is considered, therefore, that the allocation of this amount of land in Shifnal by removing it from the Green Belt is contrary to national planning policy and, therefore, unsound

5.38 The Green Belt Exceptional Circumstances Statement refers to Shifnal being a key location providing links to the M54 corridor and to provide suppliers to Bridgnorth employment sites (paragraph 8.107). No evidence has been submitted to substantiate this claim. The reality is that suppliers to Bridgnorth will locate to Bridgnorth (where significant new employment land is also proposed) not Shifnal. Similarly, suppliers to manufacturers based in Telford will locate to Telford where there are established industrial estates and vacant land with better access that does not need a large investment in highway improvements. Companies will not want access along a country lane.

5.39 The M54 has no access north onto the M6, and those travelling south on the M6 cannot access direct the M54. This will be a significant constraint for Shifnal to attract occupiers in competition with Telford and the West Midlands. (the Jaguar engine plant on I54 was only located there because of the grants available and that it was servicing the plant at Castle Bromwich south of M54).

5.40 Shropshire Council say that planned provision of new land for employment opportunities in the past has been limited. This is an incorrect statement. For a substantial period at least 12ha of land was allocated for employment land adjacent to the existing industrial estate (this is hardly a "limited" amount as it is similar to the 14ha proposed in the Preferred Scale and Distribution consultation). There was no take up for this land which eventually was taken up by an educational establishment. It is considered that the past take-up of employment land in the town is a truer reflection of employment need in the town than the arguments now being put forward to try to justify such a large increase in allocated land and removal of Green Belt.

5.41 Shropshire Council stated in March and August 2018, that there was significant demand for economic development in Shifnal and that they would provide the evidence for this. No such evidence has been made available to support this claimed need. Indeed the proposed site was advertised in the Council's investment opportunities brochure, but in response to a question, they stated in October 2019 that no formal approaches or expressions of interest to invest had been received.

5.42 The Strategic Sites & Employment Areas Assessment is part of the evidence base quoted by Shropshire Council as informing the Plan. This assessed an employment land requirement 2013-2026 of only 5ha (with 4ha allocated this meant an addition of only 1ha). It stated that there were no employment issues for the Shifnal Place Plan area and recommended no new employment land allocation for Shifnal. It also commented that market agents felt there was insufficient demand to justify further development and that the market for industrial premises, and as an employment location, Shifnal was overshadowed by Wolverhampton and Telford. Although specific to the industrial estate, it also stated that stakeholders felt that the present level of market demand does not justify further development of offices and industrial premises. This is even more applicable with Covid-19 impacts. These comments reinforce the point that only a limited amount of employment land, and consequently loss of Green Belt, can be justified as an exceptional circumstance.

5.43 Although the employment land guideline figure of 41ha is stated to be for the current Plan period up to 2038, comments in the Plan and the Employment Land Review, suggest that much of this guideline figure is proposed for beyond 2038. Appendix 7 of the Plan includes a delivery timetable for the allocated site of beyond 2038. The Employment Land Review also states that the Local Plan Review identifies a preferred employment land guideline between 2016-36 of some 16ha with a further 24ha providing for the successive plan period to 2056. It then states that the proposed 38ha (compared to 41ha now proposed) could be either allocated in its entirety or partially safeguarded for use in the successive plan period to 2056. Similarly, the Green Belt Exceptional Circumstances Statement para 8.153 states that the allocated site will help boundaries become permanent limits to development beyond 2038.

5.44 These comments again cast doubt on the justification of the allocation of 41ha for the current Plan period and the exceptional circumstances claim for the loss of Green Belt. It appears that most of the land is not required in the current plan period but subsequently, in which case, it would be more appropriate to allocate it as Safeguarded Land for future consideration, rather than allocate now as an employment site for the current Plan period as proposed.. It also further questions Shropshire Council's arguments for increasing the original 16ha to 41ha, as it states that only 16ha is required for the Plan period and the further 24ha (or 25ha now) for the subsequent Plan period.

5.45 This justification for the employment land allocation is further questioned by ambiguity in the reasoning for the employment. The Plan firstly states that the employment is required to meet the anticipated housing growth and housing/employment deficit ie the land is required to meet the needs solely of Shifnal to achieve a balanced growth (the balanced growth calculation for 1500 houses would require 16ha not 41ha). However, the Plan then states that Shifnal is to function as a sustainable investment location for the M54 corridor and to become a growth point within the sub-regional area of the West Midlands. It says in paragraph 8.14 that it is to *"provide Class B2 and B8 uses to service the sub-regional supply chains along the A5, M54 and M6 corridors and with some E(g) uses and secondary employment uses to meet local needs for employment in Shifnal and in the east of the County"* ie it is required to meet sub regional and County needs and that only secondary uses are needed to meet local Shifnal needs. These are conflicting objectives with no details given as to how Shifnal would accommodate such sub regional growth, how much such growth would be likely, where this growth would be located, how the infrastructure of the town would be developed for this growth and how the town would retain its village character and sustainability if it is to meet development not required to meet the needs of the Town. As Green Belt land is proposed to be removed to provide employment land, it is considered essential that there is clarity in the proposals for the town, rather than an ambiguous statement that sometime within the Plan period the town will be expected to meet sub-regional and not Shifnal generated needs. No alternative sites have been considered in the Plan for meeting this additional growth, so by removing a large area of Green Belt at this time for unplanned growth, is contrary to national Green Belt policy.

5.46 It is noted that the proposed Local Economic Growth Strategy for the town has not been progressed and question whether this is related to Shropshire Council's apparent determination to allocate 41ha of employment land despite detailed planning arguments against such a provision and local opposition. In February 2019, Shropshire Council referred to the preparation of these local growth strategies for the main market towns, including Shifnal. They stated that the strategies would create a shared economic vision for each town, working closely with each town council and local stakeholders, and encouraging them to make their thoughts known and "to take ownership of their strategies". The strategies were to act as an evidence base for the local plan and would fully align with the Place Plans for the towns.

5.47 These strategies were, therefore, seen as an important part of the economic basis for the towns in the local plan review, being produced as a close co-operation between Shropshire Council, the town council and local businesses, so that there was a clear local input into employment land requirements of the local plan. However, whilst all the other market towns have had their strategies progressed and

draft proposals consulted upon, Shropshire Council have failed to progress a strategy for Shifnal. It seems coincidental that the failure to progress a strategy for Shifnal from early 2019, occurs at the same time as the Town Council and local residents objected to the sudden increase in allocated land from 16ha to 40/41ha on the Preferred Sites consultation.

(b) Allocated Employment Site:

5.48 As well as considering that the allocation of 41ha of Green Belt land for employment in Shifnal is unsound for the detailed reasons set out above, it is also considered that the allocation of SHF 18b and 18d as an employment site and the reasoning behind this allocation to justify its removal from the Green Belt, are unsound and contrary to sustainability legal requirements

5.49 In planning and Green Belt terms, it is illogical and contrary to good planning principles, to allocate land for development whilst leaving undeveloped land between it and the town boundary. Towns should expand out incrementally so that new development clearly visually and functionally relates to the town and does not appear as isolated and detached development. By leaving the land between Stanton Road and Lamledge Lane (SHF018a /P14) undeveloped, this is the unacceptable result. The proposed site would in effect “jump over” this intervening land, which is considered an unacceptable form of planning development. It is considered, therefore, that this alternative site should be allocated to meet the employment land requirement that can be justified.

5.50 Shropshire Council have said that development of land west of Stanton Rd should also address its functional relationship with Shifnal Industrial Estate and Lamledge Lane beyond. However, as the access to the former is onto Lamledge Lane, there can be no such functional relationship. Indeed site SHF018a/P14 has a much greater functional relationship than the proposed site. This again places a question over the reasoning and justification put forward for taking the proposed site out of the Green Belt.

5.51 The Plan states that the site would require significant improvements to the whole of Stanton Road before the employment site is used and that no traffic will go westbound into Shifnal. No evidence has been submitted on what these improvements would be, how much they would cost, how the development would be able to meet this cost, how the Council will ensure that the works will be carried out before the employment use commences, nor how stopping traffic going west will be policed. Recent large scale housing developments have taken place and most of the houses already occupied without required off-site highway improvements yet being implemented. This casts doubt that the highway works stated to be essential here, would be implemented before the site was developed. To be sound, the Plan needs to be effective and deliverable: in view of the costly and major infrastructure works required, the lack of evidence on the deliverability of these is unsound.

5.52 The Green Belt Review assessment includes both the Safeguarded Land and the proposed site west of Upton Lane as one parcel. It states that it is more closely associated with the wider area of open countryside to the east of Shifnal than the settlement edge to the west; and that releasing the land from the Green Belt would lead to a level of encroachment in to the countryside to the east of Shifnal and a narrowing of the gap between Shifnal and Albrighton and weaken the integrity of

neighbouring Green Belt. Of the two sites, SHF018a/P14 would minimise these adverse effects compared to the proposed site.

5.53 The allocation of land to the east of Upton Lane (Shif18d) contradicts Green Belt policy objectives. NPPF paragraph 139(f) states that Green Belt boundaries should be defined clearly, using physical features that are readily recognisable and likely to be permanent. However, the Green Belt Review assessment states in regard to this parcel of land that “there are no readily recognisable boundaries to the east (the Plan specifically states the need to “create” an effective boundary to the north, east and south). This parcel contains no built development and is more closely associated with the wider area of open countryside to the east of Shifnal than the settlement to the west. The land slopes away to the east. Releasing this parcel from the Green Belt would lead to encroachment into the countryside to the east of Shifnal and a slight narrowing of the gap between Shifnal and Albrighton. The release of western section of P13a would lead to a **High** level of harm to the Green Belt.” Shropshire Council, however, say in paragraph 5.211 of Settlement Policy S15 that the employment allocation is releasing land of Moderate-High harm. This is an incorrect statement. There is no justification, therefore, to support removing this land from the Green Belt.

5.54 National Planning Policy Framework paragraph 139(f), also states that Green Belt boundaries should be defined clearly, using physical features that are readily recognisable and likely to be permanent. The Green Belt Review specifically says that this is not the case with the land east of Upton Lane.

5.55 The proposed extension of the proposed site east of Upton Lane would be contrary to national policy and Shropshire Council’s own Green Belt Review assessment of the land. It would constitute an unacceptable encroachment into the countryside, has no recognisable, permanent boundary, and would cause High harm to the Green Belt. It would also be contrary to the Green Belt Review’s comment that Upton Lane forms a clearly defined boundary. There are, therefore, no exceptional circumstances to release this land especially when there are alternative sites causing less harm, in particular Shif18a adjoining Lamledge Lane which is nearer the existing settlement and a more sustainable location.

5.56 National Planning Policy Framework paragraph 137 states that the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development before changing Green Belt boundaries. It is not considered that Shropshire Council has complied with national policy in this context and so that the Plan is unsound, as it has not demonstrated why the allocation of SHF018a/P14, or part thereof, is not a more reasonable option for meeting any employment need. This land is in a more sustainable location and has a lower minus sustainability appraisal score. It also has a similar site area to SHF 18b and would meet the original requirement of 14ha of additional land (without the unjustified expansion of a further 24ha).

5.57 A significant part of the site, SHF18d, was allocated at the Preferred Site consultation despite the site not having been assessed in the sustainability appraisal. It is a legal requirement that a local planning authority must carry out a sustainability appraisal of each of the proposals in a plan “during its preparation”. The site was proposed at the Preferred Sites consultation but no appraisal was

carried out before proposing the site. The allocation of this site without a sustainability appraisal and without at that time comparing its sustainability with reasonable alternative sites (as proposed by the local community) is contrary to legal, policy and national guidance.

5.58 The alternative land at SHF18a/P14, has a lower deficit sustainability appraisal score than the allocated site. Policy SP3 Climate Change 1a refers to the need to minimise the need to travel and maximise the ability to make trips by sustainable modes of transport; 1d to prioritise the use of active travel through the creation and enhancement of walking and cycling links within and between new developments and from new developments to existing neighbourhoods and community facilities in accordance with Policy DP28; 1e to encourage new development to link to and where possible integrate public transport. Policy SP4 Sustainable Development refers to the presumption in favour of sustainable development. On all these policy requirements, the alternative site is better located to comply as it is closer to the town and adjacent to existing public footpaths, whereas the proposed site has no existing or proposed footpath link to the town. No comparative assessment has been carried out on these policy issues to justify the allocated site.

5.59 This point is reinforced by the November 2018 SLAA. This said that SHF18a offers the potential to safeguard land to support the long term growth of a large scale new employment area to the east of Shifnal. This confirms its suitability to meet the employment needs of the town for the Plan period. It also questions the need to remove SHF18d from the Green Belt which is assessed as having HIGH harm.

5.60 The November 2018 SLAA on the allocated site SHF18b and d stated that whilst employment development is generally considered achievable and viable, to confirm these conclusions, a viability assessment will be undertaken to inform the Local Plan Review. No such viability assessment accompanied the Preferred Sites consultation when the site was allocated nor has it been added to the evidence base since to show that the site is deliverable and so sound.

5.61 The November 2018 SLAA stated that SHF18a had a fair sustainability rating due to its accessibility to many of Shifnal's facilities, whereas both SHF18b and d were stated as having limited accessibility to these facilities. This supports the comments in paragraph 2.40 above regarding compliance with policies SP3 and SP4 of the Plan.

5.62 It is a legal requirement that an authority preparing a plan must do so "with the objective of contributing to the achievement of sustainable development". The above comments on sustainability appraisals, SLAA comments and compliance with policies in the Plan itself, show that Shropshire Council have not met their legal responsibility on the allocation of this site.

5.63 Case law in the Gunning principles states that when consulting on a plan, proposals must be at a formative stage and not been pre-determined. Evidence associated with the allocation of Shif18b and d as an employment site at the Preferred Sites consultation stage, would cast doubt on whether the Council met this legal requirement:-

- The allocation of the site without doing a sustainability appraisal on part of the site and no comparison carried out on alternatives;

- Stating that the allocation of the site was moderate-high harm on the Green Belt assessment when part of the site was High;
- On the Preferred Site consultation when the site was first proposed despite not being fully sustainability appraised, in paragraph 18.22 of Section 18 on the Shifnal Place Plan area, Shropshire Council stated that *“the Council also recognises the important contribution the landowner and their development partners will make to the future of Shifnal in bringing the land forward for employment development in an expeditious manner”*. However, Shropshire Council has not provided any evidence to support this statement, or how the Council would ensure that development does occur expeditiously. By making this statement in advance of consulting the local community on the proposed allocation suggest that the wishes of the landowner had pre-determined the Council in allocating the site.
- Shropshire Council published an Invest In Shropshire brochure produced early in 2019 and which is still on their website advertising investment opportunities. The brochure describes the site as a medium aspirational site and that the site is a potential employment site subject to the Local Plan Review. It further states that “in response to market demand the authority will consider making these potential new sites available for development”. The alternative land at SHF18a/P14 was stated as being available for employment in the SLAA, yet this land was not similarly advertised as a possible investment opportunity to show that full consideration was given to alternatives in the Green Belt.
- It appears that the proposed increase from 16ha to 41ha in employment land for the town between the Preferred Scale and Distribution consultation and Preferred Site consultation was to accommodate the allocation of this land rather than being justified on the needs of the town. This is supported by the so called local circumstances that suddenly appeared on the Preferred Sites consultation to try to justify the increase in employment land so that this site could be allocated in full.

Safeguarded Land

5.64 Case law under the Gunning principle states that information must be sufficient to give intelligent consideration to the consultation and that such information must be easily interpretable. Other case law also states that information should be in a single accessible compilation and not require a search of a disparate collection of documents. However, the Plan fails to give parcel references to the proposed Safeguarded Land, nor are these individual parcels identified on the proposals Map. It is not possible, therefore, for the public to be able to relate the parcels to other documents accompanying the Plan including the sustainability . The Plan is, therefore, considered to be legally flawed in this respect.

5.65 There is also an inconsistency in the size of parcels of land included as proposed Safeguarded Land, which affects the total land proposed to be released from the Green Belt. The land described as land between A464(south) and Park Lane is stated to be 9.6ha. Yet on the Preferred Site consultation, the same parcel of land is said to be 13ha. No explanation is given in the Plan why the site area has suddenly been given a smaller site area and consequently reducing the stated area removed in the Green Belt.

5.66 It is considered that the amount of land proposed to be removed from the Green Belt and allocated as Safeguarded Land is excessive and that there is no reasoned justification to support the exceptional circumstances required to propose removing such a large area from the Green Belt. The 92.8ha proposed is some 40% larger than that proposed in the previous Local Plan for the town and far exceeds what is required to provide choice and flexibility in meeting the long term needs of the town. There are, therefore, considered to be no exceptional circumstances to justify such a large release of Green Belt land, which would be contrary to national policy and unsound

5.67 The area of Safeguarded Land is with one exception, the same as that proposed at the Preferred Sites consultation. The reasons given for the inclusion of such a large area of land being removed from the Green Belt are the same as on previous consultations. The local community raised objections to this proposal at both the Preferred Site and Draft Pre Submission Plan consultations, supported by detailed technical arguments to disprove the Council's exceptional circumstances reasons for removing this land from the Green Belt, and suggesting more appropriate alternatives. However, at neither the previous consultation, nor on the current Plan, has the Council responded to these objections, simply reiterating the same points it used originally. This is contrary to Gunning case law that decision makers must be shown to have given conscientious consideration to consultation responses and must provide evidence to show how they took such responses into account. It is also unsound as the objections made questioned the deliverability of the proposals in the Plan and the Council in failing to respond to these concerns, has not shown that the Plan is effective or consistent with national policy.

5.68 On the Preferred Sites consultation, Shropshire Council stated that they had asked the owners of much of the proposed Safeguarded Land to the south and west of the town for its inclusion. It was claimed that these parcels were required to meet highway issues. This would indicate that Shropshire Council pre determined this allocation by asking the landowner for such a major removal of land from the Green Belt without first consulting with the local community, contrary to the Gunning case law requirement that consultation proposals should be at a formative stage. The fact that Shropshire asked the landowner to make this land available without first consulting the public, and that the Council has failed to address any of the subsequent comments from the public on the Preferred Sites and Draft Pre Submission Plan consultations reinforces the doubt that the allocation of this land was not pre determined.

5.69 Shropshire Council's decision to in effect "allocate" future development proposals for much of the Safeguarded Land proposed is also considered to make the Plan unsound. National Planning Policy Framework paragraph 139(d) states that safeguarded land should not be allocated for development, especially as until a local plan is reviewed, it will not be known what development needs there are, at that time, that have to be met. Such allocation is inconsistent with the objective of Safeguarded Land providing a choice of sites and flexibility to meet longer term development needs. It also prevents the then local planning authority and the local community from making development and allocation choices at the appropriate time in the future when those needs are fully assessed. By already putting forward development proposals for most of the Safeguarded Land, Shropshire Council is acting contrary to national policy and so is unsound under paragraph 35 of the NPPF.

5.70 It appears that Shifnal is being treated differently to the other settlements in the Green Belt. There does not appear to be any proposed allocation of proposed development to Safeguarded Land in those settlements under the individual settlement policies in the Plan. No reason is given why Shifnal is treated differently, and no responses given as to how queries on this point on earlier consultations, have been taken into account. This is yet a further example of proposals in the Plan for Shifnal treated differently to other areas; this inconsistency in application of policies is considered to be contrary to national policy and unsound.

5.71 The principal reason for the substantial release of Green Belt is not to meet the specific needs of the town, but to meet Shropshire Council's underlying objective to expand the town to become a strategic centre. It is considered that this is contrary to the Neighbourhood Plan objectives, to the views of the local community on how they wish their town to develop in the future, and is an unrealistic objective in view of the town's size and position in relation to Telford and Wolverhampton. It is considered, therefore, that the proposed exceptional circumstances for justifying the release of such a large area of Green Belt, are unrealistic and unjustified, do not stand up to detailed scrutiny, and so do not comply with national policy on Green Belt.

5.72 Thus the Plan refers to the role that Shifnal would play to provide strategic economic development in the M54 strategic corridor. However, as pointed out in paragraph 2.18 above, there is a plentiful supply of already committed employment land in neighbouring authorities in this corridor. With the significant reduction in economic development caused by Covid-19, and likely limited demand for new land in the foreseeable future, it is an unsustainable assumption that Shifnal would attract such strategic employment development to justify the release of such large areas of Green Belt.

5.73 It is especially noted in the Green Belt Exceptional Circumstances Statement that Shropshire Council want to "change the capacity" of the town and for it "to perform the same role as Bridgnorth". Shifnal is less than half the size of Bridgnorth, is surrounded by Green Belt whereas Bridgnorth only has Green Belt on one side, and is only 2 miles from the major town of Telford that provides all major service and facilities in very close proximity. By reason of its size and much further distance away from Telford and Wolverhampton, Bridgnorth is far more capable of attracting and maintaining strategic services and facilities than Shifnal, which cannot compete with its proximity to Telford, no matter what size Shropshire expects it to expand to. All that would happen is that Shifnal would yet again experience a large increase in housing without any corresponding development of the "strategic" infrastructure claimed by Shropshire Council. Although reference is made to Shifnal providing a strategic function, this role is already being served in the east of Shropshire by Telford. The proposal to designate the former Ironbridge Power Station as a Strategic Site (which is outside the Green Belt) will enhance the role of Telford as the strategic settlement for the east of the County, and will provide a defined strategic site outside the Green Belt to meet any strategic development requirements in the east of the County, rather than expecting Shifnal to perform such a role. It is unreasonable and contrary to the Government's objective to protect the Green Belt, to expect Shifnal to develop as a competing strategic centre.

5.74 The conflicting objectives being proposed for the long term future of the town as a means of justifying the removal of such a large area of Green Belt are contrary to national policy requirements in paragraph 135 of the NPPF for establishing

whether exceptional circumstances exist. It is clear from the Place Plan, Neighbourhood Plan and views expressed by the community on earlier consultations, that the town do not want to be a strategic location where a large amount of development is allowed, substantially altering the existing character of the town. Shropshire Council have failed to take into account local views and especially the objectives and vision for the future of the town that the local community fully endorsed in the recently approved Neighbourhood Plan.

5.75 Shifnal's close proximity to Telford and Wolverhampton mean that it is in an inappropriate location to become a significant strategic town (the whole reason for surrounding it with Green Belt). This proximity also means that it is unrealistic to expect that the town would be developed such as to deliver the range of facilities and services that Shropshire Council claim would follow from such strategic housing expansion.

5.76 The Council say that the town requires a "progressive and steady rate of growth to permit the infrastructure of the town to be improved in response to the requirements of new development". However, there is no guarantee that this would happen and that the town would not end up with the strategic housing expansion without any such improvements in infrastructure. Indeed, recent experience in the town supports the Town Council's doubt that this would occur. Shropshire Council have recently approved some 1100 new houses in the town (some 40% increase), yet they have not ensured that any infrastructure improvements have been implemented. The recent reality of a large expansion of the town is a more realistic scenario of what would happen if the proposed strategic housing extension proposed for this safeguarded land was accepted.

5.77 With respect to the land to the south and west of the town, Shropshire Council say this is required as a future strategic housing extension to create a new neighbourhood community, and put forward a number of points seeking to justify the contribution that this new "community" will make to the town. Shropshire Council refer to a "planned strategy beyond 2038", to provide for future housing needs beyond 2038 and this is a "strategic extension (including viable) representing a deliverable location for further growth and development". Throughout the Plan and supporting documents, great emphasis is placed on Shifnal being developed to meet strategic growth, yet saying at the same time that it needs balanced growth to meet the needs of the town.

5.78 This development is described as being a "new neighbourhood community". Shropshire Council acknowledge that the local view of Shifnal is the town retains the character and "feel" of a village and its community wish it to remain so. The scale, location and development proposed, and its description as a "neighbourhood community" would see the proposal as a separate self contained entity and in effect split the town into two. The character and feel of the town would be lost and instead of one town, it could lead to two separate communities and make integration of new residents into the town difficult. It would be contrary to one of the main objectives in the Neighbourhood Plan about retaining the small town character of the town and integrating new development into the fabric of the town.

5.79 Shropshire Council refer, as quoted above, that the land is required for a strategic expansion of the town "(including viable)". There is no explanation as to the context of viability here and the wording does not make any clear sense in the sentence. Similarly the Plan refers to this land as a housing extension in one place

but a neighbourhood community in the other. These are not the same types of development and is yet another example of a lack of clarity in defining what is proposed in the Plan. Clear and unambiguous proposals and supporting information is essential in trying to justify that exceptional circumstances exist to support such a huge removal of land from the Green Belt. This again shows that the Plan fails to meet the legal requirement to be easily interpretable, especially as this point was again made known in the previous consultation, but Shropshire Council have failed to respond and clarify the matter.

5.80 As on the Preferred Site and Draft Pre Submission Plan consultations, Shropshire Council have listed a number of delivery reasons to justify the proposed neighbourhood community extension. Objections were made to these reasons supported by detailed reasons to each point. Shropshire Council failed to respond and address any of these at either the previous Draft Pre Submission consultation or on the current Plan. It is considered, therefore, that none of the “exceptional circumstances” points put forward as being the justification for the removal of such a large area from the Green Belt, stand up to scrutiny on planning or technical grounds. They cannot, therefore, be considered to constitute the necessary exceptional circumstances to justify such a large release of land from the Green Belt and this, together with the failure to respond to the consultation responses, is contrary to national policy and case law..

5.81 To show that the exceptional circumstances put forward in the Plan for removing this large area of land from the Green Belt are not supported by evidence, the following detailed arguments are set out for the Inspector’s information. These have been made known to Shropshire Council on previous consultations but they have failed to respond.

(i) The Plan says that the “housing extension” will provide a new strategic highway between the A464 south and A4169 (although para 5.215 (a) says B4169), will effectively create a by-pass round the town and will enable through traffic to avoid a principal highway junction in the town centre. In response:

- Shropshire Council has not carried out any public survey of the local community to assess the local view on the need for such a strategic link. In view of the significant impact of such a major development proposal, Shropshire Council should have undertaken a full local consultation, with draft plans of proposed routes, before proposing such a highway scheme. Shropshire Council do not appear to have proposed such fundamental and major highway schemes elsewhere in the County, without first fully engaging the local community and taking full account of their views. To simply propose such a scheme without such consultation is considered to be unsound.
- There was a strong opinion at the Preferred Site consultation public meeting attended by Shropshire Council, against the need for such a strategic route. Comments from the public since that meeting have supported this view. There is no evidence to show that there are benefits to the town or that there will be any positive contribution to the town, especially compared to the many disadvantages that will arise from such a proposal.
- The proposal will not create a “by-pass around the town”, as stated in the Plan documents. As proposed, it would only go around one quarter of the town, so cannot be considered to be a by-pass around the town as claimed. So its strategic benefits will be very limited. If these strategic links are so important to justify such an exceptional reason for removing a large area from

the Green Belt, why is it only being proposed for beyond 2038? If it is considered to be so important to the town, why is it not being done now? This undermines the strategic necessity being put forward.

- In view of the cost of such a strategic highway, there must be considerable doubt that the proposed development would be able to meet such costs. As this is crucial to Shropshire Council's argument for allocating such land, it is considered that detailed costings and development viability analysis should first be carried out and made public, to substantiate that the proposed development can meet the costs of the highway works. There is considerable doubt that development would meet the full costs of the works, which would result in some costs falling on the public purse which would be unacceptable. It can also only be considered as an exceptional circumstance to justify removal from the Green Belt, if there is detailed evidence to fully support the claim that the development can fully meet the strategic highway costs involved.
- On the Preferred Site consultation Plan, the safeguarded land proposed here included land between the A4169 and A464 north and that this was stated as being required to provide a by-pass. As a significant amount of the likely traffic that would use the route would come from the A464 north (hence the reason why the previous proposal took the route from the A464 north), the traffic will either have to now join the highway via Innage Road, or more likely carry straight on along the A464. The new route will only be likely to serve the new extension, and then only for the small proportion of journeys that would be undertaken south to Wolverhampton. Existing residents would be unlikely to use the route and for residents of the proposed housing extension, most of their trips into the town and to Telford, the new route would not act as a bypass, as they would still have to go through the town to access the A464 north. Traffic surveys carried out recently by the local community also showed that there was little through traffic, most of the traffic accessing the town itself, which again shows there is no traffic justification for the so called "by pass" and so no exceptional circumstances on this basis for the loss of Green Belt.
- At a public meeting on the Preferred Sites consultation, Shropshire Council said that development of this land would avoid traffic going into the town. This is incorrect, as traffic would still need to go into town to access services and facilities in the town centre and north and east of the town (including the secondary school and employment areas).
- As the proposed by-pass does not go all the way round the town, the new residents of the neighbourhood community will still have to use the town centre junction for the town centre, Aston St car park, new employment area, Idsall School etc. It will, therefore, exacerbate this problem. In any event, improvements to this junction are already planned to meet the current traffic demands.

(ii) The Plan states the housing extension will provide highway improvements at Five Ways and Innage Road. In response:

- Shropshire Council has already obtained S106 monies from the developers of the recent large housing developments in the town, for improvements to Fiveways, to meet the increased traffic needs of the town. As this is already planned for improvement to meet the large scale growth of the town, Shropshire Council have failed to explain what further improvements are needed to meet these needs and why this housing was approved if the

improvement works already programmed are not now considered sufficient. As improvements to Fiveways are, therefore, already planned and to be implemented shortly to ensure that S106 obligations are complied with, this is no justification to support the need for a new community.

- The problem with Innage Rd is purely on-street parking. This can easily be dealt with by stopping such parking and making alternative parking proposals for residents. Indeed, such a proposal was recently identified and indeed put into a planned programme by Shropshire Council but not implemented for what appears to be political not planning reasons. As there is a readily implementable solution available and previously promoted by Shropshire Council, again, there is not the compelling justification required to support the removal of Green Belt as proposed. Indeed, by now proposing that the housing extension would have to use Innage Road to access the town and Telford as the northern entrance/exit to the proposed by-pass, the proposal would exacerbate the situation in Innage Road (which is narrow, cannot be widened and has a narrow railway viaduct which restricts traffic movement along the road) rather than deliver an improvement as claimed.

(iii) The Plan states the housing extension will provide a significant range and choice of housing to meet local needs. In response:

- Shropshire Council cannot know what the housing needs of the town will be beyond 2038. Until an assessment of needs is undertaken as and when a local plan is reviewed, it is presumptuous to make such a statement now. Shropshire Council cannot know or make a reasonable assessment of a town's future housing needs so far in advance. It is unreasonable to use such an unknown factor to justify release of Green Belt land.

(iv) The Plan states the housing extension will provide a future opportunity to connect the A4169 and A464 through the railway embankment, creating a safety valve for Fiveways. In response:

- There is no technical evidence to substantiate that the railway arch between parcels P17a and SHF017north can physically take the full volume and type of traffic envisaged by a strategic highway, nor that Network Rail will give authority for such use under their land. Evidence was provided to the Preferred Sites consultation showing that the arch was not of adequate size to take commercial vehicles and so only cars would be able to use this route. Shropshire Council have not challenged this evidence. This undermines the reasoning behind the proposal, as either the arch would need significant change (almost certainly prohibitively expensive) or commercial vehicles would still have to use the existing road network, making a one-way system unworkable. As this land is not proposed to be removed from the Green Belt, it undermines the comments about the long term benefits of this proposal, as justification for its removal would need to be established at that time. Also, as the proposed housing extension would have been completed by then, it would be unviable for either a future developer, or indeed Shropshire Council, to construct this link. It is, therefore, unacceptable to try to use this factor as a reason to justify the current release of land from the Green Belt.

(v) The Plan states the housing extension will provide increased access to community facilities and commercial services and potential to offer further services.

In response:

- As the majority of community facilities and commercial services are to the north and east of the site, there can be no improvement in access. With the

scale of development proposed, there will be a considerable increase in traffic to those facilities and services making access far worse. New residents from the site going to the town centre shops, library, recreational and leisure facilities (e.g. public houses and social facilities) will still have to use the existing network, as no highway improvements are proposed to be provided to these sites.

- Similarly, the main employment land is to the east of the town. The proposed by-pass does not go beyond the A464 south, so to access these areas will require traffic passing through the town centre or using an unimproved Upton Lane. Neither of these can be considered as improving access.
- The future services said to be improved include schools, GP surgery and other health care. The Town has recently had major housing extensions expanding the town by some 40% (similar extension to that proposed now), yet the health services have not been improved to meet the increased demand, and the schools are struggling to expand to meet the increase in pupil numbers and are at or nearly at capacity through site constraints and access for further improvement. There is no guarantee or planning controls to ensure that such improvements would be delivered as claimed. Recent evidence of the reality of such housing development is considered to be a more reliable indication of likely future development.
- Similar arguments apply to the comment about retail and vehicle services. Its close proximity to Telford means that it is very unlikely that even an expansion of the town as proposed, would be sufficient to offer a competitive position for the type of retailers implied in the Plan to set up in the town as an alternative to Telford. To use this as a factor to justify removal of such a large area of Green Belt, Shropshire Council should submit a commercial viability report to establish that the proposed housing extension would support the development of these additional retail and vehicle services in competition with Telford and the Junction 4 petrol station.
- The recent large amount of housing approved made no provision for any improvements in existing off site leisure, and particularly sports, facilities for the town to meet the needs of the incoming residents. This has already placed great pressure on those facilities to meet the increased leisure needs of the town. As developers will only provide open space for their own residents within the development, the housing extension will not result in any gain in overall leisure provision, but will place an even greater burden on existing leisure, sports and social facilities in the town.

(vi) The Plan states the housing extension will provide a significant gain in Green Infrastructure and management of flooding. In response:

- The Green Belt Assessment confirms that this land is closely associated with the wider countryside and development would encroach into the countryside and weaken its contribution to the Green Belt and the critical gap between Shifnal and Telford. The land, therefore, is already an important contribution to the green infrastructure of the town. The proposed green infrastructure as part of a housing development on this land would not improve but harm the existing green infrastructure contribution of the land to the town.
- Improvements to flooding in the town are already part of a joint programme of action with the relevant agencies in the town. The site is at present countryside. The additional substantial development proposed would be likely to exacerbate flooding issues. Shropshire Council have not submitted any

technical evidence to support this claim and to show how flooding would be improved and why this cannot be achieved without such development. This is again considered essential evidence that should be provided to establish that the claim that the housing would deliver improvements to an existing situation is technically feasible and realistic to count as an exceptional circumstance for the release of Green Belt.

(vii) The Plan states the housing extension will provide improved access into the town, to recreational open space and countryside in the Green Belt to enhance environmental quality and access. In response:

- Shropshire Council have provided no evidence to show how this would be achieved. For reasons given above, access to the town, recreational space and Green Belt is likely to be worse with significant additional traffic needing to access that space. The proposed new road network would not improve access, as access to these facilities would still have to be through the town. It is also difficult to substantiate that such a large development on existing unspoilt countryside, would improve “environmental quality” of the Green Belt. As the Green Belt Assessment stated, development of this land would weaken the contribution of the Green Belt.

5.82 The Plan states that these strategic opportunities will address the structural constraints affecting the function of the town and improve strategic physical, social and economic infrastructure. It is clear, therefore, that the proposed extension is not to meet the needs of the town itself, but to meet some future strategic need. The local community has repeatedly voiced its objections to proposals to remove Green Belt on the basis of strategic not local needs, but has received no response from Shropshire Council to these concerns. It is not considered that there is justification for such a “strategic” expansion of the town and so this exceptional circumstance is unsupportable.

5.83 The Green Belt Review assesses the proposed land between the A4169 and railway land as having a High level of harm to the Green Belt. This parcel forms part of Parcel P17 in the Green Belt Review. This states that this parcel forms a large part of the critical gap between the settlements of Shifnal and Telford. Its release from the Green Belt would significantly weaken the integrity of the Green Belt in this area with regard to Purpose 2 (to prevent neighbouring towns merging into one another). The Review goes on to state that the parcel contains little urbanising development, is open and forms an important part of the historic setting of Shifnal. It has a strong relationship with the large area of open countryside to the south and east. The Review concludes that releasing this parcel from the Green Belt would lead to a loss of open countryside and encroachment on neighbouring areas, weakening the role they play as Green Belt. By weakening the “critical” gap between Shifnal and Telford, the site would have a very significant adverse effect on the Green Belt. It is not considered that exceptional circumstances have been justified for the removal of Green Belt that would cause High harm, or proper comparisons made with alternative sites.

5.84 Shropshire Council have said that land between A464 west and M54 was not pursued because it would close the gap to Telford which needed to be kept open, and that it needed hard exceptional circumstances to consider development of that land. This same analysis applies to the site between the A4169 and railway, as this performs an identical function of keeping an open gap to Telford.

5.85 In the Water Cycle Study that is part of the evidence base, Shifnal is noted as having constraints in both water supply and sewerage. On the former it states that any significant higher growth rate than that planned, would not be favoured and require a reassessment of the Water Resource Management Plan. On the latter, Shifnal is given a Red status that major constraints have been identified and upgrades required. Full consideration should be given to how these constraints would be met before proposing a major housing extension of the town by removing Green Belt.

5.86 As well as the amount of Safeguarded Land being excessive to meet need, it is considered that there are more appropriate alternative sites. These have been previously proposed on previous consultations but no response has been forthcoming from the Council to show that it has taken these alternatives into consideration as required by law and policy.

5.87 As stated in the Shifnal employment section above, Site SHF018a/P14 is shown as proposed Safeguarded Land, but on sustainability, location and Green Belt grounds, this site should be allocated as the proposed employment land for Shifnal. It would then be more appropriate for SHF018b to be allocated as Safeguarding Land rather than allocated as employment land with SHF018d remaining as Green Belt.

5.88 There is no highway justification for the proposed Safeguarded Land to the south west of the town as made clear above. On sustainability and Green Belt grounds this land should remain as Green Belt. The allocated housing site at SHF015/029 is not required to meet the stated housing requirement and it would be appropriate to allocate this as Safeguarded Land as an extension to and land to the north of Upton Lane below the skyline. Use of these sites for Safeguarded Land would not impact on the narrow and critical Green Belt gap between Shifnal and Telford which is of great concern to the local community, and would be a more logical visual and sustainable future extension of the town, than the present proposal. Sites nearer to the current and proposed employment land, to schools and the A41 / M54 are also potentially more sustainable.

5.89 The proposed Safeguarded Land includes only part of the Sub Opportunity Sh-1a in the Green Belt Review Assessment evidence document. The Assessment concluded that "this area is located close to the eastern settlement edge of Shifnal and is related to the intervening topography or containment created by existing development. It does not have a strong relationship with the band of open countryside between Shifnal and Albrighton. It is unlikely its release would significantly weaken the integrity of the Green Belt designation within this local area". The Review concluded that its release would cause Moderate harm. It is considered that no exceptional circumstances have been put forward to explain why only part of this Sub Opportunity area has been designated as Safeguarded Land and not the whole area, or why land which the Green Belt Assessed as Moderate-High harm, has been proposed when this Sub-Opportunity area would have a lower harm level. It is considered that this is a more suitable alternative in ensuring minimal loss of Green Belt and meeting the main objectives of Safeguarded Land. In not considering the appropriateness of reasonable alternatives when removing the land from the Green Belt, the Plan is contrary to national policy on Green Belt and hence unsound.

5.90 National Planning Policy Framework paragraph 136 states "Where a need for changes to Green Belt boundaries has been established through strategic policies,

detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.” It would be more appropriate and conform to national policy if changes to Green Belt boundaries to provide for Safeguarding Land, be deferred and left to a review of the Neighbourhood Plan which the Council has already agreed to undertake This would enable the local community to have a significant input to any such changes and reflects the approach to site selection proposed in the Plan for Broseley (settlement policy S4.1 point 2 – “*The Neighbourhood Plan will include the strategy for achieving the housing and employment guidelines for the Key Centre of Broseley*”). Again there is an inconsistency in the Plan in proposals for Shifnal compared to other settlements.

Settlement Policy S21 – RAF Cosford – Unsound RAF Cosford excluding Air Ambulance Proposed Site

6.1 There has been no change in circumstances (and certainly not the exceptional circumstances required to justify removal from the Green Belt), since the previous local plan to justify removing the site from the Green Belt. In their Green Belt Exceptional Circumstances Statement, Shropshire Council claim that the removal of land from the Green Belt is required to facilitate development aspirations for the site. However, despite being in the Green Belt, there have been significant developments permitted and developed at both RAF Cosford and Cosford Museum. over recent years similar to those that are now being quoted for the future. The previous local plan accepted the site remaining in the Green Belt and this has not resulted in any difficulties in either the RAF or the Museum in getting permissions for developments associated with their activities within the current policies. Having regard to the stated development aspirations in the Plan, these would all be adequately covered by existing policies without requiring removal from the Green Belt. There are, therefore, no new reasons to constitute the exceptional circumstances required for the removal of the site from the Green Belt.

6.2 The current local plan policies specifically permit the specific developments proposed for the site. Indeed, whereas Core Strategy policy CS5 states that limited defence related development will be permitted, SAMDev policy MD6 not only permits additional development for military uses, but goes further than the Core Strategy and also permits redevelopment for economic uses appropriate as a major contributor to Shropshire’s economy. This would, therefore, apply to all the development referred to as being proposed for RAF Cosford in the consultation document. The SAMDev policy in particular would not only allow for all the military development required by the MoD and RAF, but also that required for the Museum and the proposed Aviation Academy.

6.3 Reference is made to the Defence Review. This was exactly the same situation that applied when the previous local plan was being prepared and adopted with the site remaining in the Green Belt as a major developed site with specific policies allowing developments that would not compromise the future uses of the site. There was a defence review being implemented at that time, but national policies changed. With changes in Government and national priorities, there is no reason based on recent history, to assume that any current Review will be fully implemented. Even if it is, then current policies which have already been seen to facilitate any development required at the site, will meet future needs without the need to compromise the Green Belt status of the site. If the review changes as it has on previous occasions,

then by retaining the Green Belt, gives planning control over how the site should be developed in the future.

6.4 There are, therefore, no exceptional circumstances, as required by national planning policy, to permit the removal of the site from the Green Belt. Military and museum proposals have not materially changed from the previous local plan, existing planning policies have not prevented or delayed appropriate development at the site, and those self same policies, especially policy MD6 in SAMDev, will continue to permit all the developments outlined in the current consultation without requiring removal from the Green Belt.

6.5 The Plan primarily refers to specific military, museum and a complementary Aviation Academy and in an e-mail of February 2019, a representative for the site stated that there are no plans for the allocation of any MOD land at RAF Cosford for alternative uses. As stated above, the Base's development for these purposes has in no way been compromised by its Green Belt status and current planning policies fully support and allow for these future development proposals, so that there has been no change in circumstances and hence no new exceptional circumstances to support removal from the Green Belt.

6.6 The Town Council made these comments on both the Strategic Sites and Draft Pre-Submission Plan consultations, but Shropshire Council have failed to respond to these comments. They have given no explanation as to why major developments for the site have all been approved in the past with no difficulties with the site being in the Green Belt, but that there would be problems in the future.

6.7 It would appear that the prime reason for the release of Green Belt is not for the specific developments outlined in the Plan, but to allow for future unplanned development to be allowed without having to first justify exceptional circumstances for such development if the Green Belt status was maintained. There are several policies and comments in the Plan that support unrelated economic development schemes to be allowed on the Base, through its definition as a new Strategic Site. As there are no new reasons associated with the stated military/museum developments to justify exceptional circumstances, it is considered that removing the site from the Green Belt to provide for some unplanned future non military.museum developments do not constitute such exceptional circumstances to change the status of the site approved under the previous local plan.

6.8 There is also inconsistency in that whilst the Council have included RAF Cosford as a Strategic Site for employment purposes, it is not included in their 300ha of employment land required under policy S2. If the 300ha is what is required to meet the County's employment needs for the Plan period and policies S12-S14 are there to implement the provision of this land, then as RAF Cosford does not form part of the 300ha, there is no justification for it being included as a Strategic Site and removal from the Green Belt.

6.9 The implication that the removal of the site from the Green Belt is primarily required for other non military/museum uses than those stated, is supported by evidence that since early 2019, RAF Cosford has been advertised in Shropshire Council's Invest in Shropshire brochure and on their website as a future investment

opportunity site. It is described as a long term aspirational site for mixed use and as a potential new employment site that is subject to local plan review, but that the Council will consider making the site available for development in response to market demand. It would appear, therefore, that Shropshire Council had already pre-determined the site for removal from the Green Belt, as advertising its potential for development (with no restriction to military, museum use and complementary use only) well before the Strategic Sites Consultation in July 2019. Shropshire Council have submitted no evidence of this market demand that responded them to make the site available for development, in accordance with the statement on their investment opportunity sites. This clearly contradicts the reasons given in the Green Belt Exceptional Circumstances Statement for removing the site from the Green Belt. By including the land as a potential investment site in its Invest in Shropshire brochure and website well before the Strategic Sites consultation, is another indication that the Council has pre-determined its view and that the proposal on the consultation was not at a formative stage as required by the Gunning case law principles.

6.10 By defining the site as a Strategic Site without any restriction tying future development proposals to those specifically stated in the Plan, proposed policies in the Plan permitting future employment development on such Sites, would allow for unrestricted additional employment development here if the site was removed from the Green Belt. Thus the Plan states that:

- "economic growth and investment will be supported in...strategic sites"(policy S12 3c); "the Council's objective is to prioritise significant new development intoidentified Strategic Sites to create growth zones along the strategic corridors" (policy S14 paragraph 3.142). RAF Cosford is stated to be a "significant location in the Shropshire Green Belt" in respect of two of these corridors.
- that the Shropshire Economic Growth Strategy seeks to promote a 'step change' in the capacity and productivity of the local economy. To support this it states that the 'strategic corridors' *"will be important in providing further investment opportunities. These have the potential to support the economic growth of the County they may provide further significant sites for larger windfall development opportunities that are suitable and accessible for inward investment"* (policy S12 paragraph 3.118)
- that *"it will be essential when promoting development in the Strategic Corridors to sequentially promote the Strategic Sites identified at...RAF Cosford..."*(policy SP14 paragraph 3.148)

6.11 It should also be noted that policy S12 4a states that the development of employment in these areas will be supported by investment in housing and that in paragraph 3.119 it states that where Strategic Corridors pass through Green Belt exceptional circumstances will be required. By removing this land from the Green Belt, enables Shropshire Council to allow for future employment development (supported by housing if appropriate) on the land without having first to pass through the constraints of Green Belt policy exceptional circumstances.

6.12 Shropshire Council state that RAF Cosford has been identified as a strategic site to facilitate its role as a centre of excellence for Defence training, to form a specialist aviation academy, for co-locating other MoD services and expansion of the Museum. However, it is clear from the statements quoted from the Plan above and the Council's Invest in Shropshire brochure and investment opportunities webpage,

that Shropshire Council want the site removed from the Green Belt so that there is no Green Belt issue to control whatever future employment development the Council want to allow here.

6.13 By stating on the one hand that the site is to be removed from the Green Belt solely to meet development aspirations of the military and museum, yet on the other including the site as a Strategic Site allowing for a wide range of other major developments to be allowed without the constraints of being in the Green Belt, would be contrary to paragraph 16 (f) of the National Planning Policy Framework. This states that Plans should avoid the unnecessary duplication of policies that apply to a particular area. By applying specific policies to the site but then including the site within more general development policies, constitutes a duplication of policies for this particular area, as well as confusing the public. As such the Plan is contrary to national policy and so unsound.

6.14 In view of the current economic climate and effects of Covid-19 on the economy, it is premature to remove such large areas of land from the Green Belt on the sole basis of an economic objective that is based on a policy that expires in 2021 and takes no regard of the likely long term impacts of Covid-19 on the scale of likely future new employment developments. Exceptional circumstances do not exist, therefore, to justify the release of such a large area of land from the Green Belt, especially for non-site related developments as proposed in the Plan

Proposed Midlands Air Ambulance Charity Site

6.15 Different parcel reference numbers appear to be given to this site in separate documents but no clarification is given to confirm which numbers apply to this site. Thus on the Green Belt Review Assessment, the site is part of a much larger site parcel P29. Yet on the sustainability appraisal Appendix U site assessment Map it forms part of a larger assessed site identified as "P28, parts of CFD001, P30 and P40. There is no clarification as to whether the P28, 30 and 40 relate to the same reference as the Green Belt, as if so, this is misleading as the site is solely within P29 on the Green Belt Assessment. Also, it is not clear what is meant by part of CFD001 as there is no indication what constitutes the rest of this parcel. This is contrary to Gunning case law requiring information to be easily identifiable and case law in *Seaport Investments Ltd 2007* and *DC 2011* that information should be in a single comprehensible document and not require a paper chase requiring the public to search through various documents to be able to find and assess information.

6.16 The Plan also does not specify the size of land being proposed to be removed from the Green Belt, which is further complicated by inconsistencies in the size of the overall Strategic Site. Settlement policy S21 states that the size of the Strategic site is 221ha, which is the same as that quoted on the previous Draft Pre Submission Plan (although the Cosford Flood Risk assessment submitted with that consultation gave the area as 218ha). It was assumed from the difference in size of land to be removed from the Green Belt between the Preferred Sites and Draft Pre Submission Plan that the site proposed for the MAAC is 18ha (203ha to 221ha). However, the size of the MAAC (and consequently the overall size of the Strategic Site) is smaller on the current Plan than the Draft Pre Submission Plan, yet the overall site area is stated to be the same. No explanation is given for this inconsistency and so it is not clear the actual size of land proposed to be removed from the Green Belt. The MAAC have submitted a planning application for the site which gives its site area as

8.3ha, but the public should not be expected to have to search through other documents for information on the size of the site for the MAAC. It is essential if Green Belt land is to be removed that there is no discrepancy in the precise amount of land proposed to be removed and that the minimum amount of Green Belt is used to meet the stated need.

6.17 Planning permission has now been granted for the MAAC development on this site, on the basis that it constituted an exceptional circumstance for allowing such development in the Green Belt. There are, therefore, no justifiable reasons now for including the site in the Local Plan or as part of the Strategic Site. As the Council have accepted in granting planning permission that such a proposal is acceptable in the Green Belt, there can be no further exceptional circumstances to now require its removal from the Green Belt. The site should, therefore, be removed from the Plan and kept in the Green Belt.

6.18 This would be an identical situation to the M54 Service Area just a few miles away at Junction 4 of the M54. The service area was a specific allocation in the Green Belt because of the essential need for it at this particular site. For this reason, to ensure that planning control was retained for any other use of the site should the service area not proceed or cease in the future, it was accepted that it was appropriate to allocate the site for the precise use but keep the site within the Green Belt. Again this would also be identical to the current position with RAF Cosford where policies allow for any developments related to the current uses without having to establish exceptional circumstances, whilst retaining the site in the Green Belt to protect the Green Belt and site from uncontrolled development unrelated to the exceptional reason for allocating the site for its specific use.

6.19 Also, as the Council say that the site is solely to be used for this purpose and have granted planning permission as an exceptional circumstance for this reason, there can again be no justification for including the site in a Strategic Site. Once removed from the Green Belt and allocated as a Strategic Site, Shropshire Council have no controls to ensure that the site is only developed for MAAC and subsequently retained for such purpose. Once removed from the Green Belt, the site can be used for any purpose. If MAAC decide not to pursue the development for whatever reason, or the landowner decides not to sell then the land once it has lost its Green Belt policy protection, then the land can be used for any development proposal, including residential. This concern is reinforced by the comments made in paragraphs 6.7-6.14 above. Once the site is included as part of the Strategic Site, any employment related development could be allowed.

25.2.21